

Appendix 5: Allotment Transition Rules

| Issue / activity | Time to change | | | | Reason / explanation |
|--|----------------|--------|-------------------------------|---------------------------------|--|
| | Immediate | 1 year | 5 years | Only when current tenant leaves | |
| Eligibility – Not resident in County Durham | | ✓ | | | Allotments should benefit residents of County Durham and timeframe is consistent with how tenants moving out of area after implementation will be treated. In addition, it will allow the tenant sufficient time to harvest any produce currently growing on the plot. |
| Co-workers - Not registered or registered less than 5 years then the first person on the waiting list has priority | ✓ | | | | If a co-worker has been registered for more than 5 years, they will take priority over the waiting list. To be promoted through existing tenants. |
| Plot-limits – Tenant has no more than two plots | | | | ✓ | Provided all the plots are used correctly the tenant should not be required to give any up that are above the new limit. The waiting list has grown over the past 2 years, and this will allow more individuals to have a chance to grow their own food. |
| Animals – Permitted animals not previously authorised by the Council (i.e. hens, rabbits and pigeons) | | | | ✓ | Provided that they do not prevent other requirements from being complied with (e.g. 50% cultivation). They should meet good welfare standards. |
| Animals – Small animals not permitted in the future (e.g. budgies, ferrets, guinea pigs, etc) | | | | ✓ | Although non-permitted small animals aren't consistent with allotment use, leaving them on the site until the end of the current tenancy should not be detrimental to their welfare (conditional on animals being registered with DCC within 12 months and cultivation requirements being met). |
| Animals – Large animals not permitted in future (e.g. horses, pigs, goats, large birds, etc) | | | ✓ or when it dies | | Allotment plots cannot generally provide for the welfare needs of larger animals; however, finding an alternative location to keep them could take time (conditional on animals being registered with DCC within 12 months). Specific welfare concerns will be referred to the RSPCA and a shorter timescale will be set if they advise it is required. This is in line with Scrutiny recommendations. |

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| Bees allowed – Not previously authorised by the Council. | | | ✓ | | Provided there have been no problems caused by the presence of the bees there should be no requirement to remove them and 5 years is sufficient time for the plot holder to attend a BBKA training course (conditional on retrospective authorisation being requested from DCC within 12 months). |
| Re-use – Materials being kept on the plot for use in the future | ✓ | | | | Materials brought onto site should be used within the main growing season. |
| Restriction on assignment – Plot being sub-let or similar | ✓ | | | | Registered tenant should have to use the plot or their tenancy should be terminated and the plot be offered to the next person on the waiting list. |
| Use of land – Plot being used to run a business | ✓ | | | | Allotments should not be used for business purposes for many reasons so any such activity should stop immediately. |
| Cultivation – 50% not cultivated and further 25% not in active use. | ✓ | | | | There should be nothing to prevent tenants from starting to prepare the ground for cultivation within the standard 3 month enforcement window and then demonstrating continuing signs of progress. An exception will be given for any fenced off part of the plot that is in use for an activity granted a longer transition (for example, housing non-permitted animals). |
| Restrictions on cropping – More than 25% of the cultivated area given over to fruit bushes | | | | ✓ | Provided the fruit bushes appear to be being actively harvested, the tenant should not be required to dig them up. |
| Restrictions on cropping – Fruit bushes planted within 1m of plot boundaries | | | | ✓ | Provided the fruit bushes are not causing a nuisance to other tenants / neighbouring property owners, the tenant should not be required to dig them up. |
| Dogs – Kept permanently on plots. | | ✓ | | | 1 year should be sufficient time to relocate the dogs. |
| Weeds – Areas of the plot are covered in weeds | ✓ | | | | There should be nothing to prevent tenants from taking action to clear and manage weeds within the standard 3 month enforcement window. |
| Fences, etc – Fence higher than permitted height | | | | ✓ | Or until the current fence needs replacing / repairing as it would not be fair to expect current tenants to spend money dismantling and rebuilding good fences that they did not erect. |

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| Fences, etc – Fence made of inappropriate materials | | | | ✓ | Or until the current fence needs replacing / repairing as it would not be fair to expect current tenants to spend money dismantling and rebuilding good fences that they did not erect. |
| Fences, etc – Barbed wire used on fence | ✓ | | | | To ensure the immediate removal of the safety risk posed by the barbed wire and the associated liability to the Council. |
| Fences, etc – Hedge higher than permitted height | | ✓ | | | Tenants should be able to cut hedges back within the standard 3 month enforcement window; however, this will not be possible during the bird nesting season and where the hedge is significantly out of control |
| Fences, etc – Drainage ditch not maintained | ✓ | | | | There should be nothing to prevent tenants from taking action to clear and maintain drainage ditches within the standard 3 month enforcement window. |
| Trees – Large trees already on plots | | | | ✓ | Existing large trees will remain until they die or are removed by DCC; however, tenants will not be allowed to plant new trees. |
| Water – Tenant has already tapped into existing water supply | | | | ✓ | Tenants should not be expected to undo something that they may not have done; therefore, DCC will need to sort out unofficial water connections at the end of the tenancy. |
| Buildings – Existing structures that are not one of the permitted types. | | | | ✓ | Tenants should not be required to expend money on buildings that they did not erect or formally take responsibility for. |
| Buildings – Existing structures previously put up without consent | | | | ✓ | Tenants should not be required to expend money on buildings that they did not erect or formally take responsibility for. |
| Buildings – Existing structures sited in locations not consistent with new policy | | | | ✓ | Tenants should not be required to expend money on buildings that they did not erect or formally take responsibility for. |
| Buildings – Existing structures not complying with new construction requirements | | | | ✓ | Tenants should not be required to expend money on buildings that they did not erect or formally take responsibility for. |
| Buildings – Existing structures not complying with new maintenance requirements | ✓ | | | | There should be nothing to prevent tenants from maintaining or dismantling structures that are on their plot within the standard 3 month enforcement window. |

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| Buildings – Existing structures not complying with the specific new rules on sheds, greenhouses / poly-tunnels, animal housing, compost heaps, and / or water containers | | | | ✓ | Tenants should not be required to expend money on buildings that they did not erect or formally take responsibility for. |
| Buildings – Existing greenhouses and poly-tunnels not being used for cultivation | ✓ | | | | There should be nothing to prevent tenants from taking action to cultivate in their existing greenhouses / poly-tunnels or from dismantling them to allow open cultivation. |
| Buildings – End of tenancy arrangements if new policy not followed | | | | ✓ | Tenants should not be required to expend money on buildings that they did not erect or formally take responsibility for. |
| Vehicles – Vehicles currently parked on plots | | ✓ | | | 1 year should be more than sufficient time to find an alternative location to store the vehicle (conditional on at least 50% of the remaining plot area being used for cultivation). |
| Nuisance – Tenants currently causing a nuisance | ✓ | | | | There should be nothing to stop tenants stopping the nuisance causing activity within the standard 3 month enforcement window. |
| Convictions / aggression – Tenants has already committed act | | | | ✓ | Tenants should not have retrospective action taken against them for incidents / offences that occurred prior to the implementation of the new policy as they would not have been aware that such things would impact on their tenancy. |
| Rubbish – Currently stored on plots | ✓ | | | | There should be nothing to stop tenants clearing rubbish from their site within the standard 3 month enforcement window. |
| Vermin – Plot currently infested with rodents | ✓ | | | | There should be nothing to prevent tenants from taking action to prevent and treat infestation within the standard 3 month enforcement window. |
| Bonfires / burning – Tenant not complying with new policy when burning materials | | | | | To be consulted on separately |
| Adverts – Tenant currently displaying adverts on their plot | ✓ | | | | There should be nothing to prevent tenants from removing any adverts within the standard 3 month enforcement window. |

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| Inspection – Tenant not willing to allow plot to be inspected | ✓ | | | | There should be nothing to prevent tenants from allowing the plot to be inspected within the standard 3 month enforcement window. |
| Termination – Tenant returns plot in worse condition than when they took it on | | | | ✓ | Unless a signed record exists of the condition that the plot was in when the tenant took it on. |