

- 2 MAR 2015

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"Coppers Rest"

Coldstyle Road

Liskeard

Cornwall PL14 6BH

Date 26<sup>th</sup> February 2015

Mr. S. Vinson

Town Clerk

3-5 West Street

Liskeard

PL14 6BW

Dear Steve,

Attached you will find my letter to the Properties Committee concerning Addington Allotments and why I am sure they would have difficulties trying to sell any part of it. I hope it does make sense.

Should you require any explanations or further information as to my referencing please do not hesitate to contact me.

Yours sincerely



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Dear Mr. Vinson

I write to you and Liskeard Town Council Properties Committee as both Secretary of Pengover Allotments Association and an allotment tenant at the Pengover/Addington site.

I noted from the Property Committee minutes of Tuesday 13<sup>th</sup> January 2015 during discussions on the Maudlin Farm Amenity Land mention was made and recorded to the effect, "if a portion of land at Addington was sold for building the money could be used to provide additional new allotments on the Maudlin Farm amenity land".

To date my research into the history and provenance of Addington Allotments has provided the following information.

#### The Conveyance Record

The land was sold to the Liskeard Urban District Council by Lieutenant Colonel Edward Holbyn Warren Bolitho (retired) for a sum of £108, the conveyance dated 22 February 1929. Lt. Col. Bolitho held the land "unencumbered fee simple" or in today's language, "without third party interests and in freehold ownership".

The Council under and by virtue of the Allotments Acts 1908 to 1925 agreed to purchase the land for the purposes of Allotments for the agreed sum and the transfer of the "fee simple" was assured free from encumbrances.

The Council also agreed to hold the same unto the Council in "fee simple" for the purposes authorised by the said Acts, which in today's language would mean they agreed to hold the land as allotments in continuum.

#### The Allotments Act 1925 Section 8

The above Act and Section show where a local authority has purchased land for use as allotments, the local authority shall not sell, appropriate, use or dispose of the land for any purpose other than use for allotments without consent of the Minister of Agriculture & Fisheries (today - the Secretary

of State). The section continues with further details as to the Minister not giving consent, displaced allotment holders and so on.

This Act and Section sets out the designation of a "statutory allotment", and gave security of tenure to allotments tenants.

#### Department for Communities and Local Government

#### Allotment Disposal Guidance: Safeguards and Alternatives (January 2014)

This note of guidance illustrates both statutory and policy criteria that must be met to gain consent to dispose of "statutory allotment" land.

Under policy criteria it states -

"The allotment in question is not necessary and is surplus to requirement", and further explains

"This criterion assumes that the site is either not being used or suffers from low occupation",

and is the basis for all of the guidance notes.

#### Conclusion

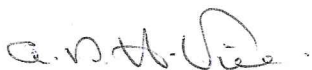
Without doubt the Addington/Pengover site attracted "statutory" designation under The Allotments Act 1925 Section 8 when it was purchased for allotments as the deed of conveyance clearly describes and further more the Council agreed that the land would remain as allotments without change.

The notes for Allotment Disposal are written assuming the allotments in question are surplus to requirements or the site has low take-up, whereas the Addington /Pengover site has remained in full occupation for a number of years now.

The Cornwall Local Plan Strategic Policies 2010-2030, A Green Infrastructure Strategy for Cornwall and Town Framework Plans Core Strategy – Planning Future Cornwall all hold allotments to be vital green leisure spaces or an area attracting Green Area Designation. Allotments are to be supported and developed in line with the plans for community farms/gardens and local food production.

The notion to sell part of the Addington/Pengover site for building is poorly founded and I think not a practical solution to be pursued. It has caused some alarm to allotment tenants who would now like to know where they stand. I would ask the Committee to consider its future plans for the Addington/Pengover site and that if they are in agreement that it is a "statutory site" attracting all the security of tenure afforded by The Allotments Act 1925, tenants should be advised of this and that the threat of sale of any part of the site has gone.

Yours sincerely



A.D.H. Vine