

Policy Statement and guidance for tenants

Allotments Service

Adopted March 2021



**LEWES
TOWN
COUNCIL**



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1. Introduction

Lewes Town Council is committed to prioritising environmental concerns. This includes encouraging eco-friendly practices on Council-owned Allotments, and prohibiting the use of harmful pesticides, herbicides and non-organic fertiliser.

This statement of policy underpins the conditions of tenancy under which allotment plots are let.

It is essential that tenants read their Agreement in full prior to signing, and at all times comply with its terms and conditions.

Council Officers will always try to focus on solutions to problems and be supportive and attempt to come to a reasonable agreement, but it must be remembered that the Council is concerned to be fair to all allotment holders, current and future, and to recognize the part this service can play in addressing climate change and resilience.

The Council will be proactive in ensuring plots are actively used as allotments and that its tenants follow good practice.

2. Allotment Tenancy - breaches and sanctions

Where conditions of the Tenancy Agreement are broken: if a problem is not resolved quickly and to the satisfaction of the Council, the tenancy will be revoked and the plot will be reallocated to a new tenant as quickly as possible.

What the Town Council will do:

At the discretion of the Council, Allotment Tenants may be given up to a maximum of two written warnings (by email and/or letter) within a three year period before terminating a tenancy. Warning notices will include instruction on what requires improvement and a reasonable time limit for completing the work to the Council's satisfaction.

If the improvement is not made within the specified time limit, or if policy is breached on a third occasion, the Tenancy will be revoked with immediate effect.

Warning notices will accrue over a period of three years. In other words, if after a warning notice no other warning is issued for three years, the slate is wiped clean.

If there is a severe breach of conditions, a Tenancy may be revoked without a warning notice.

3. Notice and Termination of tenancy.

The tenancy is subject to the specific rules and general conditions issued with it and any amendments which may be made from time to time by the Council or to prevailing legislation.

In summary, a Tenancy can be terminated in any of the following circumstances:

If the Tenant has not duly observed the Rules governing the Tenancy, or has failed to comply, within the specified time given, with the maximum two warning notices requiring the remedy of any breaches of the conditions of the agreement.

If the allotment is not in a good state of cultivation or preparation for cultivation. This clause does not apply during the first three months of a Tenancy. As a general rule, *in the first two years of a Tenancy*, a minimum of 40% of the total plot should be cultivated and in active use during the main growing season. *From the third year onwards*, a minimum of 70% of the total plot should be cultivated and in active use during the main growing season.

If the rent is in arrears for not less than 40 days (whether lawfully demanded or not).



On the death of the Tenant. The Tenant's surviving spouse or partner may continue with the Tenancy until the end of the current agreement (normally 31st March) or, with the consent of the Council, sign a new Allotment Agreement. The Council must be notified in writing (by letter or email) of the death of the Tenant, as soon as reasonably practical. This notice should include any request for carrying on the Tenancy by the surviving spouse or partner.

If the Tenant is no longer resident in the Town. For the purposes of the Tenancy, status can be demonstrated by, for instance, Council Tax bills or evidence of benefits received at the primary, local residence.

Whenever the Tenancy or right of occupation of the Council terminates.

Upon Termination, the Tenant must give up possession and use of the allotment, leaving the plot in a state suitable for immediate re-letting. Should any works be required to return the allotment plot to a workable condition, the existing Tenant will be charged to bring the plot to an acceptable standard. Any personal property, structure, produce or other items remaining, 14 days after the termination of the tenancy, will be removed and the cost of removal charged to the Tenant, or with their agreement, will be assigned to a new Tenant.

4. You and your allotment

The Allotment Act of 1922 defines the term 'allotment garden' as:

“An allotment not exceeding forty poles (*one quarter of an acre, or slightly more than one tenth of a hectare*) in extent which is wholly or mainly cultivated by the occupier for the production of vegetable or fruit crops for consumption by himself or his family”.

This description remains important because it defines the permitted use of an allotment plot. Provided that it is used mainly for growing vegetables or fruit, part of the plot can be used for growing flowers or as a leisure area. Surplus produce can be shared with others; however, allotments cannot be cultivated for commercial gains: produce cannot be sold commercially.

Sharing is, however, encouraged. Donations to good causes are encouraged.

a. Lewes Town Council allotments are for RESIDENTS of Lewes Town.

It is recognised that there are a few allotment holders who have moved to neighbouring villages but are in other respects in good standing and continue to care for their plot. They will be permitted to retain their allotments until they choose to relinquish their tenancy, but all new lettings from 1st April 2021 will be restricted to Lewes residents. For the purposes of the Tenancy, residence can be demonstrated by, for instance, Council Tax bills or evidence of benefits received at the primary, local residence. If you are required to demonstrate your residence, you will need to present documentation at the Town Hall, or in writing within 30 days of the Council's request.

b. Allotment tenancies do not accord long-term, legacy or sub-tenancy rights.

The named tenant is the allotment-holder and is principally responsible for working the plot.

Allotments cannot be 'passed down' from one family member to another. They cannot be 'loaned out' to friends or house tenants.

Allotments that are no longer tended primarily by the named tenant are required to be relinquished at the end of the growing season.

We will allow exception to this for temporary periods, *eg* where a tenant has been ill (or suffered a serious difficulty, such as a bereavement) and has made arrangements for a friend or family member to tend their



allotment during a given growing season. This can be agreed in consultation with the Town Council. It is necessary, however, to declare any such arrangement immediately, in writing (hard copy or email) to the Council.

The named tenant must be present at the allotment for the majority of work activity. However, the tenant may receive assistance from time to time or – with the Town Council’s approval – a named person or persons may help out on a regular basis. It is appropriate, for instance, for more physically-able relatives or friends to help with more physically-demanding jobs. The balance of work on the plot should nevertheless be done by the named tenant. In the case of less-physically-able tenants, work may of course include ‘direction’.

c. Security awareness

From time to time, vandals or thieves may take an interest in allotments; please keep your and your fellow-allotment-holders’ plots safe by locking gates and by reporting uninvited visitors.

Do not give the lock numbers or keys to anyone else; this constitutes a breach of your tenancy.

d. Noise nuisance

Allotments are spaces where tenants can expect to get away from noise and unwanted distractions.

Try to limit noisy activities to times of day/seasons when there are fewer other allotment holders around. If you must make noise during a busy time, try to talk with your neighbouring allotment-holders and agree a reasonable limit on your activity. Use strimmers and trimmers sparingly. Dogs’ barking may also be an unwelcome noise; for this reason, even if your dog is well-constrained on your plot, your dog may not be welcome on site.

Remember also that while for many the allotment is a social environment, for some allotment holders, the allotment is the only space they have to enjoy a little solitude.

e. Bonfires

Allotments generate an amount of material which is traditionally disposed of by burning. The Council understands that this may sometimes be helpful but encourages allotment holders to compost as much material as possible, and to remove rather than burn any larger items. Materials that may result in noxious fumes must in all cases be removed and not burned. Allotment gardeners are reminded of potential nuisance which may be caused by the lighting of bonfires and the problems that can be caused by smoke emanating from the fire.

We are confident that most allotment holders are responsible and thoughtful in this respect, and simply ask tenants to examine the manner in which they have bonfires and to ensure any occasional helpers are reminded of the need to observe common sense and respect for the comfort of the residents in the surrounding areas.

Under provisions of the Environmental Protection Act 1990, where a Local Authority is satisfied that smoke prejudicial to health or a nuisance exists or is likely to occur or recur, they may serve Notice requiring the abatement of the nuisance or prohibiting/restricting occurrence or recurrence. The penalty for contravention is a fine of up to £2000.



5. Use of pesticides; herbicides, vermicides and fertilizers etc

Due to large scale habitat loss in the countryside, and large scale pesticide use in agriculture, wildlife such as birds, insects and bees are seeking refuge in our towns. This makes it very important that within our allotment sites we create safe, synthetic chemical-free, areas.

The use of synthetic chemicals can have a devastating effect on our environment and its biodiversity.

There are a number of detrimental effects from the use of synthetic chemicals (and some 'natural' chemicals). These include run off that contaminates water courses and poisons aquatic life; direct poisoning of plants and animals, including worms and insects that are beneficial to gardening; indirect or residual toxicity of the soil that may affect the immediate area of application; contamination of adjacent areas' plants and animals.

When used on soft surfaces, such as vegetation or grass swards, there is a possibility of contamination of adjacent areas.

Many of these chemicals are highly persistent, meaning that they stay around in the soil for a long time, increasing the likelihood that they will disrupt good soil organisms and enter into both the human and animal food chains, watercourses, and aquifers.

Tenants MUST NOT:

Use synthetic pesticides, vermicides, herbicides, or similar non-organic means for controlling pests and weeds.

Use synthetic fertilisers or soil conditioners.

The use of non-organic weed-killer, such as *Round-Up*TM, or pest-controls such as metaldehyde or chelator-enhanced ferric phosphate slug pellets, or peat-based or synthetic fertilizer, will constitute a severe breach of the tenancy agreement.

In the interests of biodiversity and addressing climate change, the use of peat – which is a non-renewable resource and one of this country's essential carbon sinks – is not allowed.

6. Water-use

Where possible, allotment tenants are strongly encouraged to collect rainwater for use on their allotments. Where this is not possible, or where rainwater harvest is not sufficient to sustain watering needs through a dry season, allotment holders are strongly encouraged to use tap water sparingly. The use of spray hoses is discouraged, as evaporation from the spray is considerable: watering leaves is far less efficient than ground-level irrigation. Where practicable, watering should be done by watering can, either early in the morning, or late afternoon/early evening to enable water to better penetrate the soil and reach the plants' roots. (<https://www.rhs.org.uk/advice/profile?pid=312>).

7. Bees & bee-keeping

The Council is prepared to allow the keeping of beehives on allotments, provided strict conditions are observed. The beekeeper is expected to have read the available publication(s) from the British Bee-Keepers Association (<https://www.bbka.org.uk/>) regarding allotment beekeeping, and further guidance from the National Allotment Society (<https://www.nsalg.org.uk/>).

Bees shall not be kept on any allotment until the allotment tenant has submitted a request in writing to keep bees on his or her plot to the Council, and that request has been agreed in writing.

Beekeepers making such application are expected to be experienced, or to have close guidance from an experienced beekeeper.



Before consent is agreed, we will first ascertain the views of neighbouring tenants, and in particular any potential visitors to the site who may be allergic to bee-stings, as stings can be life-threatening.

We will then ask the applicant to sign a separate Agreement undertaking special responsibilities for the keeping of their bees.

For full details please ask for a copy of the Council's **Bee-keeping Agreement and Conditions for the installation of bee-hives on Allotment sites** or find it on our website at <https://lewes-tc.gov.uk/services/allotments/>.

8. Ponds

Well-positioned, well-constructed and well-maintained wildlife ponds are welcome!

It is estimated that over one-thirds of native wildlife ponds have disappeared in the past 50 years, with over three-quarters of those remaining considered to be in poor condition (see, eg www.froglife.org). This has led to loss of wildlife of all sorts, including insects, birds, reptiles and mammals, but most especially the wildlife that live in and immediately around ponds such as dragonflies, toads and frogs – species that are incredibly helpful to allotment gardeners (notes on dragonfly prey: <https://homefarm.club/journal/2019/7/19/allotment-ally-the-dragonflynbsp>).

There are **important guidelines for constructing a wildlife pond** on your Lewes Town Council allotment (see below). See also links below for useful guidance on how to create a wildlife pond.

DO NOT:

- use any form of plastic that is likely to degrade, split, shred, or fragment.
- use kitchen washing up bowls or old paddling pools.
- use bin liners, shower curtains or any light plastic sheeting.
- use permanent materials: no concrete.
- use materials that will be difficult to remove: no enamel bathtubs, no hardcore.
- build a pond that is disproportionate to the size of your plot.
- build a pond that is in any way a hazard for people or wildlife.
- Generally speaking, do not transfer plants or creatures between ponds as this may result in transfer of diseases which, once established, are difficult to eradicate.
- Generally speaking, do not have fish in your allotment pond: fish eat newt and frog spawn and fish or the water in which they are transported may carry diseases.

DO:

- Think carefully about pond practicalities.
- Sun and shade: deeper and larger ponds may be fine in full sun; shallower ponds will need a bit a shade.
- Ponds should not be (re-)filled with tap water. Think about how you will top up your pond in hot weather. Do you have a water butt?
- Ponds must be wholly visible and safe for human and animal visitors. Site away from paths and ensure the perimeter of the pond is carefully demarcated.
- Ponds must have a shallow end/beach area, with climbable materials (flat rocks, wooden ramps, rope ladders) to enable hedgehogs and other small creatures to climb out of deeper water.



- Let nature rule.
- If your pond is well-sited and well-constructed, it will quickly become inhabited by plants and creatures; the best thing you can do is fill it with fresh (not tap) water and let nature take over.
- Provide a healthy surrounding habitat. This might mean “bug hotels” or a small log or flint stonepile, a sheltering fruit bush or vine, *etc*

Creating an allotment-friendly pond or bog garden

FrogLife offer this handy guide, ‘Just Add Water’. *Please ignore the advice to use old household materials like paddling pools*, but apart from that the advice is excellent: <https://www.froglife.org/info-advice/just-add-water/>. There is also a FrogLife ‘Wildlife pond visualiser app’ for Android only – search for ‘Froglife’ on Google Play Store: <https://www.froglife.org/what-we-do/education/come-forth-for-wildlife/come-forth-for-wildlife-neighbourhood-wildlife-corridors/idea-zone/> to help with location, shape and construction.

The Sussex Wildlife Trust has a ‘How to’ guide for creating a mini-wildlife pond: <https://www.wildlifetrusts.org/sites/default/files/2020-03/MINI-WILDLIFE-POND.png>, or for more options: <https://www.wildlifetrusts.org/sites/default/files/2019-08/Big%20or%20small%20ponds%20for%20all%20Wid%20About%20Gardens.pdf>. *Again, ignore the advice to use old household materials like washing up bowls.*

Lastly, consider a bog garden, rather than a pond (or in addition). These shallow areas of water are easier to construct and maintain, and still provide good habitat for wildlife that are useful on the allotment. For suggestions: <https://www.gardenorganic.org.uk/humble-bog-garden>.

9. Structures

A ‘structure’ includes sheds, storage, green or glasshouses, larger polytunnels, large compost enclosures, fencing, borders and ponds. Any structure should be for the sole purpose of supporting the allotment and improving the local ecology. It must:

- Be in proportion to the size of the allotment,
- Be of the minimum practical size for its purpose, and in no case should the footprint of a solid structure exceed 10% of the overall plot, nor should structures, taken together, exceed 20% of the overall plot.
- Not impede, create shade or cause any possible danger for other allotment holders
- Not be permanent, *ie* no permanent footings or bases, no use of hardcore or poured concrete.

Tenants must not erect any building, shed or covering structure (with the exception of small, low-lying, non-permanent poly-tunnels/cloches) without the written consent of the Council. Tenants must allow 30 days between their written request and any decision (though we will endeavour to come to a decision sooner). Where a favourable decision is reached, instructions on size and location of the structure will be included and must be followed.

Before creating any structure on your plot: first seek permission, in writing, from the Council.

Where an unsuitable (*eg* over-large, poor repair, permanent) structure is erected by a Tenant, a warning notice will be issued requiring the Tenant to dismantle and remove the structure within a fixed period. If the Tenant does not comply, the Tenant will be issued a second and final warning notice. If the Tenant does not comply, the Council further reserves the right to remove unsatisfactory structures and to recover the cost of dismantling and removal from the Tenant. The Tenancy will then be terminated.



Where structures are allowed, they must be kept in a good state of repair and condition, to the satisfaction of the Council.

Permanent structures, foundations or groundwork are not permitted to be erected, installed, or created by allotment tenants.

This includes poured concrete steps, foundations, concrete-lined ponds or deep-sunken solid structure ponds (*eg* bathtubs). Where such structures have been erected in the past, there will be a year's grace from the date of notification allowed for their removal.

Structures that are out of proportion to the size of the plot or that overshadow or in other ways encumber other plots are not permitted.

a. Sheds and storage

Sheds, storage boxes and storage frames are only permitted on some allotment sites. IF they are allowed on your site, permission to erect a structure must be agreed in advance. It is *essential to seek the advice of the Council*, particularly with respect to size, materials, and siting; and to ask permission, in writing (hard-copy or email), from the Council. As a general rule, where allowed, sheds or storage boxes should be of the minimum practical size for their purpose and should not exceed a footprint larger than 10% of the overall plot for an individual structure, or 20% in aggregate for multiple structures.

Sheds and storage must not be permanent. Stability should be achieved with temporary anchors, loose-laid paving slabs, robust pallets (see the note on pallets in this document) or other wooden base.

Sheds and storage boxes should be made secure against thieves. The Council accepts no liability for items stored on the site.

b. Glasshouses, greenhouses, netted arbours and polytunnels

The Council recognises that glasshouses are a traditional means of extending the growing season. Where an existing glasshouse is kept in good condition, with any broken panes immediately removed and replaced, preferably with for-purpose polycarbonate panes, the Council will take no action. Where, however, a glasshouse is in poor condition, notably with broken panes, the Council will insist on immediate repair or removal.

Polycarbonate greenhouses or polytunnels may be considered; it is, however, *essential to seek the advice of the Council*, particularly with respect to size, materials, and siting, and to *ask permission, in writing (hard-copy or email), from the Council*.

As with any other structure, glasshouses, greenhouses and polytunnels must be in proportion to the size of the plot, of the minimum practical size for their purpose (and should not exceed a footprint larger than 10% of the overall plot for an individual structure, or 20% in aggregate for multiple structures) not be detrimental to neighbouring plots; and be kept in good condition.

c. Compost enclosures and wooden Pallets

Allotment tenants are strongly encouraged to create their own organic compost. Wooden structures built for the purpose of containing manure, woodchip and other organic material are acceptable. Compost enclosures should be of the minimum practical size for their purpose and they should not in any way intrude upon neighbouring allotments. Modest-sized, purpose-made compost 'bins' or makers, which may be portable, are acceptable.

An important note on Pallets: Not all pallets are safe to use...



- If you wish to use pallets for, *eg* compost enclosures, check the stamps/markings on your pallet. Pallets stamped with the letters ‘MB’ (which stands for methyl bromide) or CP (CP1, CP2, etc., which indicates pallets used in the chemical industry) **MUST NOT** be used.
- Avoid pallets, or any composite wood product, that include compressed woodchip and glue.
- Blue and Brown Pallets should not be used as they may have passed through a chemical fumigation process on their journeys.
- Pallets with no stamps/markings are generally safe to use.
- Pallets marked with ‘HT’ are heat-treated and are safe to use.

d. Fencing and borders

Border structures and fences are not permitted on every Lewes Town Council Allotment site. IF they are permitted on your site they must not be permanent. This means they must not be anchored with concrete. Below-ground rabbit-proofing, such as chicken wire, or corrugated metal, must be kept in good condition and removed entirely when deteriorated.

Internal borders (between neighbouring plots and within your own plot) should be as inobtrusive as possible.

A note on glass bottles: re-purposed glass bottles have in the past been used to create borders. Where such borders are well-maintained and the glass is entirely visible and not at risk of breaking, this repurposing of bottles will be allowed. Where there is any sign of deterioration, however, the glass must be immediately and safely removed.

10. Plastics

The use of plastic on allotments is generally discouraged, but the usefulness of specific items is recognised. *Please read this section carefully.*

Tenants **MAY USE** the following, *provided they are in good condition*:

- Plastic containers, such as water-butts and heat-activating composters.
- For-purpose weed-suppressing fabric (though alternatives, such as non-tanalised wood chippings, are recommended)
- For-purpose netting
- Poly-tunnel materials
- For-purpose heavy-duty pond liner
- Heavy-duty builders’ sacks (*eg* for compost or for the gathering **and removal** of unwanted materials)

‘Good condition’ means not degrading, shedding, fragmenting, or splitting. When any item *begins* to degrade, fragment, or shed it must be immediately and safely removed. This includes especially any plastic that is covered or below the soil surface.

11. Carpeting, rugs, underlay, foam products

In the past, carpeting, rugs and some forms of underlay have been used, *eg* as weed barriers and were considered an effective part of permaculture gardening. Unfortunately, the vast majority of carpets, rugs and underlay now contain plastic weave as well as chemical binders and many carpets, rugs and underlay are made entirely of synthetic materials, including foam backing. These materials rapidly degrade in contact



with soil and exposure to the elements, effectively littering and poisoning the soil beneath.

Consequently, carpets, rugs, underlay, and foam products are not allowed on Town Council allotments.

There are two exceptions to the 'no carpet' rule: rugs or carpets made from 100% cotton or 100% wool (to include all elements of the weave, backing, etc.), but tenants will be required to provide evidence of this. Council policy will be: "if in doubt; leave it out".

Foam is rarely used on allotments, but can 'sneak in', usually in the form of underlay, 'insulation' or backing. Foam degrades incredibly quickly and should not be used on the allotment.

12. Tyres

The most recent research on the use of tyres on allotments suggests that even old tyres continue to leach toxins when in contact with soil and with exposure to the elements. While the main ingredient in tyres is natural rubber, the stabilisers and other chemicals used to enhance the performance of the tyre are toxic. While the Council would like to support alternative uses for tyres, it appears that the longer-term risks to soil are too great.

As a general rule: Where poor quality, degrading or non-purposed plastic sheeting, bags, bottles, or carpet, rugs, underlay, foam, or tyres are in existing use, Tenants will be issued with a warning notice that these items must be safely removed within a specified period. *Failure to remove items within the specified period will result in the Council charging you for removal of the items and immediate revocation of your Tenancy.*

13. Unused materials and storage

Materials brought to the allotment should be for the purposes of improving your plot in the immediate or near future. Materials brought on site for future projects should be kept neatly, ideally (where possible) in a shed or storage box or stacked in a discreet area of the allotment.

Allotments are not a place to store over-flow materials from homes or gardens or to keep rubbish that should go to the tip.

Unusable rubble sacks, old bits of wire, rusted fencing, corroded metal, degrading plastic (see above), unused toys *etc* must be safely removed and disposed of properly. Keeping such items on your plot is a breach of your tenancy agreement. Failure safely to remove items within the time stipulated in a warning letter will result in the Council charging you to remove the items and revoking your tenancy.

The Council recognises that new tenants may have inherited unwanted materials on their allotment and that removing *eg* buried wire fencing can be a painstaking endeavour. If you are a new tenant (new, for these purposes, is within the first year of your tenancy) and you discover significant amounts of unwanted/dangerous materials left by the previous tenant(s), you should document what you have found (take photos, provide notes on materials' location, particularly if they are below ground) and immediately advise the Council.

If you have any questions regarding this policy statement, please contact us at:

Customer.services@lewes-tc.gov.uk or telephone 01273 471469

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