

COUNTY FARMS ESTATE MANAGEMENT & RESTRUCTURING ISSUES

Joint Report of the Chief Executive & Director of Finance

Please note that the following recommendations are subject to consideration and determination by the Committee before taking effect.

Recommendations:

1. That the Committee approves the recommendations set out in the opening paragraphs of Sections 1 to 8 of this report.

1.0 Purchase & Letting of Land at Marsh Green, Rockbeare

- 1.1 It is recommended that, subject to completion of the pending acquisition and subject to terms being agreed with the tenant, the sixty acres of land or thereabouts to be purchased at Marsh Green be amalgamated with New Ford Farm and let on a Farm Business Tenancy Agreement under the Agricultural Tenancies Act 1995 for a term commencing immediately following completion of the purchase and terminating 25 March 2019.
- 1.2 Members may recall the Chairman of the County Farms Estate Committee reporting under matters of urgency the proposal to purchase by private treaty a block of sixty acres or thereabouts of land. This matter was recorded under Minute Ref. FE/8(c) of the 30 July 2009 Committee meeting.
- 1.3 NPS South West put forward a subject to contract offer to purchase by private treaty which, following some protracted negotiations, has, subject to contract, been accepted by the vendors. The County Solicitor's department is instructed to conclude the purchase.
- 1.4 New Ford Farm is scheduled a progression holding in the current ten year Estate Management Strategy and Plan. The holding is currently 116 acres or thereabouts. The acquisition will make the holding 176 acres or thereabouts in size. It is therefore a good step in the right direction towards achieving the aspirations of the current Estate Management Strategy and Plan. Although the land does not immediately adjoin New Ford Farm it is close by and will be easily farmed by the tenant of the holding. It is a useful block of productive arable ground.
- 1.5 Heads of terms for the amalgamation have been agreed in

principle with the tenant of New Ford Farm.

2.0 Purchase and Amalgamation of Land at Ide, Exeter

- 2.1 It is recommended that, subject to completion of the pending acquisition and subject to terms being agreed with the tenant, the eighty-five acres of land or thereabouts to be purchased at Ide be amalgamated with Markhams Farm and let on a Farm Business Tenancy Agreement under the Agricultural Tenancies Act 1995 for a term commencing immediately following completion of the purchase and terminating 25 March 2025.
- 2.2 Members will be aware that the Chairman of the County Farms Estate Committee authorised, under delegated powers, NPS South West to submit an informal tender for the purchase of land adjacent to Markhams Farm, Ide. The County Council's offer to purchase Lot 2, amounting to 85 acres or thereabouts, was, subject to contract, accepted by the vendor's agents. The County Solicitor's department is now instructed to conclude the purchase.
- 2.3 Markhams Farm currently extends to 190 acres or thereabouts and is scheduled in the Estate Management Strategy and Plan as a progression unit. The acquisition of the 85 acres will therefore make the holding 275 acres or thereabouts. The infrastructure at Markhams Farm is equipped for 154 cows and followers, but as the holding is in a Nitrate Vulnerable Zone, the land area currently available is insufficient to carry that number of livestock, given the nitrogen loading limits of the NVZ regulations. The acquisition should therefore enable the tenant to carry an appropriate number of livestock for the level of infrastructure currently available.
- 2.4 Heads of terms have been agreed with the tenant of Markhams Farm, Ide for the amalgamation of the 85 acres or thereabouts.

3.0 Part Newcombes Farm, Roborough

- 3.1 It is recommended that
 - (a) the farm buildings and 3.82 hectares (9.48 acres) of land or thereabouts adjacent to the village of Roborough and more particularly described as OS6023, 8706 and 9605 be declared permanently surplus to the operational requirements of the County Farms Estate and transferred to the Roborough Community Property Trust, subject to terms being agreed.
 - (b) 1.45 acres or thereabouts of land more particularly known as OS3182 and 3377 at Ten Oaks Farm, Roborough be declared permanently surplus to the operational requirements of the

County Farms Estate and that it be sold to the owners of Woodcroft, Roborough, subject to terms being agreed.

- 3.2 The major restructuring of the Roborough parish, in accordance with the current ten year Management Strategy and Plan took place some eight or nine years ago. In 2001, the Roborough parish consisted of:

Glebe Farm	21 hectares	(52 acres)
Newcombes Farm	27 hectares	(67 acres)
Ten Oaks Farm	38 hectares	(93 acres)
TOTAL:	86 hectares	(212 acres)

- 3.3 The Newcombes and Glebe farmsteads have been sold (Resolution FE/64(b) of 9 June 2000 and FE/18(c) of 9 November 2001).
- 3.4 A further block of 10.46 acres of land was also sold off to neighbouring property owners (Resolution FE/56(a) of 30 July 2002).
- 3.5 The majority of the remaining land from Newcombes and Glebe Farm, 39.03 hectares (86.49 acres), has been amalgamated to Ten Oaks Farm (Resolution FE/74(d) of 19 November 2002).
- 3.6 This leaves the Newcombes Farm buildings and an area of land amounting to 3.82 hectares (9.43 acres) or thereabouts, which is being managed temporarily, in hand.
- 3.7 During the period 2001 to 2009, the County Council has been working with a community group in Roborough, drawing up proposals for a community development initiative on the majority of this land.
- 3.8 Plans are finally at a sufficiently advanced stage for the Roborough Community Partnership to submit a planning application to the Local Planning Authority for a proposed development scheme.
- 3.9 Councillor Clatworthy approved by virtue of a Letter of Agreement dated 7 July 2009 from the County Solicitor an in principle commitment for the County Council to work with them (*the Community Partnership*) to work up a viable development scheme. A copy of the letter from Mr Gash to Councillor Clatworthy, together with a Briefing Note prepared by Karen Dyson, is attached to this report.
- 3.10 However, officers can find no record of the land ever being declared permanently surplus to the operational requirements of

the County Farms Estate. This report is therefore brought forward with the recommendation that an area of land comprising Newcombes farm buildings and land more particularly known as OS6023, 8706 and 9605, extending to 3.82 hectares (9.43 acres) or thereabouts be declared permanently surplus to the operational requirements of the Estate and transferred to the Roborough Community Property Trust following the Trust gaining planning approval, and subject to other terms and conditions being agreed.

- 3.11 Please note that part OS9605, 0.81 hectares, (2.00 acres) is an area of land added to the Community Property Trust requirements since the Committee Resolution FE/174(d) was made by the County Farms Estate Committee on 19 November 2002. Consequently, that area of land has been let to the tenant of Ten Oaks Farm, Roborough. Its availability for the Community Property Trust scheme will therefore need to be obtained by virtue of a Surrender or by Notice to Quit under the contract terms of tenancy for which compensation will be payable to the tenant. Possession can then only be obtained following planning consent being granted.
- 3.12 In addition to the above corporate proposals, NPS South West Ltd has been approached by the owner of Woodcroft, Roborough as to the possibility of buying a small field and copse amounting to 1.45 acres or thereabouts which adjoins their property.
- 3.13 The only other immediate neighbour has stated that he is not interested in purchasing this block of land.
- 3.14 The tenant has confirmed that he would be prepared to surrender this land from his tenancy so that it can be sold with Vacant Possession.
- 3.15 Negotiations have been held with the owners of Woodcroft and subject to Committee approval a subject to contract heads of terms letter inviting them to purchase will be prepared.

4.0 Tale Farm, Payhembury

- 4.1 It is recommended that the former Tale Farm buildings more particularly known as OS5547 and part OS5041 amounting to 0.40 hectares, (0.99 acres) or thereabouts be declared permanently surplus to the operational requirements of the Estate and sold on the open market with Vacant Possession, having now secured planning consent for their redevelopment.
- 4.2 The major restructuring of the Payhembury parish took place in 2001. The composition of the Payhembury Estate is now:

Tarrant's Farm	68.55 hectares	169.38 acres
Tale House Farm	27.00 hectares	66.00 acres
Tale Buildings	circa 0.81 hectares	2.00 acres

- 4.3 Since the 2001 restructuring, Devon Property and more recently NPS South West Ltd have been pursuing a number of planning proposals for the redevelopment of the traditional Tale Farm buildings complex.
- 4.4 Officers of NPS South West Ltd have, following two previous planning applications and two previous appeals persuaded the Local Planning Authority to grant planning permission for the redevelopment of the farm buildings for residential occupation and use.

5.0 The Barton 1 & 2, Kentisbury

- 5.1 It is recommended that the property known as The Barton 1 & 2, Kentisbury, extending to 60.64 hectares, (149.58 acres) or thereabouts be sold in its entirety to the tenant of The Barton 2, Kentisbury, subject to terms being agreed.
- 5.2 The Kentisbury Estate currently comprises
- The Barton 1: House, buildings and 6.84 hectares (16.9 acres) of land or thereabouts
The Barton 2: House, buildings and 53.5 hectares (133 acres) of land or thereabouts.
- 5.3 In respect of The Barton 1, the Chairman of the County Farms Estate Committee approved under delegated powers and in a Letter of Agreement dated 17 August 2006, that:
- 'a final three year fixed term Farm Business Tenancy under the Agricultural Tenancies Act 1995 of The Barton 1 farmhouse, buildings and ten acres of land or thereabouts be offered to Mr X_____ subject to terms being agreed. The lease will commence 25 March 2007 and terminate 25 March 2010. There will be absolutely no extension or further lease offered to Mr X_____ beyond 25 March 2010. The property will be let on a mixed agricultural user clause and full repairing and insuring terms'.*
- 5.4 Terms were subsequently entered into for such a lease with the tenant of The Barton 1.
- 5.5 In respect of The Barton 2, the tenant is on an 86 Act Retirement Tenancy, with approximately 20 years term remaining.

- 5.6 The Barton 1 & 2 is in a Nitrate Vulnerable Zone, the farmhouse and traditional buildings are Grade II Listed and have a substantial backlog of repair and maintenance liabilities.
- 5.7 The tenant of The Barton 2 expressed an interest in purchasing The Barton 1 & 2 in its entirety.
- 5.8 NPS South West Ltd procured an independent market appraisal, disregarding the tenancy, dilapidations, tenant's fixtures, etc., i.e. an open market value, with Vacant Possession, appraisal.
- 5.9 The tenant of the Barton 2 was invited to purchase The Barton 1 & 2 and following negotiations, a subject to contract and Committee approval price has been agreed.

6.0 Nutcombe Farm, Rose Ash

- 6.1 It is recommended that the tenant of Nutcombe Farm, Rose Ash be allowed to:
 - (a) Cease milk production on the holding and relocate the dairy herd to another farm off the Estate
 - (b) Continue to occupy Nutcombe Farm for the residual term of tenancy on a mixed user clause basis.
 - (c) Retain the County Council's milk quota and make use of it on an annual basis until end of tenancy.
 - (d) Move out of the farmhouse and let the farmhouse to a Farm Worker engaged in the business.
 - (e) These proposals are approved in principle, but subject to detailed terms and conditions being agreed.
- 6.2 On 7 October 2009, Councillor Brook and the Senior Land Agent met the tenants of Nutcombe Farm, Rose Ash on the holding to discuss proposed terms for a transitional arrangement necessary to secure a potential progression move beyond the County Farms Estate.
- 6.3 To ensure that the relocation is financially viable, they need to continue occupying Nutcombe Farm during a transitional phase while infrastructure at the new farm is being upgraded and until additional land to supplement the new holding can be secured.
- 6.4 The tenants of Nutcombe Farm have come close to securing several progression opportunities beyond the Estate over the

last few years. It was only a matter of time before their desire and effort to progress was rewarded. Permitting the transitional arrangements to ensure that the progression opportunity is financially viable and achievable would, in the opinion of officers, be entirely in keeping with the County Farms Estate's core objective.

- 6.5 If the progression move does not come to fruition, then the tenants of the holding are entitled to remain in occupation of it and continue to farm it under the current tenancy terms for a further five year term.

7.0 Part Cobberton Farm, Dartington

- 7.1 It is recommended that

- (a) a Farm Business Tenancy be granted under the Agricultural Tenancies Act 1995 of the 28 acres or thereabouts of land known as 'Venton' to a neighbouring farmer for a term commencing 1 November 2009 and terminating 31 March 2013, subject to terms being agreed.
- (b) a Farm Business Tenancy be granted under the Agricultural Tenancies Act 1995 of 61.13 acres or thereabouts of land known as Part Cobberton Farm, Dartington to a local farmer for a term commencing 25 March 2010 and terminating 25 March 2013, subject to terms being agreed.

- 7.2 The Dartington Estate is currently let under several separate tenancy agreements as follows:

• Cobberton Farm	52.00 acres
• Land known as Venton	28.62 acres
• Land known as Pt Higher Cobberton (1)	40.43 acres
• Land known as Pt Higher Cobberton (2)	5.74 acres
• Land known as Pt Cobberton	14.96 acres

TOTAL: 141.75 acres

- 7.3 The Estate Plan suggests the entire Dartington Estate be let as one progression holding as soon as that opportunity arises.

- 7.4 A local farmer has been occupying on a temporary management basis the 40.43 acres of land known as pt Higher Cobberton (1), Dartington. That tenancy expires on 25 March 2010.

- 7.5 The temporary occupier has proven to be a good custodian of the land and has improved its condition over the last few years. The County Council is not in a position to amalgamate this land

to Cobberton Farm in accordance with the approved Estate Management Strategy and Plan. A further period of temporary management therefore needs to be provided.

- 7.6 In addition, the County Council obtained Vacant Possession on 5 June 2009 by virtue of a Court Order the 28.62 acres of land known as Venton and the 5.74 acres of land known as pt Higher Cobberton (2).
- 7.7 Furthermore, on 25 March 2010, the 14.96 acres of land known as Pt Cobberton will be taken back in hand with Vacant Possession.
- 7.8 All of the above land amounting to 89.75 acres or thereabouts will need to be managed on a temporary basis until such times as it is prudent to amalgamate and let it with Cobberton Farm, Dartington.
- 7.9 The opportunities to let the land are limited, given the location and proximity to Cobberton Farm. NPS South West have been seeking management solutions and working with local farmers to ensure that the land is managed efficiently, effectively and viably until such times as it can be amalgamated with Cobberton Farm and let as one progression unit in accordance with the approved Estate Management Strategy and Plan.
- 7.10 In principle and subject to contract terms have been agreed with two farmers in the locality to occupy and farm this land on a short term basis.

8.0 Land at Lower Chitterley Farm, Bickleigh

- 8.1 It is recommended that:
 - (a) a licence to occupy OS Part 2360, 0.11 hectares (0.27 acres or thereabouts) adjoining Chitterley Cottage, Bickleigh be granted annually to the owners of the said cottage subject to terms being agreed each year, or
 - (b) OS Part 2360, 0.11 hectares (0.27 acres or thereabouts) of land at Lower Chitterley Farm, Bickleigh be declared permanently surplus to the operational requirements of the County Farms Estate and that it be sold to the owners of Chitterley Cottage, subject to terms being agreed.
- 8.2 NPS South West Ltd has been approached by the owners of Chitterley Cottage, Roborough enquiring as to the possibility of renting or buying a small area of land (0.27 acres) or thereabouts which adjoins their property.

- 8.3 The tenant has confirmed that he would be prepared to surrender this land from his lease so that it can be re-let or sold with Vacant Possession.
- 8.4 Negotiations have been held with the owners of Chitterley Cottage and subject to Committee approval, subject to contract heads of terms letters will be sent to them inviting them to take a 300 day licence to occupy, renewable each year, or alternatively to purchase it but, in each case, subject to terms being agreed.

9.0 Equality Considerations

- 9.1 There are no equality issues arising from this report.

Phil Norrey – Chief Executive

Mary Davis –Director of Finance

Electoral Divisions: Broadclyst & Whimble
Alphington & Cowick
Torrington Rural
Combe Martin Rural
South Molton Rural
South Brent & Dartington
Newton St Cyres & Sandford

Local Government Act 1972

List of Background Papers

Date

File Ref

Copy letter ex Mr Roger Gash, County Solicitor to
Councillor Clatworthy
Copy Briefing Note prepared by Karen Dyson, Business
Transformation Unit, DCC

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