



Allotments: a plot holders' guide

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About this guide

An allotment plot is a piece of land, usually about 250 square metres in size, which can be rented for growing fruit and vegetables for you and your family. The land is generally owned by the local council.

This guide is for anyone who rents, or is thinking of renting, an allotment plot. It outlines things you need to know and gives a list of contacts who can answer more detailed questions. However, as this guidance is not an authoritative interpretation of the law, you may have further questions which, in the first instance, we suggest you direct towards your local authority or allotment society.



There are three key groups involved in the day to day running of allotments. They are:

- local authorities;
- allotment societies; and
- individual plot holders themselves.

There is a summary of their respective responsibilities on pages 14 to 16.

In addition to these, the Department for Transport, Local Government and the Regions (DTLR) is responsible for overall policy on allotments. The Department's aim is to promote allotments, provide the necessary protection for them, and to ensure that there is sufficient provision to meet demand.

Over a quarter of a million people currently hold an allotment plot. If you are one of them, or are planning to join them, we hope you find this guide useful.

Why have an allotment?

Allotment gardening can be a very rewarding pastime and can make a valuable contribution to the quality of peoples' lives.

Open space is becoming increasingly important within our communities as the intensity of development increases. Allotments are important recreational assets for people without gardens.

Cultivating an allotment provides an affordable source of fruit and vegetables, an essential part of a healthy diet. If they are organically grown, you will reduce your exposure to pesticides, herbicides and fungicides.



Working an allotment gives you plenty of fresh air and healthy exercise, and it is suitable for elderly and disabled people as well as the fighting fit. It's good for your peace of mind as well as your body. Horticulture has long been used as a therapy in both physical and mental illness and in rehabilitation. It is even being prescribed as a treatment for stress and obesity by doctors in some areas. Allotments can help all kinds of people get a sense of achievement.

It can be a social activity too, bringing together people from all age groups and various social backgrounds around a common interest. It's the sort of activity that lends itself to co-operation and contact.

Local allotment sites often have links with local community groups and schools. Some hold open days and annual fairs. Sites can help children, especially in urban areas, to learn about nature and how food is grown and to observe wildlife outside classroom biology lessons.

Allotments can benefit the environment in a number of ways. They provide valuable green space within our towns and cities making them more environmentally friendly, sustainable and attractive places to live. They can also provide a varied and valued habitat for wild plants and animals. Locally grown food does not have to be transported long distances, which all helps reduce pollution and road traffic.

How do I get an allotment?

First of all, contact your local council to find out where the nearest allotment sites are.

The council usually owns the land and will either be able to allocate you a plot right away or, more likely, add your name to the waiting list, if there is one.

It is important that you know the status of your allotment site as this could affect your rights.

There are two main types of allotment:

• **Statutory** allotments are parcels of land acquired or appropriated by the local authority specifically for use as allotments. These sites cannot be sold or used for other purposes without the consent of the Secretary of State for Transport, Local Government and the Regions.

• **Temporary** allotments are on land which is allocated for other uses but leased or rented by an allotments' authority. Temporary allotments are not protected from disposal in the same way that statutory allotments are.

Privately owned land can also be let for use as allotments. These plots have the same legal status as temporary allotment sites, but the local council has no control over them.

Some people, especially first time allotment gardeners, find a whole allotment (approximately 250 square metres) to be quite a daunting parcel of land to cultivate. If this seems too much then you should ask if you could rent a half plot or, alternatively, share the plot with a friend.



What can I expect to be provided?

Facilities will vary, but there are some basic things that you should normally expect on any site.

Access to allotment sites should be safe and secure and not in itself a barrier to any group of users, such as people with disabilities. Main paths should be kept clear and plot holders themselves are responsible for minor paths.



An accessible **water supply** is essential. The allotment authority should ensure every plot holder has access to a mains water supply and that it is easy for elderly and disabled gardeners to use it. The cost of water is often incorporated into the rent for each plot.

Allotment authorities may provide **toilet facilities**. Many sites also provide site huts such as clubhouses although this is not compulsory. **Site huts** serve as a meeting place for the plot holders, for the storage of bulk materials and as a centre for the sale or distribution of seeds and equipment.

Some councils also provide **sheds** for plot holders and charge rent for them. If this is the case, the authority should ensure that they are in a good condition at the start of the tenancy.

Vandalism can be a problem on some sites. The allotment authority should ensure that **adequate security measures**, such as good fences and hedges, are in place and that tenants know what is provided and how to use them. Informal schemes known as 'Plot Watch' can be effective – particularly on smaller sites. This means local residents keeping an informal watch on a site and calling the police if they see any damage or trespass. Tenants themselves should always report instances of vandalism to the police and obtain an incident number.

What can I do with my plot?

The conditions of tenancy for an allotment are stated in the tenancy agreement, which is signed by the allotment authority/association and tenant. More details of what should be included in this agreement can be found on page 11. Remember, your allotment is primarily for the growing of fruit and vegetables for you and your family.

You will need to respect your fellow plot holders. Tenants have a **duty of care** to each other and also to visitors to the allotment site. Children and pets should also be kept under control.

Your allotment must be kept **clean and maintained in a good state of cultivation**. Paths on allotment sites should be kept clear for access and you are responsible for minor paths.

Provided the plot is used mainly for growing vegetables and fruit, plot holders are allowed to keep **hens and rabbits** on their allotment, although this can be restricted by local by-laws.

Subject to local authority regulations plot holders may also be allowed to keep certain other **livestock**. If you wish to keep livestock, you will need to build suitable fences and structures to make sure they cannot escape. As well as secure, these must be tidy and a reasonable size for both the animals and the appearance of the site. You must not let the livestock become a health risk or a nuisance. Allotment authorities can impose conditions and restrictions, which should be clearly stated in the tenancy agreement. You will also need to abide by regulations concerning animal welfare and any other restrictions set out by the Department for the Environment, Food and Rural Affairs. A free fact sheet entitled *The Welfare of Animals on Allotments* is available from the RSPCA whose contact details can be found on page 18.





Beekeeping is allowed on some allotment sites but not all will be suitable. You will need the council's consent. If you are considering keeping bees you should also consider joining the British Beekeeper's Association and taking out insurance – see page 17 for contact details.

Huts and sheds serve many purposes. They provide shelter from the rain, are storage places for tools and clothing or for special equipment for the disabled, and can even be a place to sit and relax with other plot holders. If they are not already provided, you can usually construct your own shed using discarded and recycled materials. However, some regulation is required to prevent the site from appearing too untidy. Your tenancy agreement will often say that you need permission from the council/association to build huts or sheds and their size will usually be restricted too. 'Shanty town' type sheds should be avoided.

Ponds can be very attractive and provide a habitat for wildlife, but they can also present a danger to children. The allotment authority is required to impose conditions on building ponds. These are likely to cover the siting and size of the pond and arrangements for inspection.



If you use **herbicides and pesticides** you should follow all the safety instructions. But please consider alternatives whenever possible. In recent years there has been a growing interest amongst gardeners in organic methods to avoid the possible harmful effects of chemical residues. Again, your allotment authority may be able to advise on the safe use of herbicides and pesticides and on organic gardening.

Composting is an effective and environmentally friendly way of recycling organic waste. For best results you need to build or buy a special bin. It is worth seeing if you can get together with other plot holders and share the cost of bins and perhaps a shredder for thicker stems and foliage. Working together also gives you a more even flow of compost. Your allotment authority or allotment society should be able to advise on composting as can the Centre for Alternative Technology (CAT). See page 17 for contact details.






What can't I do with my plot?

Any fruit or vegetables grown on your plot should be for you and your family's consumption. You are not permitted to run your allotment plot as a business; or sub-let your plot.

You should not change the nature of the plot in a way that makes it less valuable. Also, you should rotate crops and apply manure and compost as this helps to maintain the quality of the soil.

Most authorities ban using **sprinklers and hose pipes** overnight or when you are not there. You are recommended to comply with temporary hose pipe bans. You must comply with drought orders. Mulching with loose material such as straw and compost is an environmentally friendly way of reducing moisture loss and can help to reduce water bills. It is also important to remember that water butts can be a hazard to small children and should be covered when not in use.

Bonfires can cause nuisance to neighbours and other plot holders. Most allotment authorities apply strict conditions if they allow bonfires at all. Conditions vary, but those most likely are:

-  a total ban;
-  limited permission to burn diseased plants and dry material that will burn without smoke; or
-  a ban during certain months of the year.

You should not place **barbed wire** around your plot in such a position as will injure a third party.

Does it cost much?

The law says that an allotment must be let at a rent that a tenant may be reasonably expected to pay. The allotment authority will decide the annual rent taking into account the cost of managing the site, local needs and any special circumstances.



Rent is normally paid in advance: details will be set out in the tenancy agreement. If the management of the site has been devolved to an allotment society you will need to pay your rent to the society's representative. If you do not pay your rent in accordance with the terms of your tenancy agreement, you could lose your tenancy.

In most cases, rent will be the only income from an allotment site, but the expenses will cover everything from site maintenance and repairs to administrative costs and promotion. In spite of this, many allotment authorities offer some form of assistance to new tenants. The simplest of these is a reduced rent offered for the first year for anyone who takes over an overgrown plot. In addition, many allotment authorities give a discount to pensioners and the unemployed, and occasionally to those who have held plots for a long time.

There is no statutory process of appeal about rent charges. If you are unhappy about the charges, you should take your case up directly with the allotment authority. The National Society of Allotment and Leisure Gardeners (NSALG) can advise.

What the tenancy agreement will contain

Allotment plots are normally leased for the period of one year. Each plot holder will receive and sign a tenancy agreement, which sets out his or her rights and responsibilities. You are entitled to, and should ask for, a copy of the tenancy agreement for future reference.

The tenancy agreement will set out what you can and cannot do with your allotment. You will need to conform to the tenancy conditions not only to protect your own tenancy, but also to ensure that the site as a whole is not brought into disrepute.



Tenancy agreements will vary between allotment authorities/associations, however there is legislation that requires some issues to be covered. These include:

- rent, including water charges and rental of sheds or other structures;
- collection of rent, including proportionate rent for part of year and date when rent becomes due;
- rent arrears;
- prevention of nuisance and annoyance;
- the use of barbed wire;
- prohibition of subletting;
- determination of tenancy and notices to quit;
- compensation;
- observance of conditions of lease;
- prohibition of trade or business;
- erection of sheds, greenhouse and other structures; and
- keeping of livestock including bees.

The agreement will usually include provision for the tenancy to be ended by either the plot holder or the authority. If an allotment authority/association wishes to end a tenancy it will need to give the plot holder 12 months' notice expiring on or before 6 April or after 29 September in any year.





The allotment authority may also give one month's notice to quit if the rent remains unpaid or the tenant fails to comply with the terms of tenancy.

What happens if the local authority wants to dispose of the land?

It depends if the allotment is statutory or temporary (see page 4).

If an allotment authority wishes to sell a **statutory** allotment site it must have the consent of the Secretary of State for Transport, Local Government and the Regions.

The Secretary of State will first want to be satisfied of certain conditions as follows:

-  the allotment is either not necessary and is surplus to requirements;
-  the council will give displaced plot holders adequate alternative sites, unless this is not necessary or is not practicable;
-  the council has taken the number of people on the waiting list into account; and
-  the council has actively promoted and publicised the availability of allotment sites and has consulted the NSALG.

Government guidance also requires allotment authorities to consult with plot holders before they apply for disposal. If the application goes ahead, it will be dealt with by the respective Government Office for the Region. Contact details are on pages 20 to 21.

If the application is successful, and allotment holders are displaced, the allotment authority is expected to provide one or more suitable alternative sites which should not normally be more than three-quarters of a mile from the centre of demand. They must be suitable for spade cultivation.

If an allotment authority ends a tenancy, the plot holder is entitled to compensation for:

- crops growing on the land in the ordinary course of cultivation;
- manure applied to the land; and
- up to one year's rent.

The Secretary of State's consent is not required for the disposal of **non-statutory** allotment sites, but the allotment authority will usually be required to give plot holders 12 months' notice to quit before the land can be used for any other purpose.



A summary of responsibilities

Local authorities

Allotments are usually provided by your local authority which is sometimes known as an 'allotment authority'. This can be the local district, borough or parish council. The allotment authority will usually provide the plot holder with a renewable one-year lease and is responsible for the collection of rent, management, and maintenance of the site. Where there is no available land within a parish, district or borough, the allotment authority may provide land outside of these areas.

Each allotment authority decides for itself how much of its resources to devote to allotments. However, if an authority believes there is a demand, it has a statutory duty to provide a sufficient quantity of plots and to lease them to people living in its area. If local people feel there is a need for allotments which is not being met, they can get together a group of any six residents who are registered on the electoral roll and put their case to the local authority.

Allotment authorities usually have arrangements for consulting plot holders and many even employ dedicated allotment managers who liaise over the day to day management of sites. Some authorities also have consultative panels for communicating and resolving disputes between the authority, the plot holders and their associations.

Allotment societies and devolved management

Instead of letting and managing allotment sites themselves, some authorities will lease sites to local allotment societies or associations under devolved management agreements. The local society or association is then responsible for letting the plots, collecting the rent, maintaining the site and running it on a day to day basis.

The Government believes that people should be more involved in decisions affecting their local community and sees many benefits in devolving management to allotment societies. It can bring

more responsive management and give plot holders a greater sense of ownership and pride in improvements made to the site. Of course, it is up to each individual to decide how involved they wish to become.

A society wanting to take on site management must first have a proper constitution. It will also need public liability insurance to protect itself, its volunteers and its members. The NSALG can advise on both and has also published general guidance on devolved management and possible lease arrangements.

DTLR

The DTLR has responsibility for policy and legislation on allotments and also has a key role to play in their protection and promotion as valuable green spaces in our communities. In addition to this, the Department monitors disposals of allotments, which are handled by the Government Offices for the Regions.

If you are interested in managing allotment sites, you can buy a guide *Growing in the community: a good practice guide for the management of allotments*. This guide was jointly published in June 2001 by the DTLR, the Greater London Authority, the Local Government Association and the Shell Better Britain Campaign. It is available from IDEa Publication Sales, Layden House, 76 - 86 Turnmill Street, London, EC1M 5LG. Tel 020 7296 6600 (quote EN012).





Plot holders

A plot holder's responsibilities, including those for maintenance and security, will be set out in the tenancy agreement. An allotment requires commitment to maintain it to a reasonable standard.

The success of an allotment site depends on co-operation between plot holders and those responsible for the management of the site as a whole. Site contacts and site representatives can provide an effective line of communication. Again, individuals must decide how much or little they wish to participate.

If there is a dispute between plot holders and their allotment authority or society, the NSALG may be able to offer advice and guidance.

The NSALG was formed in 1930. It covers mainly England and Wales but now has increasing membership from Scotland and Northern Ireland. In 2001 membership included 80,000 members in 1,711 associations, more than 1,700 individual members, and 146 local authorities.

The NSALG gives free advice to members in connection with all horticultural and gardening matters. It also gives advice on the preparation of leases and agreements between landlords and plot holders and can assist with interpretations of the law. A number of helpful advice leaflets, which cover a range of issues affecting plot holders have also been produced.

Useful contacts (A-Z)

Amateur Gardening Magazine

Westover House
West Quay Road
Poole
Dorset BH15 1JG

Phone: 01202 440 840

Fax: 01202 440 860

Web site:

www.ipc.co.uk/pubs/amgarden.htm

British Beekeepers Association

National Agriculture Centre
Stoneleigh
Warwickshire CV8 2LZ

Phone: 02476 690 682

Web site: www.bbka.demon.co.uk

British Trust for Conservation Volunteers (BCTV)

36 St Mary's Street
Wallingford
Oxfordshire OX10 0EU

Phone: 01491 839 766

Web site: www.btcv.org



Centre for Alternative Technology (CAT)

Machynlleth
Powys SY20 9AZ

Phone: 01654 705 950

Web site: www.cat.org.uk/

Community Composting Network

67 Alexandra Road
Sheffield S2 3EE

Phone: 0114 258 0483

Web site: www.othas.org.uk/ccn

E-mail: ccn@gn.apc.org

Federation of City Farms and Community Gardens

The Greenhouse
Hereford Street
Bristol BS3 4NA

Phone: 0117 923 0483

Fax: 0117 923 1900

Web site: www.farmgarden.org.uk

E-mail: admin@farmgarden.org

Henry Doubleday Research Association (HDRA)

Ryton Organic Gardens
Coventry CV8 3LG

Phone: 024 7630 3517

Web site: www.hdra.org.uk

E-mail: enquiry@hdra.org.uk

**Institute of Leisure and Amenity
Management (ILAM)**

ILAM House
Lower Basildon
Reading RG8 9NE

Phone: 01491 874 800
Fax: 01491 874 801
Web site: www.ilam.co.uk

Local Government Association (LGA)

Local Government House
Smith Square
London SW1P 3HZ

Phone: 020 7664 3000
Web site: www.lga.gov.uk

**Mind (The National Association for
Mental Health)**

15-19 Broadway
London E15 4BQ

Phone: 020 8519 2122
Web site: www.mind.org.uk
E-mail: contact@mind.org.uk

**National Society of Allotment & Leisure
Gardeners Ltd. (NSALG)**

O'Dell House
Hunters Road
Corby
Northamptonshire NN17 5JE

Phone: 01536 266 576
Fax: 01536 264 509
Web site: www.nsalg.co.uk/
Email: natsoc@nsalg.demon.co.uk

QED Virtual Potting Shed

Web site:
www.btinternet.com/~richard.wiltshire/potshed1.htm

**Royal Society for the Protection of
Birds (RSPB)**

UK Headquarters
The Lodge
Sandy
Bedfordshire SG19 2DL

Phone: 01767 680 551
Web site: www.rspb.org.uk

**Royal Society for the Prevention of
Cruelty to Animals (RSPCA) –
Farm Animals Department**

Enquiries Service
RSPCA
Wilberforce Way
Southwater
Horsham
West Sussex RH13 7WN

Phone: 0870 754 0203
Web site: www.rspca.org.uk
E-mail: farm_animals@rspca.org.uk



Shell Better Britain Campaign

King Edward House
135a New Street
Birmingham B2 4QJ

Phone: 0121 248 5900
Web site: www.sbbc.co.uk
E-mail: enquiries@sbbc.co.uk

Soil Association

Bristol House
40 - 56 Victoria Street
Bristol BS1 6BY

Phone: 0117 929 0661
Web site: www.soilassociation.org
E-mail: info@soilassociation.org

SUSTAIN: The alliance for better food and farming

94 White Lion Street
London N1 9PF

Phone: 020 7837 1228
Web site: www.sustainweb.org

Thrive

The Geoffrey Udall Centre
Beech Hill
Reading RG7 2AT

Phone: 0118 988 5688
Web site: www.thrive.org.uk
E-mail: Info@thrive.org.uk

Government Organisations

Department for Transport, Local Government and the Regions (DTLR)

Urban Policy Unit
Eland House
Bressenden Place
London SW1E 5DU

Phone: 020 7944 3000
Web site: www.dtlr.gov.uk
E-mail: upu@dtlr.gov.uk

Department for Environment, Food and Rural Affairs (DEFRA)

Nobel House
17 Smith Square
London SW1P 3JR

Phone: 020 7238 6000
Web site: www.defra.gov.uk
E-mail: helpline@defra.gsi.gov.uk

Open Government – links to all Government Departments and Local Authorities:

Web site:
www.open.gov.uk/index/orgindex.htm

Government Offices

Government Office for the North West (GO-NW)

Sunley Tower
Piccadilly Plaza
Manchester
M1 4BE

Phone: 0161 952 4000
Web site: www.go-nw.gov.uk

Government Office for the North East (GO-NE)

Wellbar House
Gallowgate
Newcastle upon Tyne NE1 4TD

Phone: 0191 201 3300
Web site: www.go-ne.gov.uk

Government Office for Yorkshire and the Humber (GO-YH)

PO Box 213
City House
New Station Street
Leeds LS1 4US

Phone: 0113 280 0600
Web site: www.goyh.gov.uk

Government Office for the East Midlands (GO-EM)

The Belgrave Centre
Stanley Place
Talbot Street
Nottingham NG1 5GG

Phone: 0115 971 9971
Web site: www.go-em.gov.uk

Government Office for the West Midlands (GO-WM)

77 Paradise Circus Queensway
Birmingham B1 2DT

Phone: 0800 038 5000
Web site: www.go-wm.gov.uk

Government Office for East of England (GO-EAST)

Heron House
49 - 53 Goldington Road
Bedford MK40 3LL

Phone: 01234 796 332
Web site: www.go-east.gov.uk



**Government Office for the
South East (GO-SE)**

Bridge House
1 Walnut Tree Close
Guildford
Surrey GU1 4GA

Phone: 01483 882 255

Web site: www.go-se.gov.uk



**Government Office for the
South West (GO-SW)**

The Pithay
Bristol BS1 2PB

Phone: 0117 900 1700

Web site: www.gosw.gov.uk

**Government Office for London
(GO-L)**

Riverwalk House
157-161 Millbank
London SW1P 4RR

Phone: 020 7217 3328

Web site: www.go-london.gov.uk

A quick guide to the legislation on allotments

The legislation relating to allotments is quite complex. The areas that are likely to be of most interest to plot holders are summarised here:

Small Holdings and Allotments Act 1908

Consolidated all previous legislation and laid down basis for all subsequent legislation.

Placed duty on local authorities to provide sufficient allotments, according to demand. Also makes provision for local authorities to purchase compulsorily land to provide allotments. Established the framework for the modern allotments system.

Land Settlement Facilities Act 1919

This Act was mainly to assist returning servicemen and opened up allotments to all, not just 'the labouring population'. Made metropolitan borough councils allotment authorities for the first time.

Allotments Act 1922

This Act was established to provide allotment tenants with some security of tenure. It also provided tenants with greater compensation at the termination of their tenancy and limited the size of an allotment to one-quarter of an acre, specifying that it should be used mostly for growing fruit and vegetables.

Allotments Act 1925

Required local authorities to recognise the need for allotments in any town planning development. Established 'statutory' allotments which a local authority could not sell or convert to other purposes without Ministerial consent. This Act was intended to facilitate the acquisition and maintenance of allotments, and to make further provision for the security of tenure for tenants.

Allotments Act 1950

This included:

- amendment of the provisions relating to rents that may be charged for allotments;
- extension of period of notice to quit to 12 months for allotment gardens;
- compensation payable to plot holder at whatever season of the year a tenancy terminates;
- making plot holders who have allowed their plot to deteriorate through neglect liable to pay compensation on quitting; and
- allowance of certain forms of livestock (hens and rabbits) to be kept although this can be, in some cases, restricted by local by-laws.



Other legislation

The Local Government Act 1972 amended the allotments legislation in a number of matters of detail, for example, removing the requirement upon local authorities to establish allotments committees (contained in Section 12 of the Allotments Act 1925).

Other Acts which have impacted upon allotments include the Town and Country Planning Act 1990, the Local Government Planning and Land Act 1980 and the Acquisition of Land Act 1981.



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