



Cynulliad National
Cenedlaethol Assembly for
Cymru Wales

The Petitions Committee

Completion Report

**Summary of the Petitions Committee's consideration of
P-03-108 Allotments in Treherbert**

November 2008

Petition Received

February 2008

Ruled Admissible

25 March 2008

Initial Consideration**10 April 2008**

The Committee gave initial consideration to the petition, and agreed to write to the petitioners to ask that they provide more specific information on the action they would like the Assembly Government to take in relation to the protection of allotments, in light of the Minister for Environment, Sustainability and Housing's statement in plenary on 09 April 2008.

(See Annex 1 for the relevant extract from the transcript of the meeting on 10 April 2008)

Further Consideration**20 November 2008**

In the light of the lack of a response from the petitioner, the Committee agreed to close the petition as they were unable to progress it any further.

(See Annex 1 for the relevant extract from the transcript of the meeting on 20 November 2008)

Petitions Clerk

November 2008

Annex 1

Extracts from Petitions Committee meetings

10 April 2008

Val Lloyd: Our next petition is very topical. It concerns allotments, a subject that was raised in yesterday's short debate. It was an interesting debate. I was pleased that I was able to attend, as I found it very interesting.

The Minister, if I may start on it, raised some important issues. I know that we have an excellent MRS briefing paper, but the Minister also raised some issues regarding private allotments, as did the MRS paper, as well as some issues relating to the wishes of people who want allotments and the statutory duty on local authorities to provide them. I do not know whether any of the other committee members were at the debate. Basically, what we have here in this particular petition concerns private allotments, so it is a matter between the landlord and the tenants of the allotments. That would be a civil issue, and not one for the Assembly. However, the Minister also—

Bethan Jenkins: Perhaps I did not hear correctly, but I thought that the local authority was obligated to find significant plots even if it was private land.

Val Lloyd: I am just coming to that bit. However, I do not know whether that interpretation is right; I cannot answer either way. If people make a request for allotments from the local authority, the authority has a statutory duty to provide them. I am sure that that does not mean that they have to be provided in that exact area, because they would have to look for appropriate land.

Andrew R.T. Davies: Allotments are an emotive subject, and I hear that the situation varies between allotments, regarding the differences in ownership and all the rest of it. I appreciate that, in this case, the allotment tenants are working to a timeframe that may mean that, sadly, nothing can be achieved by this institution. However, there is an argument and a discussion to be had here. As a Member, I would certainly benefit from gaining a better insight into the experiences of these allotment holders, and maybe from building up a case history, I will get a better understanding of the issue.

Val Lloyd: I am not opposed to that, but the difficulty for me is that this is a private allotment. So, there is nothing that we can do about it, is there?

Andrew R.T. Davies: I fully understand that, Chair, but this will not be the last time that this issue comes before us. Although we should make it clear to the allotment holders in this instance that, sadly, we doubt whether there is much that we can do, as an institution, we should offer them the opportunity to present something to us so that we have a better understanding of it should the situation arise again.

Val Lloyd: Could we reach some sort of compromise and write to them in the first instance to ask for more evidence—in writing, unless the issue requires elaboration? As you said, in this instance, the problem is—

Andrew R.T. Davies: The timescale.

Val Lloyd: Not only the timescale, but the fact that it is a private matter for them and their landlord. No matter how we dress it up, we cannot do anything.

Michael German: The only issue—and it is a planning issue—is what a local authority's local development plan says about the use of that site. For example, if it

said that land would never be earmarked for residential use, that would create a planning presumption against that. I do not know whether the planning directions or the local development plan guidance provided by the Welsh Assembly Government include anything at all about what should be designated for land already being used for allotments.

Bethan Jenkins: I think that that is what Leanne's letter—

Val Lloyd: Yes, but that is Leanne's letter, and Leanne is not a member of this committee. We thank her for her letter, but we cannot accept it as evidence. It was not presented in time for the meeting. We thank her for bringing the matter to our attention, but I do not think that we can consider it. I think that we need to come at it from another direction.

Bethan Jenkins: On various occasions, we have received e-mails from petitioners prior to receiving the information formally, and we have been happy to consider those. So, for clarification, if we receive e-mails like this, is it the protocol that we do not discuss them?

Mr Sanchez: The point is that it came in at the very last minute and Members had not had enough time to consider it properly. Perhaps it could be considered at the next meeting if Members will have had time to think about it.

Bethan Jenkins: I think that that was due to the fact that they found out about it at the last minute themselves, and so they had to write a letter of this nature, because of the situation with the timeline for the closure of the allotments.

Val Lloyd: We are not referring to the petitioners' letter, but to Leanne's. I am sorry to be repetitive, but it remains the fact that, whatever the timeline, we would be unable to do anything on this, because the allotments are privately owned.

The local development plan is open for consultation for a considerable time, and the inspector will look at all the objections before it is finalised.

Michael German: I was referring to the stage before that. Does the Welsh Assembly Government issue any guidance on allotments to local authorities, outlining what they should do when land is currently allotment land, whether it is in private or other ownership?

Val Lloyd: We could write to the Minister and ask that, could we not? It could be in the planning policy guidelines.

Andrew R.T. Davies: It would be open to the owner to appeal at the inspection stage, and, if it were in a built-up or surrounded area, as most allotments are, it would be an anomaly not to—

Michael German: Guidance of this sort tends to become presumption, and then the presumption is challengeable—

Val Lloyd: I think that the whole thrust of the principle of allotments is first class; I am just trying to think about how we can deal with this. This petition focuses on the specifics, but we need to focus on the general, if anything. That is where I am coming from, because there is nothing that we can do about the particulars.

Michael German: The petition's wording asks whether there are steps that the Assembly can take to protect allotments throughout Wales, which is the point that I was trying to make about the development plans.

Mr Sanchez: In yesterday's short debate, a copy of which I have here, there was a statement citing 'Planning Policy Wales'.

'Allotments should be retained, particularly where they have an important open space function and contribute to sustainable development. A proposal to appropriate or dispose of statutory allotments for a different use would usually require the local authority to apply for the consent of the Assembly under Section 8 of the Allotments Act 1925.'

Michael German: However, that refers to statutory allotments as opposed to private allotments, which is what this is about.

Val Lloyd: Earlier in the Minister's reply, she made the comment that—shall I read it out? I will not read all of it out, as I printed only these two pages.

'Disputes between allotment holders and the landowner relating to private allotments are civil matters and Welsh Ministers cannot intervene.'

Michael German: But that is about disputes, is it not, as opposed to the point that we were talking about earlier, on how you designate land?

Val Lloyd: I agree that they are two separate issues, but you asked about private allotments.

Michael German: I am referring to the local development plan and not to the dispute.

Val Lloyd: We need to sort out what can be put in the local development—

Andrew R.T. Davies: I suggest that we go ahead with your earlier recommendation.

Val Lloyd: Thank you very much. That will save me going through it all again.

20 November 2008

Val Lloyd: The next petition is on allotments in Treherbert. Those are private allotments. We last considered this in April, after which we wrote to the petitioners to ask whether they wished us to add anything to the letter received from the Assembly Government and they have not responded. We have given them quite a considerable amount of time in which to respond.

Andrew R.T. Davies: If you do not get a response, there is not much that you can do.

Bethan Jenkins: They probably feel a bit despondent if they have now been closed, so they probably see no benefit in responding.

Val Lloyd: We have no option but to close it. We have waited a reasonable length of time.