

Provisions of Land for Use as Allotments

Item for Decision:	Members are asked to agree to the leasing of land in principle to West Moors Parish Council for the development of Allotment holdings.
Contributors	Chief Executive
Contact Officer	Neil Farmer, Head of Community Services
Financial Implications:	None Revenue: £1 + VAT income from lease if charged.
Council Priorities:	COM3 CUL1 CUL3 PER1
Recommendations:	It is RECOMMENDED that land identified in plan 1 to this report be leased to West Moors Parish Council under the terms detailed in paragraph 7.1 of this report and that a full public consultation exercise take place.

1. Applicable Lead Member Area(s)

1.1 Community; Culture

2. Crime and Disorder – Section 17 Implications

2.1 There are no Crime and Disorder issues relating to this report.

3. Equalities Implications

3.1 There are no Equality Issues relating to this report.

4. Risk Implications

4.1 There are no risk assessment issues appertaining to this report.

5. Introduction

5.1 During 2006 and 2007 in conjunction with Christchurch Borough Council, as part of the preparatory work relating to the preparation of the Local Development Framework, Consultants Inspace Ltd were employed to prepare an assessment of open space, sport and recreation needs, in order to meet the requirements of Planning 'Policy Guidance Note 17: Planning for Open Space, Sport and Recreation'.

5.2 The study identified a potential shortfall in land available for allotments in West Moors. This Council has received see Appendix 1 to this report a formal request from West Moors Parish Council asking that consideration be given to land in this Council's ownership being leased to the Parish Council for use as Allotments.

5.3 In addition to this site the Parish Council is also considering the suitability of land near to Sturts Farm and Canterbury Close.

- 5.4 This Committee considered and granted a similar request from Colehill Parish Council in September last year for use of land in its ownership off Leigh Road, Colehill.

6. Council's Legal Position

- 6.1 A general duty is placed on the Council, as well as Parish and Town Councils to provide allotments if the relevant council is of the opinion that there is a demand for allotments in its area. The demand can be expressed by a minimum of six council tax payers for the relevant area, making representations to the council, in writing seeking provision of the allotments.
- 6.2 Where the population of the relevant council area is under 10,000 people, the duty on the relevant council is to provide allotment gardens. These are defined as an allotment not exceeding one quarter of an acre in extent, which is wholly or mainly cultivated by the occupier for the production of vegetable or fruit crops for consumption by that person or his family. Where the size of the population is greater than 10,000 people the council's obligation is limited to the provision of allotment gardens not exceeding one eighth of an acre. Since there is a power to provide allotments, councils may choose to increase the land made available for the provision of allotments.

7. Request to Lease Land – West Moors Parish Council

- 7.1 If Members are minded to support this request it is proposed that the following terms and conditions would need to be fully met by West Moors Parish Council before this Council were in a position to lease the land identified:
- (i) The land identified has a covenant on it which restricts its use for public open space only. As allotments are not deemed as public open space this covenant would need to be removed. It will be the responsibility of West Moors Parish Council to undertake all necessary actions and to bare all relevant costs in relation to the removal of the covenant;
 - (ii) A full public consultation exercise and ecological survey takes place before any formal planning application is made;
 - (iii) This project to be considered in conjunction with any other proposed projects in the immediate area in order to ensure the maximum use of land and resources is made;
 - (iv) The lease will be for a period of 25 years with an annual rent of £1 plus VAT if charged;
 - (v) This Council will have the right to serve two years notice to vacate the site, but only if it has an appropriate alternative site to offer the Parish Council;
 - (vi) The Parish Council will be responsible for obtaining Planning Permission and all other appropriate licences and meeting the costs of those permissions and licenses;
 - (vii) The Parish Council will be responsible for all capital and revenue costs associated with laying out the site for allotments and the managing of them. This will include any uplift payment to the previous owner of the land if requested, should planning permission be granted and that permission materially change the status and therefore value of the land. In the event of the lease coming to an end no compensation will be payable by the Council to reimburse

any capital expenditure which the Parish Council has expended on the site;

- (viii) The site will be used for no other purpose other than as allotments unless agreement in writing is obtained from the Council;
- (ix) The Parish Council may not sub lease the management of the site to any other body unless agreement in writing is obtained from the Council;
- (x) The Parish Council will, to a brief set by this Council, provide all necessary security and access measures such as ditches, fences, footbridges etc, in order to adequately secure the Council's remaining land from unlawful trespass and to allow continued public access for recreational use to its other land holdings;
- (xi) The Parish Council will ensure the site is kept in a clean and tidy state appropriate to its use and this Council reserves the right to inspect the site and instruct the Parish Council to carry out any necessary repairs and reasonable improvements at its expense;
- (xii) The Parish Council will be required to obtain public liability indemnity insurance for use of the site and to indemnify the Council against any and all claims howsoever arising from the use of the site.
- (xiii) All formal or informal public access routes near the land in question must be maintained.

8. Appendices

8.1 Appendix 1 – Letter from West Moors Parish Council

9. Plans

9.1 Plan 1 – Land to be leased to West Moors Parish Council

10. Background Papers

10.1 None



West Moors Parish Council

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Clerk: Judi Weedon

Mr N Farmer
East Dorset District Council
Furzehill
Wimborne
BH21 4HN

23 February 2009

Ref: LT/AMEN/jw

Dear Mr Farmer

Provision of Allotments in West Moors

A number of council tax payers in West Moors have approached the Parish Council regarding the provision of allotments in the parish.

The Parish Council has identified several parcels of land that might be available and suitable for this purpose.

One of the possibilities for such a provision is on land owned by East Dorset District Council. The land is to the south of footpath No.5, behind the Brookview Nursing Retirement Cottages. The area is outlined in red on the accompanying map.

West Moors Parish Council formally requests that East Dorset District Council gives consideration, in principle to this request.

Thank you for your kind consideration and I look forward to hearing from you soon.

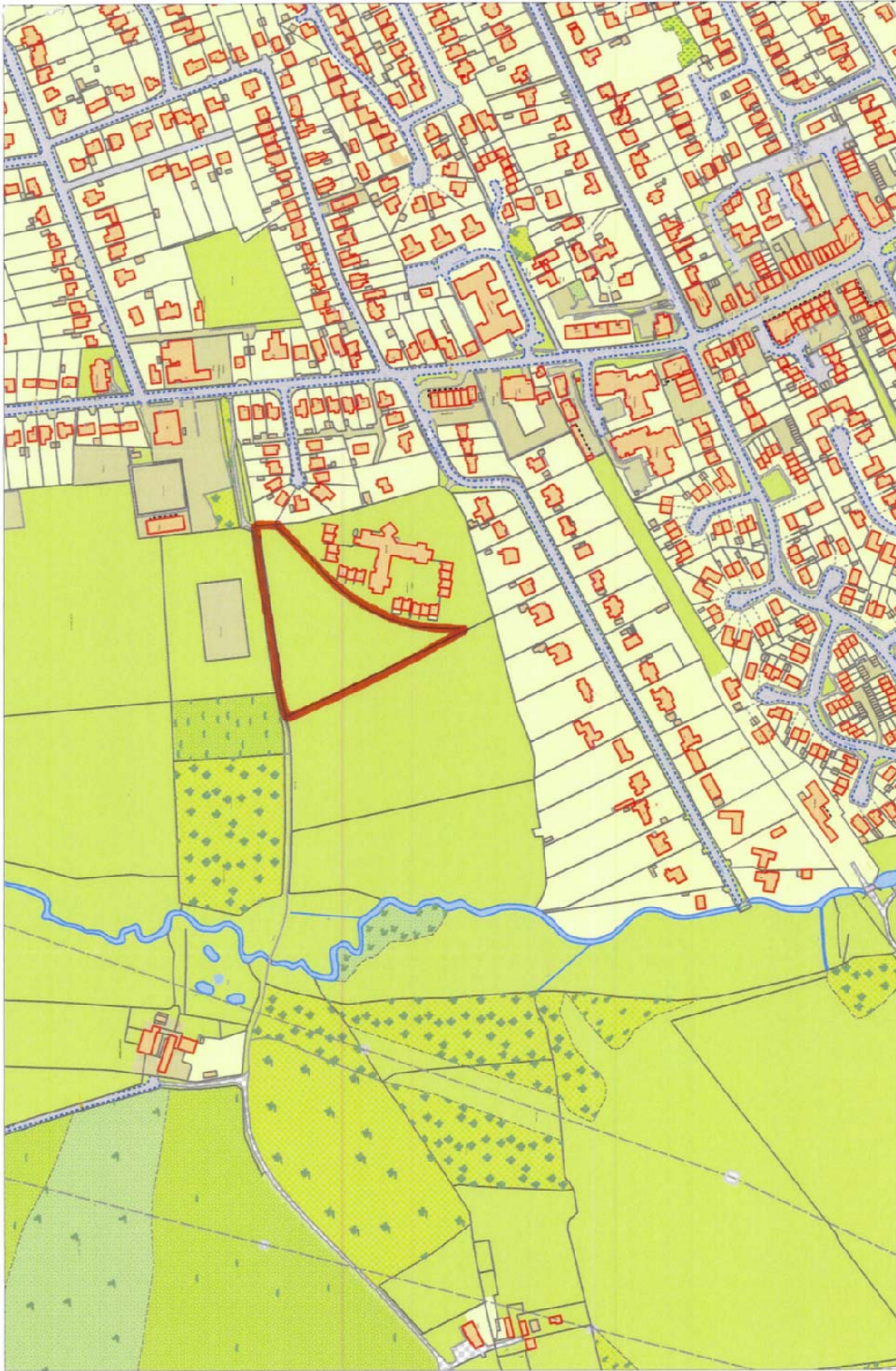
Yours sincerely

Judi Weedon
Clerk to the Council

EAST DORSET DISTRICT COUNCIL

FILE: 26 FEB 2009

	IN	OUT	IN	OUT
CLS	/			
MPHS		/		
HTS	/			



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