

Extraordinary Economy and Property Committee	
Meeting Date	14 January 2026
Report Title	Sheerness Allotments (Medway Road and Richmond Street/Nursery Close), Sheerness – Asset Transfer
EMT Lead	Emma Wiggins, Director of Regeneration and Neighbourhoods
Head of Service	Joanne Johnson, Head Place Services
Lead Officer	David Johnson - Interim Property Consultant
Classification	Open
Recommendations	1. To delegate to the Head of Place to negotiate and agree terms of the transfer of the freehold interest in Sheerness Allotments (Medway Road and Richmond Street/Nursery Close) (as shown on the attached plans at Appendix I) to Sheerness Town Council. 2. To delegate the enactment of this transfer to the Head of Place, in consultation with the Head of Legal Services.

1. Purpose of Report

- 1.1 This report recommends the transfer of Swale Borough Council's (SBC) freehold interest in Sheerness Allotments comprising Medway Road and Richmond Street/Nursery Close (the "Sites"), off Medway Road and Richmond Street/Nursery Close, Sheerness, Kent, ME12, to Sheerness Town Council (STC), as shown on the attached plans (Appendix I).
- 1.2 The proposal supports the Council's Corporate Plan Community Priority to "Work in partnership with the local towns and parishes and voluntary sector on our community assets."
- 1.3 SBC's adopted Property Asset Strategy sets out the requirement to: "Make it a priority that the Council only retain land and property where it makes strategic or financial sense to do so. This should be to deliver services in line with corporate priorities, to generate income, to provide a return on investment, to enable regeneration or to provide social value."
- 1.4 The report sets out why officers recommend that negotiating a transfer as per the recommendation would be in line with this policy, particularly in reducing ongoing liabilities while supporting community stewardship of a valuable local asset.

2. Background

- 2.1 The sites comprise approximately 4.75 hectares (11.7 acres) of land used as allotment gardens across two locations: Medway Road (c. 2.5 hectares with over 100 individual plots) and Richmond Street/Nursery Close (c. 2.25 hectares with approximately 90 individual plots). They are managed as statutory allotments under the provisions of the Small Holdings and Allotments Act 1908 (as amended by subsequent legislation including the Allotments Acts 1922 and 1950), which places duties on local authorities to provide and manage allotments where there is demand. The Sites include pathways, fencing, water supplies, and associated infrastructure to support cultivation by plot holders.
- 2.2 SBC holds the sites on a freehold basis, though the titles are currently unregistered. Mid Kent Legal Services have been instructed to undertake the first registration of title, which is ongoing. The sites have been used for allotments since at least the 1980s, as evidenced by a management agreement dated 24 February 1986 between SBC and the Sheppey Horticultural Society (the "Society"). Under this agreement, made pursuant to Section 29 of the Small Holdings and Allotments Act 1908, the Society acts as allotment managers responsible for day-to-day administration, including letting plots, collecting rents, and maintaining common areas, while SBC retains overall ownership and statutory responsibilities. SBC's does not secure any income from the allotments, other than the annual nominal payment of £1 from the Society.
- 2.3 The sites provide valuable community space for local residents to cultivate produce, promoting health, wellbeing, and social interaction. They are actively used by plot holders, with the Society overseeing operations, including a waiting list for new tenants. The allotments contribute to local food production, biodiversity, and leisure activities in an urban area.
- 2.4 Recent challenges include budget constraints affecting maintenance support and the need for investment in infrastructure such as fencing and water systems. As statutory allotments, any disposal or change in use is subject to protections under Section 8 of the Allotments Act 1925, which requires consent from the Secretary of State for Ministry of Housing, Communities and Local Government (MCHCLG) if the land is to be used for purposes other than allotments and if demand exists. However, transfer to another local authority such as a town council for continued allotment use does not typically require such consent, as it maintains the statutory purpose.
- 2.5 STC has approached SBC expressing a strong desire to take over the sites, aligning with their community priorities for green spaces and local heritage. STC is already involved in a Community Allotment Project at the site and sees the transfer as an opportunity to integrate it with other local initiatives, such as heritage trails and community engagement programs.
- 2.6 Assuming members support the transfer, it would simplify SBC's property portfolio, reduce liabilities, and ensure continued community access under local control. As the sites are statutory allotments, the transfer would maintain

protections under the Allotments Acts, with STC assuming the statutory duties.

- 2.7 This transfer could provide certainty for STC in delivering local services, support biodiversity and community health, and eliminate SBC's ongoing management, maintenance, and insurance responsibilities for this asset.
- 2.8 Under Paragraph 9(1) of Schedule 29, Part II to the Local Government Act 1972, in areas with a parish or town council (such as Sheerness, where STC operates), functions under the Allotments Acts 1908-1950—including the provision, management, and maintenance of allotments—shall not be exercisable by the district council (SBC). This provision places the primary responsibility for these functions with the town council.
- 2.9 While SBC has historically retained ownership and delegated day-to-day management to the Society under the 1986 agreement, this arrangement may be inconsistent with the 1972 Act, as district councils are statutorily barred from exercising or delegating these functions in parished areas.
- 2.10 Although the legislation does not explicitly require disposal of the land, retaining ownership without the lawful ability to manage the sites creates an anomalous and potentially untenable position for SBC. Transferring the freehold to STC resolves this by ensuring the functions are exercised by the appropriate body, aligns with SBC's Property Asset Strategy, and supports broader duties under Section 3 of the Local Government Act 1999 to achieve best value. Legal advice should confirm the ongoing validity of the 1986 agreement in this context.

3. Proposal

- 3.1 To delegate to the Head of Place to negotiate and agree terms of the transfer of the freehold interest in Sheerness Allotments (Medway Road and Richmond Street/Nursery Close) (as shown on the attached plans at Appendix I) to Sheerness Town Council.
- 3.2 To delegate the enactment of this transfer to the Head of Place, in consultation with the Head of Legal Services.

4. Alternative Options Considered and Rejected

- 4.1 To market the sites on the open market. This could potentially generate a capital receipt, but as statutory allotments, it would require Secretary of State consent for any change of use, which is unlikely to be granted if demand for plots exists. Marketing might not attract viable interest due to the restrictions and could lead to loss of community access. This option is not recommended, as it risks heritage and community value without guaranteeing benefits, contrary to the Property Asset Strategy.
- 4.3 To retain ownership and seek a new management agreement or concession. This might generate minor income but would leave SBC with ultimate liability

for costs and compliance. This option is not recommended, as it does not fully address budget pressures, retains net costs for SBC and contravenes Paragraph 9(1) of Schedule 29, Part II to the Local Government Act 1972, as set out in 2.9 above.

5. Consultation Undertaken or Proposed

- 5.1 Informal discussions have occurred with STC, the Sheppey Horticultural Society, and plot holders. No formal public consultation has been undertaken, but the Site's community focus and STC's involvement suggest minimal adverse impact from the transfer.
- 5.2 If recommendations are agreed, further negotiation with STC will be required. Public engagement could be led by STC post-transfer, and any required notifications to plot holders under allotment legislation will be made.

6 Implications

Issue	Implications
Corporate Plan	The proposal supports the Community priority to “Work in partnership with the local towns and parishes and voluntary sector on our community assets – e.g., playgrounds, sports pitches and pavilions, community halls”. It also aligns with Environment priorities by ensuring continued biodiversity management and green space provision.
Financial, Resource and Property	The transfer would contribute to reducing SBC's overall liabilities as freeholder. Nominal consideration may apply under community transfer policies, forgoing a potential capital receipt but reducing future risks (e.g., infrastructure maintenance). The impact on the Councils revenue budget would be negligible, with only a nominal annual payment made by the Society, which also manages the site, including maintenance costs.
Legal, Statutory and Procurement	The Council has discretion to transfer land under section 123 of the Local Government Act 1972, subject to best consideration (exceptions apply for under £2m transactions supporting priorities via General Disposal Consent 2003). The proposed transfer would also be more in keeping with Paragraph 9(1) of Schedule 29, Part II to the Local Government Act 1972, which places the primary responsibility for the provision, management, and maintenance of allotments with the town council. As statutory allotments under the Small Holdings and Allotments Act 1908 and Allotments Act 1925, the transfer maintains the allotment use and does not require Secretary of State consent for disposal. Legal will draft documents. Any future changes by STC would need to comply with allotment legislation.

Crime and Disorder	None identified at this stage.
Environment and Climate/Ecological Emergency	Transfer supports biodiversity and sustainable local food production. STC must preserve environmental features.
Health and Wellbeing	Continued access promotes physical activity, mental health, and community cohesion through gardening.
Safeguarding of Children, Young People and Vulnerable Adults	None identified at this stage.
Risk Management and Health and Safety	Reduces SBC's risks from managing open land with public access.
Equality and Diversity	None identified at this stage.
Privacy and Data Protection	None identified at this stage.

7 Appendices

7.1 The following documents are to be published with this report and form part of the report:

- Appendix I: Site Plans

8 Background Papers

None