

Tenancy Agreement

Terms and Conditions of accepting a tenancy for an allotment plot with Wivenhoe Town Council.

The Tenant, who must reside in Wivenhoe, hereby agrees with the Council as follows:

Use and Management of Plots

- To use the allotment plot as an allotment garden and for no other purpose.
- Not to cut or prune any timber or other trees or take, sell, or carry away any mineral, gravel, sand, earth, or clay.
- To only collect mains water, available on site, using a watering can, hoses only being permitted on allotment gardens if fitted to a water butt or similar container to collect rainwater.
- Not to plant trees in the ground, trees can be planted in pots, but these must not be buried, and that the pots must be placed on a slab to ensure no roots are able to enter the ground.
- Not to keep any animals or livestock of any kind upon the allotment garden.

Site Cleanliness

- To keep the allotment garden clean, free from weeds and well manured and otherwise maintain it in a good state of cultivation and fertility.
- To keep any pathway adjoining the allotment gardens mown, tidy and free from obstructions.
- Not to deposit or allow other persons to deposit on the allotment garden, any

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hazardous substance, refuse or any decaying matter (except manure and compost in such quantities as may be reasonably required for use in cultivation).

- Not to deposit any matter in any hedges, ditches or dykes situated in the said allotment or any adjoining land.

Health and Safety

- Not to cause or allow any nuisance or annoyance to the occupier of any other allotment garden or obstruct or encroach on any path or roadway set out by the Council for the use of the occupiers of the allotment gardens.

- Not to erect any fence of barbed wire adjoining any path set out for the use of occupiers of the allotment gardens.

- To ensure that any dog brought into the said allotment site is securely held on its leash.

Administrative Matters

- To pay the full rent and water charge in advance as required (unless a concessionary rent rate is agreed by the Council) on the first day of October of each year or at the start of your tenancy and then on the first day of October each year with no deductions.

- Not to underlet, assign or part with the possession of the allotment garden or of any part of.

- Not to erect any building on the allotment garden, on a non-permanent basis, larger than the following (asbestos building material not permitted):

- Shed 8' x 6'

- Greenhouse 10' x 8' or Poly-tunnel 10' x 8'.

- and regarding any building for which consent has been granted to erect the same in

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accordance with plans or specifications (and of materials specified therein) shall be submitted to the Council by the tenant.

- Not to erect any notice or advertisement on the allotment garden.
- To notify the Council of any change of address of the Tenant.
- That the Tenant shall yield up the allotment garden at the end of the tenancy in a reasonably clean and tidy condition, and to be free of any hazardous substances and materials or will be liable to a charge for the Council to bring it back to an acceptable standard.
- To permit any officer, agent, or representative of the Council to enter and inspect the condition of the allotment garden and any building erected or being erected. These inspections are carried out on a regular basis.
- The Tenant shall observe and perform any other special condition, which the Council considers necessary to preserve the allotment garden from deterioration and of which notice shall be given to the Tenant.
- After signing this agreement, the Tenant will be expected to commence work on the allotment garden. After six months, the Council expect 25% of the allotment plot to be cultivated, and after one year the Council expects 75% of the allotment plot to be cultivated, unless there are mitigating circumstances.

This tenancy shall cease under the following conditions:

- Following the death of the Tenant.
- By the Tenant giving the Council notice in writing signed by the Tenant or otherwise by agreement with the Council.
- By the Council giving the Tenant twelve months' notice in writing.
- By the Council at any time, after giving three months' previous notice in writing to the Tenant, on account of the allotment garden being required:

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- (i) for any purpose (other than for agriculture) for which it has been acquired under any statutory provision or
- (ii) for building mining or any other industrial purpose or for roads or sewers necessary in connection with any of those purposes
- By the Council at any time, after giving one month's previous notice in writing to the Tenant:
 - (i) If the rent or any part thereof is in arrears for not less than forty days whether legally demanded or not or
 - (ii) If it appears to the Council that there has been a breach or breaches of the conditions and obligations of this agreement by the Tenant.
 - (iii) If the Tenant moves out of Wivenhoe.

FAQs

Rules and regulations? What can I put on my allotment? We answer these questions and more.

Who can apply for an allotment?

Anyone over the age of 18 and a resident of Wivenhoe, can apply for a plot. If at any time you cease to be a resident of Wivenhoe, your tenancy will come to an end.

How much is an allotment plot?

There is a non-refundable annual charge for each allotment plot determined by its size in rods. Water is available on site and a charge for this is included in your annual rent determined by the plot size in rods. The charge is payable at the start of the tenancy and then on the 1st of October each year for as long as you keep the tenancy. Should a tenancy begin partway through the year, the rent is payable in full with no deductions and should a tenancy end partway through the year, the rent is not refundable.

The cost per rod is reviewed annually – contact the office to find out the current rate per rod.

Do you offer a concessionary rate?

Yes, a rent discount is available if a plot holder is experiencing financial hardship which is assessed on a case-by-case basis.

What are the allotment rules and regulations?

Wivenhoe Town Council's rules for having an allotment are set out in the Allotment Tenancy Agreement.

All allotment holders agree to the terms at the start of a tenancy and on rent renewal each year.

What condition will my plot be in when it is allocated to me?

Most tenants give up their allotment plot because they have struggled to maintain it. Your plot may have been in an uncultivated state for a few months and there may be weed growth.

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Maintaining an allotment takes hard work and dedication, especially in the first year and it can be useful to take advice from other tenants and [Wivenhoe Allotment and Garden Association](#).

What do you consider to be a cultivated plot?

We consider a plot to be cultivated if within 6 months 25% of it and within 1 year 75% or more of it is in productive use (e.g., flowers, vegetables, or perennial fruit) or the soil is overturned. There should be little or no long vegetation on the plot (e.g., weeds, brush, or grasses).

What can I use to suppress weeds?

You must comply with manufacturer's recommendations and take care to avoid any health risk to people, animals and the environment if using chemical weedkiller.

You should not use or allow the use of any chemical weedkiller which has a residual or long-lasting effect on the soil.

Covering the allotment with ground cover that can be purchased from the [WAGA Trading Hut](#) is a tested method of suppressing weeds.

It is best used when the plot has been cleared of weeds although some benefit is received if the plot is just covered even if not cleared as there is weather protection so that you can start clearing weeds that will have restricted growth earlier.

What do you consider to be the growing season?

The growing season is between March and November.

How do you ensure that all allotments are being worked?

We aim, with the assistance of WAGA, to inspect the allotment site approximately every 4-6 weeks during the growing season. During inspections we will check that the plots are being used correctly and if not, issue notices to plot holder who are then given a month to comply before further action is taken.

I've seen uncultivated plots on an allotment site. What will you do about it?

There can be several reasons why a plot is not being cultivated. These include, but are not limited to:

- We have recently issued a letter to the tenant about non-cultivation
- The tenancy has been terminated and a new tenant has not yet taken up the plot
- The plot holder may be ill or temporarily unable to cultivate the plot and we have agreed a hold on termination due to mitigating circumstances
- The plot may have been deemed unworkable, for example due to access issues

I already have an allotment plot. Can I have another?

Because demand for our allotments is high, we only allow one plot per tenant/joint tenant.

Can I add another tenant to my existing tenancy?

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Joint tenants are currently allowed at the beginning of a tenancy. Sometimes a person who comes to the top of the waiting list asks for a friend to be added thus avoiding the waiting time for the friend. They must remain on the waiting list during this time.

If someone who is waiting for a tenancy offers to assist an existing plot holder on a regular long-term basis, if that plot is subsequently given up by the tenant, the helper if they have reached the top of the waiting list and have asked to have their allocation deferred, will have first refusal of said plot.

I'm not happy about the condition of my allotment. Will Wivenhoe Town Council rotavate or remove rubbish from my plot?

The Council will not rotavate soil or remove rubbish from allotment plots. Tenants are responsible for and must dispose of all equipment and rubbish in a legal manner. Items not removed from allotment plots following the end of a tenancy or if requested to do so during a tenancy, will result in the tenant incurring a fee to cover costs of disposing of such items. In the case of a joint tenancy, each tenant will be jointly liable.

It is strongly advised that you take the opportunity to see the plot you are applying for before entering into a tenancy agreement.

Am I allowed to put a shed or greenhouse on my allotment?

Yes – A shed no larger than 8ft x 6ft and a greenhouse or poly-tunnel no larger than 10ft x 8ft, are permitted on a non-permanent basis.

No building materials that include asbestos are permitted.

We recommend consulting with adjacent allotment garden Tenants about the positioning of the building to ensure no blocking of light.

Am I allowed to plant trees on my allotment plot?

Trees planted in the ground are not permitted. Miniature varieties may be considered, provided they are planted in a pot placed on a slab to prevent the roots penetrating the ground.

Can I have a bonfire on my allotment?

Bonfires are not permitted anywhere in the allotment gardens or on adjoining land.

Can I invite guests onto my allotment?

The Council has the right to refuse admittance to the allotment site to any person other than the tenant or a member of his family unless they are accompanied by the tenant or a member of his family.

The Council is not liable for the health and safety of any allotment holder, or any persons brought onto the allotment site by an allotment holder.

Under no circumstances should any person sleep overnight on their allotment plot or in any building on their allotment garden or conduct any illegal activities within the allotment site.

Disputes between Tenants?

If a dispute between the Tenant and any other occupier of an allotment garden is referred to the Council and relates to the terms of the tenancy agreement, the Council's decision shall be final. We encourage allotment garden Tenants to liaise in the first instance with

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Margaret Medler, WAGA membership secretary who works with the Council on allotment allocation.

What if items are stolen or damaged from my allotment garden or building/s?

Although the Council has no responsibility of thefts or damage to property left on allotment gardens, we encourage tenants to inform WAGA of any such circumstances who, depending on the seriousness will advise contacting the Police. WAGA will also keep a log of all theft and/or incursion into an allotment and if there is a recurrent pattern then WAGA may well be able to help with further advice.

Who maintains the paths on the allotment site?

The tenant themselves are responsible for keeping pathways mown and reasonably free from weeds and to only use paving slabs, bark, or grass for pathways between or within each allotment plot.

Allotment water supply

Mains water is available for all plot holders on site and must only be collected by means of a watering can. Hoses are only permitted if fitted to a water butt or similar container.

We encourage all plot holders with a shed to also fit a water butt to collect rainwater and ensure that the allotments are as sustainable as possible.

[Who are WAGA?](#)

WAGA are an independent group of volunteers set up to promote allotment gardening, preserve allotments and to support allotment holders. Their efforts and hard work help to keep running costs low for tenants and in addition provide valuable advice, assistance,

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and facilities on site.

Although becoming a member of WAGA is not a requirement of being an allotment plot holder, we do encourage you to join for a modest annual fee to take advantage of the many benefits on offer and use of the facilities on site.

Apply for an allotment

Would you like to become an allotment plot holder? [Apply Now](#).

If you would you like to become a member of WAGA (you do not need to be an allotment plot holder) [Apply Now](#).