

Date of Meeting: 16 July 2020

Allotment Rules and Regulations

1. Purpose of Report

To consider amendments to the rules and regulations.

2. Background

The Town Council has previously considered a request to review and amend the allotment rules and regulation relating to bonfires and opening/closing times. It was agreed that the Town Clerk would research good practice with other organisations managing allotment sites and consult her findings with the Allotments Association, with recommendations for consideration to council.

3. Considerations

Request 1 – To ban bonfires

Current Rules and Regulations

The current rules states "*The tenant shall not allow bonfires and incinerators to cause a nuisance to occupants of other properties by the creation of smoke, fumes and/or flying ash, and not leave them unattended (see Regulations)*"

The regulations state "*Sections 79 and 80 of the Environmental Protection Act 1990 states: - Bonfires must comply with the rules and content of the Act (which relates to nuisances caused by smoke). Wherever possible bonfires should be avoided.*"

Good Practice

In researching other management organisations of allotments (predominantly councils) there was no evidence of bonfires being totally band. However, there are examples where bonfires are only permitted between October and April, and where only incinerators are permitted. There are also examples where the rules and regulations provide specific guidance on how or when to have a bonfire which including:

- The material is dry and clean e.g. not oily or painted you do not use oil or tyres to light the fire or leave it unattended
- you do not light the fire in the evening or when it is windy as weather conditions at this time of day often cause smoke to hang in the air
- you do not burn other material such as household refuse, plastics, foam, polystyrene or aerosol cans
- you keep the fire small and hot and feed it a little at a time to maintain the heat - this minimises smoke emissions. If the fire is kept hot a large amount of

material can be burnt in a short time. In this way a fire should last no longer than an hour

- you are considerate to your neighbours - have they windows open or washing on the line?
- you do not light a fire if the wind will blow significant amounts of smoke or ash onto nearby houses, properties or roads
- you do not allow the fire to smoulder; it should be doused with soil or water
- do not use petrol or any other flammable liquids to light bonfires as this can be extremely dangerous
- Avoid burning at weekends and on bank holidays when people are more likely to be in their garden.
- You must not burn materials that create toxic fumes and pollution, including: Plastic, tyres, painted or treated wood, chipboard, MDF, carpet

Some rules and regulations also provide advice on alternative methods of disposing of waste including composting, recycling centres etc.

Recommendation

There is no legislation for the prevent of garden or allotments bonfires, but there is legislation relating to potential nuisance of smoke from bonfires. As no evidence was found where bonfires are banned, it is recommended that the Town Council consider strengthening the rules and regulations to include specific guidance on how and when bonfires can take place. Introducing guidance as the examples given above.

Request 2 – To introduce opening and closing times at the allotments.

Current Rules and Regulations

There are currently no rules or regulations for Nantwich allotment holders on the opening or closing times of allotments.

Good Practice

There is no evidence where management organisations have introduced opening and closing times. However, there is evidence where the use of load machinery is prohibited at certain times of the day.

Recommendation

There is legislation relating to noise nuisance, but with no evidence of allotments having opening and closing times it is recommended that the rules are amended to include the use of loud machinery being prohibited between 10pm-7am. It is also recommended that a 5mph sign is erected on the entrances into the allotments. The rules already state the speed limit requirements.

In researching good practice, the Allotments Associations were also consulted on the proposals during a recent meeting of the Allotments Panel. There are no objections to the recommendations within this report.

4. Recommendations

4.1 That members approve:

- a) strengthening the rules and regulations to include specific guidance on how and when bonfires can take place, together with alternative methods of disposing of waste;
- b) the rules being amended to include the use of loud machinery being prohibited between 10pm-7am
- c) that a 5mph sign is erected on the entrances into the allotments.

5. Financial Implications

There would be a small financial cost to the purchasing of speed limit signs.

6. Equalities Impact

Not applicable

7. Personnel Implications

Not applicable

8. Environmental implications

Providing guidance on alternative methods of disposing of waste will help the environment.

9. Consultation

The allotments associations were consulted on the proposals.