

Eye Neighbourhood Plan

Supporting Document 11 – Allotments Assessment

Background

1. Eye Town Council is considering whether or not to dispose of land it owns at Victoria Mill for development. The land is in two parts. The northern part is in agricultural use and the southern part is used for allotments. This paper outlines the considerations to be taken into account before decisions are taken by the Town Council regarding the Neighbourhood Plan and the disposal or retention of these assets.

Statutory Duties and Guidance

2. Local Councils have a duty to *consider* the provision of allotments:

'Consider the provision of allotments if there is demand for them from local residents and it is reasonable to do so'

(Small Holdings and Allotments Act 1908)

3. Local Councils cannot dispose of allotments without the permission of the Government:

"Where a local authority has purchased or appropriated land for use as allotments the local authority shall not sell, appropriate, use or dispose of the land for any purpose other than use for allotments without the consent of the Secretary of State".

This consent "may be given unconditionally or subject to such conditions as the Secretary of State thinks fit, but shall not be given unless the Secretary of State is satisfied that adequate provision will be made for allotment holders displaced by the action of the local authority or that such provision is unnecessary or not reasonably practicable"

(Section 8 The Allotments Act 1925)

4. The Government have also provided guidance about how disposal of local authority assets should be considered:

'Where land or property is identified as surplus, there are some important principles which will help ensure that land is disposed of effectively and efficiently. These include;

- Every disposal having clear objectives from the outset. These should establish the key objectives and targets for land disposal – for example, this could be to maximise housing capacity, receipt or employment floorspace, or to reduce costs through divestment.
- Disposals rooted in local plans. Land disposals should help deliver local planning objectives, addressing matters such as the requirement for a five year land supply, or the assessed need for housing and employment land.'

(DCLG March 2016)

5. If permission to dispose is obtained there are statutory requirements regarding disposal:

'Subject to the following provisions of this section, a parish or community council, or the parish trustees of a parish acting with the consent of the parish meeting, may dispose of land held by them in any manner they wish. Except with the consent of the Secretary of State, land shall not be disposed of under this section, otherwise than by way of a short tenancy, for a consideration less than the best that can reasonably be obtained.'

(Section 127 of the local government act 1972)

6. Decisions also have to made within the context of Eye Town Council's policies and procedures which require a decision of Council before assets are disposed of:

No real property (interests in land) shall be sold, leased or otherwise disposed of without the authority of the council, together with any other consents required by law.

In each case a report in writing shall be provided to council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate).

(ETC Financial Regulations 2017)

Decisions so far

7. The Town Council have taken the following decisions to investigate the development potential of the land at Victoria Mill:
 - To award the archaeology contract
 - To appoint Bidwells
 - A preparedness to dispose of the land on Best Value terms (obviously not the same as a decision to dispose!

(At 12/9/18)

The Agricultural Land

8. As part of the investigation the Town Council has applied for permission to dispose of the agricultural land. The first stage in the process was to seek the views of the National Allotment Society. It indicated that based on the information provided it had no objection to the disposal. The application to dispose was then submitted to the Secretary of State.who gave permission as follows:

The Secretary of State makes decisions with consideration of the relevant policy, unless there are exceptional reasons to justify departure from that policy. In this instance, the statutory criteria have been met and policy criterion have been met.

Therefore in pursuance of his powers under section 8 of the Allotments Act 1925, the Secretary of State gives consent for Victoria Mill Allotments, Eye.

Ministry of Housing and Local Government – 5th March 2018

9. In the original application it was stated that 'As far as we are aware the part of the site used for agriculture has never been used for allotments and therefore may not meet the definition of 'statutory' allotments'. An allotment holder provided evidence that some of the agricultural land was in use as allotments in 1999 which also showed that it was not in use in 2005:

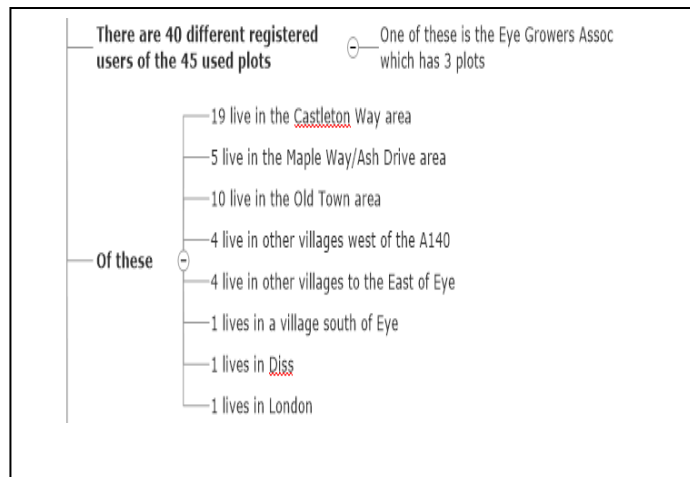
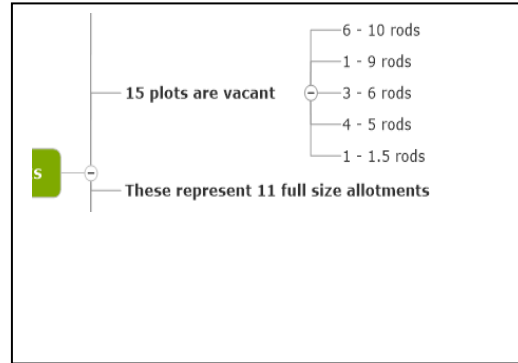
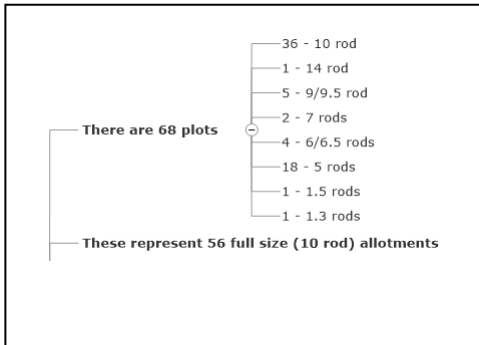


10. The Town Council has informed the National Allotment Association of this view and has asked whether it wishes to change its view regarding the application – it did not. The Secretary of State has also been informed and relied:

'The Secretary of State granted consent on the facts as presented at the time. In general, consent will stand unless it is successfully challenged in the Courts.'

The Allotment Land

11. The use of the allotments at August 2018 is set out below:



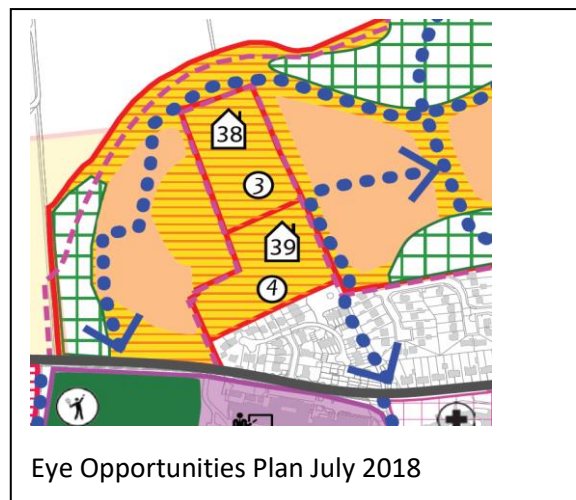
12. The Town Council has identified a number of criteria that would need to be fulfilled for the allotments to be moved to another site:

- Space for the provision of the number of allotments currently in use plus provision for a 50% increase if demand increases = 68 10 rod allotments.
- Soil quality of at least the standard of the current allotments across the whole site.
- Vehicular access and parking of a higher standard and quantity than is available on the current site.
- The alternative allotments are capable of being handed over to allotment holders at a time and in a condition to enable continuous cultivation.
- Allotment holders support the new location.

The Neighbourhood Plan

13. In the second consultation on the emerging Neighbourhood Plan both the Agricultural and Allotment Land were identified as housing sites with a combined capacity of 77 units. A Site Assessment undertaken by AECOM for the Eye Neighbourhood Plan Steering Group identified the sites suitable for development subject to access being obtained from the surrounding land which has outline planning permission for development. A Site Viability Assessment also prepared by AECOM assessed the development of the sites

to be viable subject to the affordable housing element being restricted to 22% of the sites capacity.



14. There have been a number of opportunities for local people to give their views on the value of the Agricultural Land and the Allotments.

October 2017 – drop in on Local Plan – Agricultural Land at Victoria Mill

- *Should the site be put forward for residential development in addition to the other sites?*
- 23 thought it should
- *Should the site be put forward instead of other sites?*
- 33 thought it should
- *Should the site not be put forward at all?*
- 19 thought it should not
- *So 56 people thought the site should be brought forward while 19 were against this.*

1st Neighbourhood Plan Consultation:

560 people voted for the facilities that are most important:

1 voted for the Riverside Allotments

2 voted for the Victoria Mill Allotments

In contrast 62 for post office, 80 for surgery, 17 for the Pennings, 13 for the car park toilets.

2nd NP Consultation – Allotments and Agricultural Land proposed for residential development:

2 comments;

- Please use landlocked agricultural land as green space
- Makes sense to develop Victoria Mill allotments and land

15. At a meeting of Allotment holders in September 2018 there was strong opposition to the development of both the agricultural land and the allotment land. Many explained the attachment they have for their allotments based on many years and in some cases decades of working the soil, building sheds and greenhouses and planting fruit trees and bushes. No matter how good replacement allotments were this added value could not be replaced. However this added value does not apply to the Agricultural Land which has not been in continuous use as allotments. Nevertheless the allotment holders have a considerable sentimental attachment to this part of the site and would prefer it be kept for future allotment or open space use.

The potential benefits of the sale of either or both the Agricultural and Allotment Land

16. The Town Council has ten priorities to guide medium term planning. One is that the Neighbourhood Plan should be used to make investment decisions so that should be the vehicle for determining the future use of the land. Another is that Town Council assets are used to benefit the town. If either or both the

Eye Town Council Priorities May 2018

- Using the Neighbourhood Plan to influence planning and investment decisions
- Ensuring Eye has the physical infrastructure it needs and that it is well used
- Ensuring that the Town Councils assets benefit the Town
- Addressing the needs of young people
- Support for the community sector
- A plan for car parking in the Town
- Introducing traffic calming
- Preparing a plan for green spaces and recreational areas
- Improving community safety
- Making Eye an attractive place for visitors

agricultural land were sold for a significant capital sum it could be used to help achieve a number of the other priorities such as buying additional car parking spaces or managing green spaces..

Finding Alternative Allotments

17. In order to allow local people to consider and comment on the development of the Agricultural and/or Allotment sites the Pre Submission draft of the Neighbourhood Plan proposes both the Agricultural and Allotment sites for residential development – in the latter case subject to suitable replacement allotments being located and the Town Council making a decision to dispose. Under the criteria established by the Town Council 68 full size (10 rod) allotments will be required. There are privately owned allotments at the Rettery which could accommodate an additional 8 allotments.

Andy Robinson

Langton Brook Consultants

23/10/18