

LUDGERSHALL TOWN COUNCIL

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Small holdings and Allotment Acts, 1908 to 1931, and the Allotment Acts 1922, 1925 & 1950.

RULES AS TO ALLOTMENT GARDENS IN LUDGERSHALL

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This document refers to small holdings and Allotment Acts, 1908 to 1931, and the Allotment Acts 1922, 1925 & 1950.

RULES AS TO ALLOTMENT GARDENS IN LUDGERSHALL

*Note; copies of all Allotment Acts are available free to view on-line at <http://www.legislation.gov.uk>

1. Introduction

a. Throughout these Rules the expression 'the Council' means the Town Council of Ludgershall or Faberstown and includes any Committee appointed by the Council.

*Note: The council does not provide any allotment plot maintenance services such as weed clearance, maintenance, cultivation, removal of structural items, tree removal, hedge cutting or removal, or any other tasks which are the responsibility of the tenant.

b. Any man or woman who is a resident in Ludgershall or Faberstown shall be eligible to apply to the Council for an allotment. Whilst the Council operate a one plot per household policy, at their discretion consideration may be given to offer a second plot if there are plots available and there is no waiting list.

c. The allotments are let at the sole discretion of the Council.

d. Joint Tenancy may be permitted at the discretion of the Town Council.

*Note; the National Allotment Society provides good on-line guidance and advice on a range of subjects to those with an interest in allotment gardening; <https://www.nsalg.org.uk/>

2. Definitions

a. **Allotment Officer** – The nominated member of staff from the Council responsible for the management of the Allotment Sites on behalf of the Council.

b. **Allotment Plot** – the area named on the Tenancy Agreement.

c. **Annual Rent** – the annual rent payable by the Tenant to the Council for the cost of the Allotment Site to be paid in December.

d. **Association Representative** – Volunteers who form an allotment association. They act in the interests of and on behalf of tenants for all matters relating to a particular allotment site, its upkeep and development and liaise with the Council.

e. **Buildings** – that are considered acceptable are sheds, greenhouse, polytunnels.

f. **Council** – Ludgershall Town Council.

g. **Cultivated** – the plot is planted with crops, seeded, or fully prepared for planting.

h. **Livestock** - bees, chickens & rabbits.

i. **Nuisance** - could include but is not limited to: bad or racist language, getting drunk, playing loud music, overgrown weeds, inconsiderate bonfires or inappropriate posts on social media.

j. **Rules** – These Rules and Regulations.

k. **Tenancy Agreement** – A legally binding written document which records the terms and conditions of letting a particular Allotment Plot to an individual Tenant.

l. **Tenant** – a person who holds an agreement for the tenancy of the Allotment Plot.

m. **Specialist Service** – Qualified Trades people.

n. **Uncultivated** – either fully or partially overgrown, insufficient or no planting is present, and no effort has been made to keep the plot clear and tidy.

o. **Vermin** – rats, swarming wasps and bees.

p. **Warden** – a Tenant who represents Tenants and assists the Council in the management on a specific Allotment Site.

3. Tenancy Agreement

a. The tenancy shall be annual, renewable December each year on the payment of all monies due.

- b. Ludgershall Town Council reserves the right to refuse renewal of any tenancy if the plot has been repeatedly reported as being uncultivated (see 2. Definitions point n - Uncultivated).
- c. The rent, payable in advance, shall be an amount as determined by the Council and is due by the 1st January each year. The rent shall be payable at a date and place which shall be published by the Council.
- d. Tenants will comply with all the Rules and Regulations as stated in this document.
- e. From 1/1/2024, there will be a deposit requested from all new tenants of an amount as determined by the Council.
- f. An inspection by the council prior to tenancy will be carried out.
- g. Tenants must not cause any nuisance or annoyance to the occupier of any other Allotment Plot, adjoining landowners or the occupiers of nearby houses.
- h. Tenants must not obstruct or reduce the width of any path between the Allotment Plots, or block or obstruct the main track on the Allotment Site.

4. Use of Land

- a. The allotment plot is for the personal use of the tenant.
 - b. No tenant may use the allotment for any commercial project.
 - c. Bonfires/Incinerators on the allotment are discouraged by the Council, but where they are lit the bonfire must not be left unattended. The tenant shall not bring material onto the allotment for the purpose of burning.
 - i. Bonfires are allowed for the burning of materials from the Allotment Plot only, ie diseased plants and dried out organic material that will burn without smoke or hazardous residue.
 - ii. Bonfires should be **after** 7pm during the Summer months and 4pm in the Winter months.
 - iii. Bonfires must be in a purpose-built incinerator and supervised at all times.
 - iv. No household rubbish, rubber, plastic (including bottles and bags), foam, tyres or oils shall be burnt.
 - d. The tenant is not permitted to plant any trees other than fruit trees (edible fruits for human consumption) on their plot. Any breach will result in removal at any trees at their own cost or charged for removal by the Council.
- *Note: It is a criminal offence in the UK to knowingly plant or otherwise cause to grow any plant which is classed as an 'Invasive species', as listed in the Wildlife and Countryside Act 1981 (Variation of Schedule 9) (England and Wales) Order 2010 (the Order) as amended. Any person found guilty of such an offence can be prosecuted and liable for a fine not exceeding £5,000 or imprisonment.
- e. The Council encourages all tenants to restrict their use of chemicals on allotments but if chemicals are used, they should not stray or seep on to neighbouring plots or paths.
 - f. Plot Marker - Tenants must ensure their plot is numbered and must keep the plot number clean, readable and displayed in a prominent position at all times. If there is uncertainty as to the plot number, see section 3, the Tenancy Agreement.
 - g. The Tenant shall use the land as an Allotment Plot only as per the Allotments Act 1922 (that is to say wholly or mainly for the production of vegetable, fruit and flower crops for consumption or enjoyment by the Tenant and family) and for no other purpose.
 - h. The Tenant is responsible for the health and safety of all persons on the Allotment Site insofar as any harm is caused to any persons as a result of the Tenants keeping of livestock on the Allotment.
 - i. Tenants must comply with all reasonable or legitimate directions given by an Officer of the Council, or representative, in relation to an Allotment Plot or Site.
 - j. Tenants must not bring on to the Allotment Plot, or store, any items other than for horticultural use.

No permanent children's play equipment is to be kept on the Allotment Plot.

5. General Conditions under which the Allotment is to be Cultivated

- a. The tenant of the allotment shall comply with the following conditions:
 - i. Keep the allotment clean, weed free, and in a good state of cultivation.
 - ii. Not cause any nuisance or annoyance to the tenant of another allotment or nearby residents.
 - iii. Not obstruct or reduce any path set out by the Council for use of the tenants of allotments. All paths that form part of the allotment should be kept clean and properly trimmed.
 - iv. Not underlet, assign, or part with possession of the allotment or any part of it without the written consent of the Council.
 - v. Not take, sell, or carry away any material produce, gravel, sand, or clay.
 - vi. Not use barbed wire or electric fences for any purpose.
 - vii. Not use vehicular tyres for cultivation.
 - viii. No dogs to be brought onto the allotment site.
 - ix. All waste material must be removed from the Allotment Plot and disposed of in an appropriate manner.
 - x. Shall not take anyone else's produce or property from their plot without their permission. This constitutes theft.

6. Erection of Buildings

a. Application for permission to erect any structure must be made in writing to the Clerk of the Council, stating its nature and dimensions. Permission will only be given if the following rules are observed:

- i. **Sheds** – to be no more than 2m long x 2m wide. Raised 0.225m above ground level.
- ii. Greenhouses – to be no more than 4m long x 3m wide. They may be timber/aluminium framed with glass or Perspex sheeting.
- iii. Poly tunnel – to be no more than 4m long x 3m wide
- iv. Hen house – to be no more than 3m long x 3m wide. Raised 0.225m above ground. They shall be purpose made. Runs including the poultry house must not exceed 6m x 6m or 36sq.m and shall be of angle iron/timber post and a maximum 2m high with wire net fencing.

*Note; for additional specifications and guidance please see section 15 – addendum to Rules, and Appendix 1.
Guidance for Rats

- b. The number of structures placed on a plot cannot take up more than 30% of the surface area.
- c. All structures are to be maintained in a good state of repair, as to satisfy the Council.
- d. It is the responsibility of the tenant to remove structures from the allotment site at the termination of the tenancy.
- f. If the Council is not satisfied with the condition of the structure, the Tenant shall either alter or repair it to the satisfaction of the Council or remove it within 1 month of instruction by the Council to do so. If the structure is not removed, the Council may remove it, and the Tenant will be charged for the removal.

7. Livestock

*Note; The UK Laws and RSPCA good practice guidance pertaining to the keeping of livestock on allotments is provided in Section 15.2 of these rules and must be complied with at all times.

a. Application for permission to keep livestock **must** be made in writing to the Clerk of the Council. Permission will **only** be given if all livestock is kept under current animal welfare rules and regulations. The following are the type and numbers of livestock permitted:

i. Hens – The Allotment Act 1950 allows tenants to keep hens. No less than 3 hens and no more than 12 hens will be permitted for each allotment.

ii. Ducks – may be kept, but the combined total of hens/ducks must not to exceed 12.

iii. Rabbits – The Allotment Act 1950 allows tenants to keep rabbits providing they are not prejudicial to health, affect the operations of any enactment or constitute a nuisance. A maximum of 10 rabbits to be kept at any one time.

iv. Cockerels, bees, pigs and goats - are NOT permitted to be kept on the allotments.

b. Guidance on how to reduce the Rat Population on Allotment Sites is provided by the National Allotment Society via the following link <https://www.nsalg.org.uk/wp-content/uploads/2021/05/NAS-Rats-on-allotments-1.pdf>

c. Should vermin be attributed to a Tenant's livestock the Tenant will be responsible for any pest control costs incurred by the Council.

d. A 24-hour contact number must be provided to the Council and displayed on the housing for use in the event of an escape, or an animal in distress.

8. Water

a. The water supply is to only be used for the purpose of watering plants on the allotment.

b. Any damage or leaks are to be reported to the Clerk of the Council as soon as reasonably possible.

c. The Council turns off the water supply during the months November to March, or when severe frost is forecast.

9. Power to inspect Allotments and issue of Warnings

a. Any officer or member of the Council shall be entitled at any time to enter and inspect an allotment.

b. The Council, its appointed Officers or Warden is entitled to enter any Allotment Plot for inspection of the state of cultivation and general condition of the plot.

c. Abusive, aggressive, threatening or confrontational behaviour towards the Council's representatives, adjoining owners or occupiers of the Allotment Plots will not be tolerated. Any instances of such behaviour may be a breach of criminal law and may be reported by the aggrieved to the police for further action.

g. General routine site inspections will be conducted by the Council or it's appointed Officers at regular intervals during the summer growing months. Each visit shall be recorded on an inspection form.

d. If during a plot inspection a plot is considered to be in an unacceptable condition, the Council shall write (first letter) to the Tenant giving 28 days in which to respond with any mitigating circumstances and produce a timescale to rectify the failings.

e. A further plot inspection will take place a minimum of 28 days after the first letter and if no action has been taken by the Tenant a second letter shall be sent, by the Council, to the Tenant giving 14 days in which to respond.

f. Failure to satisfactorily respond to the second letter will result in a written Notice of Eviction being served on the Tenant by the Council.

10. Change of address or other details

a. The tenant is to inform the Council of any change of address or other details and provide an emergency contact telephone number.

11. Vehicles on Allotments

a. When driving onto the allotments all vehicles must be parked on the car parks provided. No vehicle is to be parked on the pathways.

b. All vehicles must be insured and taxed and driven at 5 mph.

c. The Council accepts no responsibility for loss or damage to vehicles.

d. Bicycles can be ridden to and from the plot only.

e. Children are not permitted to cycle around the allotments.

12. Termination

a. The tenancy may be terminated by the tenant giving two months' notice in writing to the Council.

b. The Council may terminate the tenancy by re-entry after 28 days' notice is given in writing if:

i. The rent is in arrears for 14 days.

ii. The tenant is not duly observing the rules affecting the allotments

iii. If the tenant moves away and resides outside of Ludgershall.

c. If the allotment is persistently uncultivated, after 2 reminder letters have been sent by the Council, the Council has the right to repossess the plot and a repossession notice in writing will be sent. The notice may be:

i. Served personally

ii. Left at the last known place of abode

iii. Sent by registered letter

iv. Fixed in a conspicuous manner on their allotment.

d. The plot must be left in a clean and tidy condition, any building or structure must be removed and clear of any debris and rubbish at the termination of the tenancy.

e. An inspection by the council at end of tenancy will be carried out and any expense incurred by the Council to remove unwanted buildings or rubbish will be invoiced to the outgoing tenant or taken from the deposit.

f. Reclamation of Costs - If in the considered opinion of the Council's Senior Officers remedial work is required on a Tenant's building or the Plot is, or has not been left in a satisfactory condition, any work carried out to return a building or plot to a satisfactory condition shall be charged to the Tenant. (Allotments Act 1950 s4).

13. Council Responsibilities

a. The Council accepts no responsibility for loss or damage to such items nor any resulting injury however caused.

b. The Tenant shall remain responsible and liable for any acts or omissions by the Tenant or any person under the control of the Tenant leading to a personal injury claim.

c. Ludgershall Town Council cannot be held responsible for any health issues occurring as a result of tending your allotment plot.

d. The Council expects the Tenant to take out insurance to cover any loss or damage to personal property, and any third-party claim against the Tenant that occurs as a result of any action taken or not taken by the Tenant.

14. Liability of the Council

a. The Council will not be liable to any third party for injury or damage sustained on its allotment sites by reason of the action of any of its tenants.

b. The Council shall not in any circumstances accept responsibility for any disturbance of any allotment holders' tenancy by any person unless such person is acting under the direction of the Council.

c. The Council shall not accept any responsibility for loss or damage to buildings, implements, livestock and/or crops by theft or vandalism.

15. Addendum to Rules

15.1 Guidelines to Minimise Health Risks on your Allotment to yourself or others:

- Do NOT drink the water from the tanks/troughs or standpipes etc
- Wear gloves whenever handling soil, compost, fertilizer, or pesticides. Thin latex gloves (or latexfree for allergy sufferers) can be worn for delicate work
- Do not open bags of compost or potting media with your head right over it
- Fold over the top of compost bags when not in use
- Avoid potting-up in confined spaces
- Moisten dry potting media before use. Also dampen down dry compost heaps before turning or use
- Consider wearing dust mask when turning compost heaps and handling potting media or other dusty materials
- Avoid storing potting media in greenhouses as these will heat up and may encourage Legionella
- Empty the water out of garden hoses after use and do not leave full hoses in the sun after use
- Avoid splashing water around when watering pots
- Wear gloves and keep arms covered when pruning plants that can cause irritations e.g.: ivy (Hedera), Fremontodendron, Euphorbia or rue (Ruta)
- Only shred woody pruning's in an open, well-ventilated area
- Ensure tetanus jabs are up to date. Otherwise, see your local GP for a tetanus vaccination if you have cut yourself on a plant or got soil or manure in an open wound
- Discourage rats infestation by securing rubbish in bins and not putting cooked food on the compost heap. See section 7 b for a link to the National Allotment Society Guidance.
- Protect from water-borne diseases such as Weil's disease by wearing waterproof gloves, clothing and boots when clearing out ponds
- Always wash your hands after gardening and especially before eating
- Keep a hand sterilizing gel with you in case clean water is unavailable.

- Keep water storage containers such as tanks and butts clean by emptying and scrubbing out once a year. Insulate them to reduce temperatures increasing in warm weather or paint them with a light colour to reflect the heat
- If the temperature of stored water for use in mist irrigation or sprinklers is above 20°C, do not use.
- Children should always be accompanied by an adult and supervised on the allotment sites.

15.2 The keeping of animals or livestock on allotments

Subject to strict welfare codes covered by the Animal Welfare Act 2006 and enforced by the RSPCA and DEFRA. The Act states that "all animals have basic needs that must be fulfilled by their owner or keeper". Full guidance on animal welfare and the 2006 Act can be found on line via <https://www.gov.uk/guidance/animal-welfare#:~:text=The%20Animal%20Welfare%20Act%202006,environment%20and%20place%20to%20live>

Under the Act it is a criminal offence to cause unnecessary suffering to an animal. The Act states that all animals have basic needs that must be fulfilled by their owner or keeper.

- For a suitable environment (place to live).
- For a suitable diet.
- To exhibit normal behaviour patterns.
- To be housed with, or apart from, other animals (if applicable).
- To be protected from pain, injury, suffering and disease.

If any animal on an allotment is deemed a nuisance, health hazard or their well-being is affected then they can be removed, detailed RSPCA guidance about care for a variety of animals can be found via <https://www.nsalg.org.uk/wp-content/uploads/2012/05/Welfare-of-animals-on-allotments.pdf>

The national Allotment Society provides good on-line guidance keeping hens on allotments; <https://www.nsalg.org.uk/allotment-info/hens-on-allotments/>

15.3 Specifications for rat proofing a poultry pen

The poultry runs should be constructed of weld mesh with a maximum size of 1" x 1/2". This should be used for the sides and roof with no gaps. The sides should be dug into the ground on all sides to a depth of 12" and then extend out in an L shape a further 18". This is done to prevent rats burrowing under the sides. Anything larger and rats will squeeze through. Chicken feeders should be kept away from the sides of the run, to prevent grain, from falling through the mesh. Feed if kept on the plot, should be stored in a metal bin with a close fitting metal lid, and any spillage should be cleared up. The sides of the run should be kept clear of rubbish as should the rest of the plot.