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Our Ref: SW/THM/8297/40

Dear Sir

DISPOSAL OF ALLOTMENT LAND, PLOT 1, AT BLACKSMITHS LANE, PRESTBURY

1. I am directed by the First Secretary of State to refer to your letters of 17 and 30 June 2004 about the Council's proposal to sell 144 square metres of allotment land, shown coloured green on the attached plan and identified as Plot 1 and to say that, in pursuance of his powers under Section 8 of the Allotments Act 1925, he has considered your Council's application against the criteria listed below. He has also taken into account the objections that have been received to the proposed disposal, including those from the National Society of Allotment and Leisure Gardeners and some of the ploholders on this site.

2. Prestbury Parish Council operate a priority system whereby parishioners are given first preference for vacant plots followed firstly by applicants living within one mile of the parish boundary and finally applicants living beyond that limit. Plot 1 is currently vacant and your Council are proposing to use the proceeds from the sale to fund major improvements to your sports pavilion. The Secretary of State's consent for the disposal of statutory allotment land will only be given if he is satisfied that;

- (i) the allotment land in question is not needed and is surplus to requirements;
- (ii) adequate provision will be made for displaced ploholders, or such provision is not necessary or is impracticable;
- (iii) the number of people on the waiting list has been effectively taken into account;
- (iv) the authority has actively promoted and publicised the availability of allotment sites, and has consulted the National Society of Allotment and Leisure Gardeners;
- (v) and the implications of disposal for other relevant policies, in particular development plan policies, have been taken into account.

Secretary of State's Considerations

3. There is a waiting list of applicants for plots on Blacksmith's Lane which includes a number of non parishioners. The Secretary of State takes the view that if there are no parishioners on the waiting list, then it would be reasonable to offer any available plots to waiting list applicants who live outside the parish. He therefore concludes that the allotment land in question is needed and is not surplus to requirements. Furthermore no evidence has been submitted that your Council has actively promoted or publicised the availability of Plot 1 nor has evidence been submitted that it has consulted the National Society of Allotment and Leisure Gardeners about the proposed disposal. In addition it has not been shown that the implications of the disposal in respect of other relevant policies, in particular development plan policies, have been taken into account.

4. Section 32 of the Small Holdings and Allotments Act 1908 requires that any revenue obtained from the disposal of statutory allotment land should be spent on discharging debts, acquiring new land for allotment use or improving the existing stock. In this case your Council has not indicated that any of the proceeds will be spent on allotment purposes, nor is it proposed to provide a replacement plot.

5. The Secretary of State therefore concludes that your Council's proposal does not meet the criteria for the disposal of statutory allotment land set out above and hereby refuses consent for the disposal of the land in question.

Yours faithfully

ANNE LLEWELYN