

## Terms and Conditions upon which Allotments are let

### General Conditions

The tenant of an allotment must comply with the following conditions:-

- 1 To keep the allotment and adjoining paths clean and free from weed, and to keep the allotment in a good state of cultivation and fertility.
- 2 Not to cause any nuisance or annoyance to the occupier of any other allotment or any other person, or obstruct any path within the allotments.
- 3 Not to sub-let, or part with the possession of the allotment.
- 4 Not to cut or prune any timber or trees, or take, sell or carry away any soil, mineral, gravel, sand or clay.
- 5 To keep every hedge forming part of the allotment properly cut and trimmed, keep all ditches properly cleansed and maintained and keep in repair any other fences and gates on the allotment.
- 6 Not to erect or place any building or other structure on the allotment without the written consent of the Council. Any building or other structure erected or placed on the allotment by the tenant shall be removed and the site properly reinstated by the tenant before the end of the tenancy. If the tenant does not comply with this condition, the Council, or any subsequent tenant of the allotment may remove anything left on the allotment and dispose of it without incurring any liability whatsoever.
- 7 Any structure erected on the allotment shall be constructed and finished in materials approved beforehand by the Council.
- 8 Not to use barbed wire for any fence within the allotments.
- 9 To keep the post showing the number of the allotment prominently displayed.
- 10 Not to use the plot for any purpose other than that of an allotment garden, or otherwise than is permitted by any relevant law.
- 11 Not to keep any birds or animals (except hens and rabbits) on the allotment plot, without the written permission of the Council.
- 12 To restrict the number of hens or rabbits kept on an allotment to a total of 12. The area in which they may be kept cannot be more than 1/3 of the total plot. The remaining 2/3 of the plot must be kept in a good state of cultivation.

- 13 Care should also be taken to avoid creating hazards by the construction of features on the allotment or the storage and usage of chemicals, fuels and hazardous materials. The use of all Asbestos products is prohibited; if you discover Asbestos or suspect it, please inform the Councils Authorized Officer of its location who can provide advice on how to treat it and arrange the removal of it.
- 14 As of the 1 April 2010 new tenants must be resident in the High Peak and will be restricted to no more than one allotment.

### **Termination of Tenancy**

- (1) The tenancy of an allotment shall terminate whenever the tenancy or right of occupation of the Council terminates.
- (2) It may also be terminated by the Council after one month's notice:-
  - (a) if the rent is in arrears for forty days or moreOR
  - (b) if the tenant is not observing the terms and conditions set out above, or if the tenant becomes bankrupt.
- (3) The tenancy may also be terminated by the Council by twelve months' notice in writing, expiring on or before 6 April or on or after 29 September in any year, or in any manner provided by law.
- (4) The tenancy may also be terminated by the Council after three months' notice in writing to expire at any time of the year on account of the allotment being required:-
  - (a) For any purpose (not being the use of the same for agriculture) for which it was required by the Council or has been appropriated under any statutory provision.OR
  - (b) For building, mining or any other industrial purpose or for roads or sewers necessary in connection with any of these purposes.
- (5) Should a tenant wish to terminate their tenancy agreement with High Peak Borough Council then **one months'** notice in writing must be given.

### **Prohibition of Certain Improvements**

The following improvements are not permitted:-

- (1) Planting of standard or other fruit trees or fruit bushes permanently set out.
- (2) Planting of strawberry plants.
- (3) Planting of asparagus, rhubarb and other vegetable crops which continue to be productive for two or more years.