



Department for Levelling Up,  
Housing & Communities

Andy Kirkland  
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**Date:** 3 August 2023

Dear Mr Kirkland,

**Allotments Act 1925 Section 8**

**Location: Land at Central Avenue Allotments, Kirby in Ashfield**

1. I am directed by the Secretary of State for Levelling Up Housing & Communities to refer to your letter of 4 July and to subsequent correspondence regarding the council's proposal for Land at Central Avenue Allotments, Kirby in Ashfield, Nottinghamshire.

2. As you are aware the Government is committed to ensuring adequate protection is afforded to allotments. The Secretary of State's consent for disposal will only be given if he is content that Section 8 (the statutory criteria) of the Allotments Act 1925 is satisfied:

“consent may be given unconditionally or subject to such conditions as the Minister thinks fit, but shall not be given unless the Minister is satisfied that adequate provision will be made for allotment holders displaced by the action of the local authority or that such provision is unnecessary or not reasonably practicable”.

3. The Secretary of State's guidance, published 30 January 2014 sets out the assessment criteria against which applications for consent to dispose of statutory allotments are to be determined. These criteria are intended to provide a safeguard against the erosion of allotment sites through pressure on local authorities to provide land for other purposes.

4. The Secretary of State's consent will normally only be given if he is satisfied the following policy criteria have been met:

i). The allotment in question is not necessary and is surplus to requirements;

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- ii). The number of people on the waiting list has been effectively taken into account;
- iii). The council has actively promoted and publicised the availability of sites and has consulted the National Allotment Society;
- iv). The implications of disposal for other relevant policies, in particular local plan policies, have been taken into account.

### Considerations

5. In relation to Section 8 of the Allotments Act 1925, the Secretary of State considers that the statutory criteria have been satisfied in this case, as no allotment holders will be displaced by the proposal.

6. In relation to the policy criteria, the Secretary of State considers that criterion i), has been met, as both the Council and the National Allotment Society (NSALG) agree that the portion of the site constituting the disposal has not been in use for the purposes of allotment keeping and does not have useable plots.

7. In relation to criterion ii), the Secretary of State considers that this criterion has been met, as the disposal does not have an impact on any current waiting list for plots in the district.

8. In relation to criterion iii), the Secretary of State considers that this criterion has been met. The Council has outlined methods used for publicising the availability of sites and consulted NSALG, which responded in support of the disposal and the change of use of the portion of land indicated.

9. In relation to criterion iv), the Secretary of State considers that this criterion has been met and notes the reference made in the application to policy of the local plan related to affordable housing.

10. The Secretary of State makes decisions with consideration of the relevant policy, unless there are exceptional reasons to justify departure from that policy. In this instance, he is satisfied that the statutory and policy criteria have been met.

11. Therefore in pursuance of his powers under section 8 of the Allotments Act 1925, the Secretary of State gives consent for disposal of the land, approximately 0.55 Hectares in size, as indicated in the Council's application and associated location plan and as discussed with NSALG, at Central Avenue Allotments, Central Avenue, Kirby in Ashfield, Nottinghamshire.

Yours sincerely

*Rachael Beard*

**Rachael Beard (Decision Officer)  
Senior Planning Casework Manager**

*This decision was made by officials on behalf of the Secretary of State, and signed on his behalf*