

# The Replacement of Allotments

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# **DEVELOPMENT DESIGN STATEMENT**

## **THE REPLACEMENT OF ALLOTMENTS**

### **1. INTRODUCTION**

The aim of this design statement is to give detailed guidance in relation to the necessary requirements involved in replacing an allotment. In many cases, if a developer acquires a site that is currently used as an allotment, there will be a requirement for that developer to provide a replacement site in order to cater for the activities that have been displaced. However, it will not be sufficient for a developer to merely identify another area of similar size to the original. Every effort must be made to ensure that the new allotment is equally as good as the original site in every way. The new site must also be made available for occupation when the allotment holders vacate their old premises.

### **2. POLICY CONTEXT**

In order to provide a suitable replacement allotment site, the developer will need to demonstrate that the new site satisfies the relevant criteria listed within **Policy L1 “Protection of Leisure Facilities”** of the Council Approved Unitary Development Plan.

**“Policy L1 - Protection of Leisure Facilities”** states: -

**DEVELOPMENT WHICH RESULTS IN THE LOSS OF AN EXISTING LEISURE FACILITY, OR LAND LAST USED FOR LEISURE, WILL ONLY BE PERMITTED WHERE:**

- **A SUITABLE ALTERNATIVE LOCATION IS AVAILABLE AND THE FACILITY IS PROVIDED BY THE DEVELOPER; OR**
- **IT CAN BE DEMONSTRATED BY THE DEVELOPER THAT THE FACILITY IS SURPLUS TO REQUIREMENTS; OR**

- **SUCH FACILITIES CAN BEST BE RETAINED AND ENHANCED THROUGH THE REDEVELOPMENT OF A SMALL PART OF THE SITE**

**(Objective 4)**

**Existing leisure facilities, whether land or premises built or adapted for leisure use, represent substantial investments. They can, however, come under pressure for replacement by, for example, housing, industrial or retailing developments.**

**This policy is intended to protect all types of leisure facilities including allotments, kick-about areas and children's playgrounds, to ensure that existing levels of provision are maintained, unless the developer can demonstrate to the council that the facility is surplus to requirements. The policy allows for redevelopment in appropriate circumstances.**

As this policy states, unless the developer can demonstrate to the council, that the facility is surplus to requirements, a new site must be provided. Therefore, in order to fulfil the requirements of Policy L1, it must be remembered that the principle aim when moving any allotment site, is to provide a replacement site that is equally as good as the previous site, in every way. In light of this, there are many different tasks that have to be undertaken by the developer in order to achieve this situation.

### **3. DETAILED GUIDANCE FOR ALLOTMENT REPLACEMENT**

When the redevelopment of an existing, fully operational allotment site is proposed, the developer must, under the provisions of Policy L1, provide a suitable alternative site. When this has been realised, to ensure the requirements of Policy L1 are met, the planning application served on the old allotment site will require a section 106 agreement that binds the developer into achieving this. To add clarity to this process, the following guidance is provided to inform potential developers and aid them in their quest to locate and provide a suitable alternative allotment site.

In order to meet the requirements of Policy L1, a new allotment site must abide by the following points:-

### **3.1 The site must be made available prior to any allotment holders being displaced from their original site.**

The displaced allotment holders must have a suitably prepared allotment site made available for immediate occupancy, at the moment they are moved from their original site. Throughout the process of finding and providing a replacement allotment site, the Council will have regard for the views of the present allotment holders when establishing whether or not a suitable alternative site has been found. The time of vacating an allotment site would depend on the time of year or growing season. Therefore allotments holders should be required to move from their original site either prior to or after the growing season.

### **3.2 The new allotment site must adequate in terms of accessibility.**

Access to the new allotment site for present allotment holders will be considered a material consideration when determining any planning application served on the original allotment site. When deciding on whether the new allotment will be adequate in terms of accessibility, there are many factors to be taken into account when a replacement site is being considered. A list of some of the main issues is given below:-

- The new allotment site must be situated in a location that is in close proximity to the original site. This will ensure that the displaced owners are not put at a disadvantage in terms of travel time to their new allotment site.
- The new allotment site must have similar public and private transport facilities as the original site. This will ensure that people who travel to their allotment by whichever form of transport will benefit from similar parking, bus, train and cycle facilities etc as they did with their original site.
- The new allotment site must be accessible to each and every allotment holder that is displaced. In many circumstances, allotment holders may be disabled or elderly and require specific needs in terms of access to their site. The new site must cater

for all the requirements of the displaced allotment holders, in order to ensure that none are disadvantaged by their relocation.

**3.3 The new allotment site must be made available for occupancy prior to any works taking place on the original site.**

No work must take place on the original allotment site by the developer until the new allotment site is in place and ready for occupancy. If the original site is vacant before any works begin, it will ensure that the safety of the allotments holders and their produce is not compromised.

**3.4 The land at the new allotment site must be suitably prepared so that allotment holders can begin growing on it immediately.**

If an allotment is relocated to another site, it is not suitable to merely provide another area of land of similar size. In many cases allotments that have been in constant use, have soil that provides an excellent medium for growing produce. Therefore, the new land must be suitably cultivated and prepared so that holders can begin work immediately after relocation, without the need for prior preparation. In order to ensure the land is prepared in a suitable fashion, the necessary works will need to be carried out by the developer, for example:-

Checklist for preparing land:-

- Clearing of the new area
- Checks for any contamination
- Ploughing and cultivation of new land
- Translocation of old topsoil is a necessity, unless the developer can demonstrate that the soil on the new site is of a similar quality. This must be done in a dormant period, so as not to disrupt the work of the allotment holders. The criteria for classifying the quality of topsoil is given within British Standard BS 3882: 1994. This standard should be adopted when demonstrating whether the new soil is of a similar quality to that of the old site.

- Adequate drainage incorporated

#### **4. Access, roads and security.**

There must be an adequate access road into the site that can cope with any vehicles that are associated with the allotment and its related works. The main access point must have a secured gate, which is locked, and keys distributed to allotment holders.

Roads must be created within the site and developed to cope with any traffic that wishes to enter. If roads within the site are designed with large vehicles in mind e.g. tractors etc, then they will no doubt be accessible to all forms of transport appropriate to the site. All roads must also be incorporated into the design with safety in mind, so as not to cause conflict with pedestrian movement within the site.

The allotment site must be surrounded by a secure fence that will act as a deterrent to trespassers. However, it is imperative that any fence be incorporated into the design so that it fits in with the surrounding environment. A well-designed, aesthetically pleasing boundary fence can often become a more effective deterrent than most types of high security fencing. Some examples, such as palisade fencing, can give the development a fortress appearance and act as a challenge to criminals. Please refer to Development Design Guide 11 – Means of Enclosure, which can be obtained from the Planning Department.

#### **5. FACILITIES WITHIN THE NEW ALLOTMENT SITE**

##### **5.1 Drainage.**

Due to the nature of activity within the new allotment site, the ground should have adequate drainage facilities. Any drainage works will have to be carried out before soil treatment works commence.

##### **5.2 Water.**

The new allotment site should have an adequate mains water supply. Mains water supplies should be within easy reach of each allotment plot with the necessary fixings (hoses, taps etc) in place and ready for use.

### **5.3 Storage facilities.**

Due to the nature of the work that takes place on allotment sites, any storage facilities that are extant on the original site should be provided on the new site. Sheds and other storage facilities should be placed within easy reach of each allotment. All storage facilities should be secure lockable units and keys should be given to all allotment holders. In addition, any electricity or other power supplies that were provided on the original site must be made available on the new site, particularly if they existed within any structures on the original site.

**N.B.** Planning permission will be required for any structures that are erected within the allotment site. The use of land for allotments does not require planning permission, but there are no permitted development rights for the erection of the sheds, storage units or any other structures.

### **5.4 Other Facilities.**

The site should contain basic toilet and washing facilities.

## **6. OTHER ISSUES**

### **6.1 Comments from the Environment Agency.**

New allotment sites should not be sited within flood risk areas. However, where the situation arises that the proposed development is justified within a flood risk area the existing ground levels should be maintained. Proposals for the development of storage sheds and structures such as storage units, within flood risk areas, will be resisted. The developer must refer to TAN 15 – Development and Flood Risk, to ascertain whether the proposed allotment site is located within a flood risk area. The developer should also contact the Environment Agency if any further information is required. (See Chapter 9 – Contacts, below)



## **7. SUMMARY**

**7.1** It should be remembered that all these works are required to be undertaken by the developer and it is the developer's responsibility to ensure that the guidelines within this brief are followed appropriately. If any further assistance is required, from developers or any allotment holders that may be affected, please do not hesitate to contact the relevant department within the address list in Chapter 9.

**7.2** When completed, the new allotment must be dedicated to the council, subject to inspection by the Leisure Services Department.

## **8. OTHER LEGISLATION**

### **8.1 Allotments Act 1950.**

The Allotments Act 1950 sets out many criteria in relation to allotments, their tenants and holders rights. The Act also sets out specific criteria concerning details of termination. In light of this, it would be in the interest of anyone involved within the process of allotment replacement to take account the details set out within Allotments Act.

### **8.2 Disability Discrimination Act 1995.**

The Disability Discrimination Act 1995, states that it is unlawful for a provider of services to discriminate against a disabled person. The Act pays particular attention to accessibility, specifically in relation to facilities for entertainment and recreation. In light of this, if the Council formally adopts the replacement allotment site, it would then be seen as a provider of this service. Therefore, it would be in the interest of any person involved in providing a replacement allotment site, to bear in mind the provisions of the Act.

## 9. CONTACTS.

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