

Phil Norrey
Chief Executive

To: The Chairman and Members of
the Farms Estate Committee

County Hall
Topsham Road
Exeter
Devon
EX2 4QD

(See below)

Your ref :
Our ref :

Date : 20 April 2016
Please ask for : Wendy Simpson, 01392 384383

Email: wendy.simpson@devon.gov.uk

FARMS ESTATE COMMITTEE

Thursday, 28th April, 2016

A meeting of the Farms Estate Committee is to be held on the above date at 2.15 pm in the Committee Suite, County Hall, Exeter EX2 4QD to consider the following matters.

P NORREY
Chief Executive

AGENDA

PART I - OPEN COMMITTEE

1 Apologies for Absence

2 Minutes (Pages 1 - 8)

Minutes of the meetings held on 19 and 22 February 2016, attached.

3 Items Requiring Urgent Attention

Items which in the opinion of the Chairman should be considered at the meeting as matters of urgency.

MATTERS FOR DECISION

4 Pollinators and Neonicotinoids (Cabinet Minute *13, 13 April 2016) (Pages 9 - 14)

The Cabinet has asked this Committee for its view on a proposed Pollinators Action Plan prior to any final decision being made. Joint report of the Head of Planning Transportation and Environment and Head of Business Strategy and Support (PTE/16/22), attached.

Electoral Divisions(s): All Divisions

5 Revenue Budget 2015/16 (provisional outturn) and 2016/17 Budget (Pages 15 - 18)

Report of the County Treasurer (CT/16/46) on the County Farms Estate Revenue Budget 2015/16 (provisional outturn) monitoring statement and the 2016/17 budget forecast, attached.

Electoral Divisions(s): All Divisions

6 Capital Monitoring 2015/16 (provisional outturn) and draft Capital Programme 2016/17 (Pages 19 - 22)

Report of the County Treasurer (CT/16/47) on the County Farms Estate Capital Monitoring 2015/16 (provisional outturn) and draft Capital Programme 2016/17, attached.

Electoral Divisions(s): All Divisions

7 Management and Restructuring Issues (Pages 23 - 26)

Report of the Head of Business Strategy and Support (BSS/16/06) on County Farms Estate Management and Restructuring Issues, attached.

Electoral Divisions(s): Newton St Cyres and Sandford; Teignbridge South; Thurlestone, Salcombe & Allington

MATTERS FOR INFORMATION

8 Actions taken under delegated powers

Report of actions taken by the Leader of the Council or the Head of Business Strategy and Support, in accordance with Part 3 of the County Council's Constitution, in approving:

'(i) that the tenant's surrender of his Agricultural Holdings Act 1986 retirement tenancy of Furze Cottages Farm, Ashreigney, effective at 25 March 2016, be accepted by the landlord, and the tenant be simultaneously re-granted a Farm Business Tenancy of Furze Cottages Farm for a term commencing 25 March 2016 and terminating 29 September 2018, subject to terms being agreed.

(ii) that in due course Furze Cottages Farm, Ashreigney be advertised to let in the open market on a seven and a half year Farm Business Tenancy commencing 29 September 2018 and terminating 25 March 2018, subject to terms being agreed.'

9 Future Meetings

Please use link below for County Council Calendar of Meetings:

<http://democracy.devon.gov.uk/ieDocHome.aspx?bcr=1>

PART II - ITEMS WHICH MAY BE TAKEN IN THE ABSENCE OF PRESS AND PUBLIC

10 Exclusion of the Press and Public

Recommendation: that the press and public be excluded from the meeting for the following items of business under Section 100(A)(4) of the Local Government Act 1972 on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1, 2 and 3 of Schedule 12A of the Act, namely information relating to, and which is likely to reveal the identity of, tenants and information relating to the financial or business affairs of tenants and the County Council and, in accordance with Section 36 of the Freedom of Information Act 2000, by virtue of the fact that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

MATTERS FOR DECISION

11 Holdings and Tenancies etc.

(An item to be considered by the Committee in accordance with the Cabinet Procedure Rules and Regulation 5 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, no representations having been received to such consideration taking place under Regulation 5(5) thereof)

Report of the Head of Business Strategy and Support (BSS/16/07) on requests for landlord's consent to proposed tenant's improvements, attached GOLD paper.

Notice of all items listed above has been included in the Council's/Cabinet Forward Plan for the required period, unless otherwise indicated. The Forward Plan is published on the County Council's website.

Members are reminded that Part II Reports contain exempt information and should therefore be treated accordingly. They should not be disclosed or passed on to any other person(s).

Members are also reminded of the need to dispose of such reports carefully and are therefore invited to return them to the Democratic Services Officer at the conclusion of the meeting for disposal.

MEMBERS ARE REQUESTED TO SIGN THE ATTENDANCE REGISTER

Membership

Councillors C Chugg (Chairman), G Gribble (Vice-Chair), J Berry, J Brook, A Dewhirst, R Julian and R Rowe

Co-opted Members

C Bellew (Devon Federation of Young Farmers Clubs) and C Latham (Tenants Representative)

Declaration of Interests

Members are reminded that they must declare any interest they may have in any item to be considered at this meeting, prior to any discussion taking place on that item.

Members of the Council have been granted a dispensation to allow them to speak and vote in any debate as a consequence of being a representative of the County Council on any County Council wholly owned, controlled or joint local authority company or Joint Venture Partnership unless the matter under consideration relates to any personal remuneration or involvement therein.

Access to Information

Any person wishing to inspect the Council's / Cabinets Forward Plan or any minutes, reports or lists of background papers relating to any item on this agenda should contact Wendy Simpson, 01392 384383 Both the Forward Plan and agenda and minutes of the Committee are published on the Council's Website.

Webcasting, Recording or Reporting of Meetings and Proceedings

The proceedings of this meeting may be recorded for broadcasting live on the internet via the 'Democracy Centre' on the County Council's website. The whole of the meeting may be broadcast apart from any confidential items which may need to be considered in the absence of the press and public. For more information go to: <http://www.devoncc.public-i.tv/core/>

In addition, anyone wishing to film part or all of the proceedings may do so unless the press and public are excluded for that part of the meeting or there is good reason not to do so, as directed by the Chairman. Any filming must be done as unobtrusively as possible from a single fixed position without the use of any additional lighting; focusing only on those actively participating in the meeting and having regard also to the wishes of any member of the public present who may not wish to be filmed. As a matter of courtesy, anyone wishing to film proceedings is asked to advise the Chairman or the Democratic Services Officer in attendance so that all those present may be made aware that is happening.

Members of the public may also use Facebook and Twitter or other forms of social media to report on proceedings at this meeting. An open, publicly available Wi-Fi network (i.e. DCC) is normally available for meetings held in the Committee Suite at County Hall. For information on Wi-Fi availability at other locations, please contact the Officer identified above.

Emergencies

In the event of the fire alarm sounding leave the building immediately by the nearest available exit, following the fire exit signs. If doors fail to unlock press the Green break glass next to the door. Do not stop to collect personal belongings, do not use the lifts, do not re-enter the building until told to do so.

Mobile Phones

Please switch off all mobile phones before entering the Committee Room or Council Chamber

If you need a copy of this Agenda and/or a Report in another format (e.g. large print, audio tape, Braille or other languages), please contact the Information Centre on 01392 380101 or email to: centre@devon.gov.uk or write to the Democratic and Scrutiny Secretariat at County Hall, Exeter, EX2 4QD.



Induction loop system available

FARMS ESTATE COMMITTEE

19 February 2016

Present:-

County Councillors:-

Councillors Chugg (Chairman), Berry, Brook, Dewhirst, Gribble, Julian and Rowe

Co-opted Members:-

Mr Latham (Tenants' Representative) and Miss Bellew (Devon Federation of Young Farmers Clubs' Representative)

*FE/95 Minutes

RESOLVED that the minutes of the meeting held on 9 November 2015 be signed as a correct record.

*FE/96 Revenue Monitoring Month 9 2015/16 and Draft Revenue Budget 2016/17

(Councillor Gribble declared a personal interest in this matter by virtue of being a County Council representative on the Board of Directors of NPS South West Ltd)

The Committee received the Report of the County Treasurer ([CT/16/15](#)) on the County Farms Estate Revenue Monitoring Statement for Month 9 2015/16 and the draft Revenue Budget 2016/17, noting that the current year's budget was on target to meet its agreed surplus of £293,000 and that next year's draft budget included a target surplus of £318,000.

It was reported that the draft Revenue Budget for 2016/17 had been approved by the County Council at its meeting on 18 February 2016.

*FE/97 Capital Monitoring Month 9 2015/16 and Draft Capital Programme 2016/17

The Committee received the Report of the County Treasurer ([CT/16/16](#)) on the County Farms Estate Capital Monitoring Statement Month 9 2015/16 and the draft Capital Programme 2016/17, noting that:

- expenditure to date stood at £802,000 out of a capital programme for 2015/16 of £2,074,000;
- forecast total spend for 2015/16 including commitments to schemes in progress or due to be undertaken in 2015/16 was £1,481,000;
- scheme slippage from 2015/16 to 2016/17 stood at £585,000;
- a bid had been submitted for capital funding of £1,671,000 for the County Farms Estate in 2016/17 (including £271,000 of previously identified slippage from 2015/16).

It was reported that the draft Capital Programme for 2016/17 had been approved by the County Council at its meeting on 18 February 2016.

Agenda Item 2

CABINET

Farms Estate Committee: 19/2/16

***FE/98 Exclusion of the Press and Public**

RESOLVED that the press and public be excluded from the meeting for the following items of business under Section 100(A)(4) of the Local Government Act 1972 on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1, 2 and 3 of Schedule 12A of the Act, namely information relating to, and which was likely to reveal the identity of, tenants and information relating to the financial or business affairs of tenants and the County Council and, in accordance with Section 36 of the Freedom of Information Act 2000, by virtue of the fact that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

***FE/99 Holdings and Tenancies etc**

(An item taken under Section 100A(4) of the Local Government Act 1972 during which the press and public were excluded, no representations having been received to such consideration under Regulation 5(5) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012)

(a) Request for Landlord's Consent to Proposed Tenants' Improvements

The Committee considered the Report of the Head of Business Strategy & Support (BSS/16/2).

The Head of Service reported on a revised, smaller scale scheme proposed by the tenant of New Standon Farm, Bridestowe who wanted to defer implementing other more substantial proposed improvements, and a request from the tenant of Waterford Farm, Musbury that the Committee consider granting landlord's consent in principle for their proposed tenant's improvement scheme so that they could implement it if or when the time was right to do so.

It was **MOVED** by Councillor Julian, **SECONDED** by Councillor Dewhirst and

RESOLVED

(i) that landlord's consent be granted for a 75' x 30' (or thereabouts) stand-alone cubicle building at New Standon Farm, Bridestowe subject to the improvement being written down in value to £100 on a straight line basis over a life expectancy of 25 years;

(ii) that no objections be raised in principle to a 60' x 30' and 8' high open silage clamp tenant's improvement at Waterford Farm, Musbury subject to the improvement being written down in value to £100 on a straight line basis over a life expectancy of 25 years.

(b) Monitoring of Tenant on an Initial Farm Business Tenancy (Minute *FE 94(a)/9 November 2015)

The Committee considered the Report of the Head of Business Strategy & Support (BSS/16/3).

It was **MOVED** by Councillor Brook, **SECONDED** by Councillor Rowe and

RESOLVED that in keeping with the decision of the Farms Estate (Interviewing) Committee to require six monthly formal monitoring of the new tenant of Middle Winsham Farm, Braunton, further half yearly monitoring visits be maintained, and that the tenant be asked to submit their accounts and insurance policies for inspection.

Farms Estate Committee: 19/2/16

It was then **MOVED** by Councillor Chugg, **SECONDED** by Councillor Gribble and

RESOLVED that the press and public be now readmitted to the meeting.

***FE/100** **Management and Restructuring**

(Mr C Latham declared a Disclosable Pecuniary Interest in this matter by virtue of being the tenant of Chapel Farm, Marwood and withdrew from the meeting during the consideration of proposals relating to land at Middle Winsham Farm, Braunton)

The Committee considered the Report of the Head of Business Strategy & Support (**BSS/16/1**) on County Farms Estate management and restructuring issues.

It was **MOVED** by Councillor Brook, **SECONDED** by Councillor Julian and

RESOLVED

(a) Land at Middle Winsham Farm, Braunton

(i) that a further and final fixed term Farm Business Tenancy of the 77.30 acres or thereabouts of bare land at Middle Winsham Farm, Braunton be granted to the tenant of Chapel Farm, Marwood for a term of 12 months commencing 25 March 2016 and expiring 25 March 2017, subject to terms being agreed;

(ii) that consideration of amalgamating the 77.30 acres or thereabouts of bare land forming part Middle Winsham Farm with the principal holding (Middle Winsham) for a term of four years from 25 March 2017 to 25 March 2021, subject to terms being agreed, be deferred pending the submission by the tenant of Middle Winsham Farm of a Business Plan (supported by cashflows and budgets) for the land involved and the tenant being interviewed by the Committee;

(iii) that the 46.02 acres or thereabouts of bare land forming part Middle Winsham Farm be amalgamated with the principal holding (Middle Winsham) for a term of three years from 25 March 2018 to 25 March 2021, subject to terms being agreed;

(b) Land at Newcombes and Glebe Farms, Roborough

that the land at Newcombes and Glebe Farms, Roborough be advertised to let in two lots and in internal competition between the tenants of Furze Barton Farm, Ashreigney; Lower Farm, High Bickington; Lower Northchurch Farm, Yarnscombe and Great Blakewell Farm, Chittlehampton on a five year Farm Business Tenancy commencing 25 March 2017, subject to terms being agreed;

(c) Land at East Week Farm 2, North Tawton

that the 11.83 acres or thereabouts of land at part East Week Farm 2, South Tawton and more particularly known as OS 8375, 8300 and 9300 be advertised to let in internal competition between the tenants of Lower East Week Farm, South Tawton; East Week Farm 1, South Tawton; Smithcross Farm, Drewsteignton; Higher Fingle Farm, Drewsteignton and East Fingle Farm, Drewsteignton on a three year Farm Business Tenancy commencing 25 March 2017, subject to terms being agreed;

Agenda Item 2

CABINET

Farms Estate Committee: 19/2/16

(d) Land at Southwoods Farm, Uffculme

that the 71.11 acres or thereabouts of land at Southwoods Farm, Uffculme be advertised to let in internal competition between the tenants of Great Southdown Farm, Burlescombe; Westcott Farm, Burlescombe; Higher Henland Farm, Kentisbeare; Lower Henland Farm, Kentisbeare; Dungeons Farm, Cullompton; and Tarrant's Farm, Payhembury on a five year Farm Business Tenancy commencing 25 March 2017 and expiring 25 March 2022, subject to terms being agreed;

(e) Little Stone Farm, South Molton

that subject to the tenant of Little Stone Farm, South Molton vacating the holding on the expiry of the incontestable Case A Notice to Quit they be granted a twenty one year and one day lease of the Little Stone Farm Cottage, South Molton from 25 March 2016, subject to terms being agreed.

***FE/101 Exclusion of the Press and Public**

RESOLVED that the press and public be excluded from the meeting for the following item of business under Section 100(A)(4) of the Local Government Act 1972 on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 1, 2 and 3 of Schedule 12A of the Act, namely information relating to, and which was likely to reveal the identity of, tenants and information relating to the financial or business affairs of tenants and the County Council and, in accordance with Section 36 of the Freedom of Information Act 2000, by virtue of the fact that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

***FE/102 Holdings and Tenancies: Request for Extension of Tenancy - East Fingle Farm, Drewsteignton**

The Committee considered the Report of the Head of Business Strategy & Support (BSS/16/4).

The tenant of East Fingle Farm and their spouse attended the meeting and gave a brief presentation in support of the application and responded to questions.

It was **MOVED** by Councillor Berry, **SECONDED** by Councillor Rowe and

RESOLVED

(a) that the tenant of East Fingle Farm, Drewsteignton be invited to surrender their interest in this holding at 25 March 2016 and that they be granted a new Farm Business Tenancy of the same holding for a longer term of 11 years expiring 25 March 2027, subject to terms being agreed;

(b) that the length of tenancy be recognised as being in keeping with current policy for starter holdings, which allows a tenant to stay on a starter farm for a maximum term of 14 years.

***DENOTES DELEGATED MATTER WITH POWER TO ACT**

The meeting started at 10.30am and finished at 12.30pm.

Farms Estate Committee: 19/2/16

- 1. The Minutes of this Committee are published on the County Council's Website at:
<http://www.devon.gov.uk/dcc/committee/minutes.htm>*
- 2. These Minutes should be read in association with any Reports or documents referred to therein, for a complete record.*
- 3. Members of the Council have been granted a dispensation to allow them to speak and vote in any debate as a consequence of being a representative of the County Council on any County Council wholly owned, controlled or joint local authority company or Joint Venture Partnership unless the matter under consideration relates to any personal remuneration or involvement therein.*

FARMS ESTATE (INTERVIEWING) COMMITTEE

22 February 2016

Present:-

Councillors Chugg (Chairman), Dewhirst and Gribble, and Mr Latham (Tenants' Representative)

***FE/103 Exclusion of the Press and Public**

RESOLVED that the press and public be excluded from the meeting for the following item of business under Section 100(A)(4) of the Local Government Act 1972 on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 1, 2 and 3 of Schedule 12A of the Act, namely information relating to, and which is likely to reveal the identity of, an applicant for a holding and information relating to the financial or business affairs of that person and, in accordance with Section 36 of the Freedom of Information Act 2000, by virtue of the fact that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

***FE/104 Farm Relettings: Coppa Dolla Farm, Denbury and Little Stone Farm, South Molton**

(An item taken under Section 100A(4) of the Local Government Act 1972 during which the press and public were excluded, no representations having been received to such consideration under Regulation 5(5) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012)

The Head of Business Strategy & Support reported on the circumstances of these relettings.

The Committee then considered the rent for these holdings and interviewed prospective tenants.

It was **MOVED** by Councillor Gribble, **SECONDED** by Councillor Dewhirst, and

RESOLVED

(a) that the tenancy of Coppa Dolla Farm, Denbury be offered to JL on the terms and conditions proposed, and that should JL not take up the offer of tenancy, it shall be offered to IS as the runner up candidate on the terms and conditions proposed;

(b) that the tenancy of Little Stone Farm, South Molton be offered to AW on the terms and conditions proposed, and that should AW not take up the offer of tenancy, it shall be offered to GN as the runner up candidate on the terms and conditions proposed.

***DENOTES DELEGATED MATTER WITH POWER TO ACT**

The meeting started at 9.00am and finished at 4.00pm

The Minutes of the Farms Estate (Interviewing) Committee are published on the County Council's Website at:-

<http://www.devon.gov.uk/dcc/committee/mingifs.html>

Pollinators and Neonicotinoids

Joint report of the Head of Planning, Transportation and Environment and Head of Business Strategy and Support

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

Recommendation: That the Committee approves:

- (a) Undertaking a tenant's survey to better understand the use of neonicotinoids on the County Farm Estate and while the survey is being carried out the opportunity be taken to gain up to date information that may help inform a stage 1 feasibility study in to the potential for Anaerobic Digestion energy production on the Estate;**
- (b) Once the results of the survey are available, a further, informed report be brought back to the County Farms Estate Committee in order that the future use of legally permitted neonicotinoids on the Estate can be debated and reviewed;**
- (c) Exploring potential positive opportunities to address pollination issues on the County Farms Estate through the Pollinators Action Plan to be presented to Cabinet, in line with the objectives of the Farms Estate Strategic Review.**

1. Introduction

- 1.1 The Place Scrutiny Committee at its meeting on 7 March 2016 (Minute *118) considered the Report of the Head of Planning, Transportation and Environment (PTE/16/13) on the impact on pollinators of neonicotinoids, prepared in response to the Notice of Motion by Councillor Hook submitted to the County Council on 10 December 2015 and referred by Cabinet to the Scrutiny Committee. That Committee was asked to comment upon the desirability of producing a Pollinators Action Plan, through which more detailed consideration might be given to any relevant restrictions on the use of neonicotinoids on County Council property and any opportunities to support the conservation of bees and other pollinators. The Committee subsequently resolved:

'(a) that the Committee welcome and endorse the principle of a Pollinators Action Plan being produced covering the issues outlined in Report PTE/16/13 and that Cabinet be recommended to adopt and implement such a Plan at the earliest opportunity;

(b) that, in addition, Cabinet be strongly advised to take all necessary steps where possible to prohibit the use of Neonicotinoids on land under the control or ownership of the County Council including existing and new tenants of the County Farms Estate;

(c) that the County Council engage other Councils in Devon and partner organisations to take similar action to that outlined above'

Agenda Item 4

- 1.2 Cabinet at its meeting on 13 April 2016 considered the above and resolved:

“that the Scrutiny Committee’s views be noted and approval, in principle, be given to the adoption of a Pollinators Action Plan as outlined in Report PTE/16/3 and Officers be asked to further explore the practicalities of the proposed actions at (b) above, seeking also the views of the County Farms Estate Committee as appropriate, and report further to Cabinet as soon as practicable.” (Minute *13 refers).

2. Background to Pollinators and Neonicotinoids

- 2.1 The pollination services of bees and other insects are critical to food production and estimated to be worth between £430 million and £603 million a year to UK agriculture. However bee numbers are declining, not just in the UK, but worldwide. Since 1900 the UK has lost 20 species of bee. A further 35 bee species are considered to be under threat of extinction.
- 2.2 A number of complex causes are responsible for the decline in pollinators including disease, climate change, loss of habitat and the use of insecticides such as neonicotinoids ('neonics').
- 2.3 Neonics have been widely used in agriculture for the last 20 years to control pests in a wide range of situations e.g. seed treatments for cereals, sugar beet and oil seed rape. In 2013, following the publication of research highlighting the impacts of neonics on bees, the European Commission introduced a precautionary ban on the use of the three most common neonics pesticides (clothianidin, imidacloprid and thiamethoxam). This ban is only partial. It allows the continued use of all neonics on crops such as winter wheat. The risks posed by acetamiprid and thiacloprid (both neonics authorised for use in this country) weren't addressed.
- 2.4 In 2014 a report from the Global Taskforce on Systematic Pesticides was published. This states that all neonics are having widespread impacts on wildlife including bees, earthworms, aquatic insects, butterflies and birds. It concludes that there is 'clear evidence of harm sufficient to trigger regulatory action'.
- 2.5 Agricultural land provides vital pollinator habitat across our countryside. Crops provide food for pollinating insects, but only over a short time period. Other food sources from flowers in hedges, margins, grasslands and woodlands are needed for the rest of the year. Breeding and overwintering habitats such as grassland, hedgebanks, ditches, ponds and bare ground are also vital.
- 2.6 Devon County Council is already committed to encouraging tenants to enter into environmental schemes relating to the management of these habitats. The 2010 Farms Estate Strategic Review states that *'The Authority should recognise the multi-functionality benefits of the Estate and acknowledge the social, economic and environmental value of the farms'*. In order to achieve this, the report states that DCC should, *'provide support and encouragement to tenants who wish to make applications to environmental schemes'*. Recommendation 6 states that *'the Estate takes a lead role in the promotion of sustainability and diversification schemes on its farms as long as research indicates that this can be cost-effective'*.

3. Proposals

- 3.1 The extent of the use of neonics on the County Farms Estate is not known. It is therefore recommended that a survey of tenants is undertaken in order to establish current use and the implications of using other, more environmentally friendly,

approaches to the control of pests. This will allow a more informed paper to be brought back to the County Farms Estate Committee at its next meeting for debate and review and in turn, provide an informed approach to any measures proposed for the County Farms Estate through the DCC Pollinators Action Plan to be presented to Cabinet for its ultimate approval.

- 3.2 This Action Plan will also set out a range of ways in which this Authority might support actions and initiatives which will be beneficial for pollinators, working with others such as the Devon Local Nature Partnership and farming organisations. In this context, consideration will be given to relevant opportunities on the County Farms Estate. For example, the potential for tenants to enter into Countryside Stewardship Scheme agreements to create habitat for wildlife will be discussed with Natural England. Any such measures will accord with the objectives set out in the DCC Farms Estates Strategic Review.

4. Legal Implications

- 4.1 Members are reminded that although the freedom of contract allowed by the Agricultural Tenancies Act 1995 enables a landlord to prescribe terms on which pesticides can or can't be used on land occupied under any new Farm Business Tenancy, a landlord cannot unilaterally and retrospectively alter the terms of existing Farm Business Tenancy Agreements or indeed existing Agricultural Holdings Act 1986 tenancy agreements.

- 4.2 Existing Agricultural Holdings Act 1986 agreements are silent in relation to the use of pesticides and existing Farm Business Tenancy Agreements only mention pesticides in as far as:

4.2.1 *Clause 5.2.32. 'To comply with any Act of Parliament concerning the pollution of the environment including water air noise or soil pollution or contamination or concerning the use of chemical sprays pesticides or fertilisers or the burning of straw or stubble'.*

4.2.2 *The fifth schedule, part 1,
2.0 (g) the storage, use and disposal of fuel oil, effluents, manures, slurries, inorganic fertilisers and pesticides complies with the DEFRA Codes of Good Agricultural Practice for the Protection of Water, Soil and Air;*

(h) any chemicals used on the farm minimise damage to wildlife and are handled and applied in accordance with the COSSH Regulations and the Food and Environment Act Pesticide Codes;

(k) care is taken to keep pesticides, fertiliser, slurry and farmyard manure away from field boundaries;

4.2.3 *The fifth schedule, part 2,
2.2 Use of Herbicides, Pesticides and Inorganic Fertilisers*

The application of herbicides, pesticides and artificial fertilisers within 10 metres of watercourses or ditches or within 50 metres of a water abstraction point is not permitted without the prior written consent of the Landlord. Spraying is not permitted where there could be drift onto water or where pollution of watercourses or groundwater will occur. Herbicides, pesticides or artificial fertilisers must not be applied within 10 metres of a tree trunk or under a tree canopy or within 1.5 metres of hedgerows.

The Tenant must not allow the drift of sprays onto hedgerows and adjoining lands.

Agenda Item 4

- 4.3 The express prior voluntary or negotiated agreement of existing tenants would be required to change the terms of all existing tenancy agreements.

5. Consultations/Representations/Technical Data

- 5.1 The views and opinions of the Devon Federation of Young Farmers Clubs and the Estate Tenants Association will be presented by the two co-opted members to the committee.
- 5.2 Furthermore the results of the proposed tenants survey on the extent of neonicotinoid usage will be brought back to a future meeting of the County Farms Estate for consideration.
- 5.3 Committee members may be aware of the current public campaign, led nationally by Friends of the Earth, but supported by a range of other organisations, relating to pollinators and neonics. On 12 April a petition relating to this campaign was presented to DCC calling on it to ban the use of neonics on its property.
- 5.4 Harry Barton (CEO at Devon Wildlife Trust) spoke at the Scrutiny Committee on 7th March supporting the Notice of Motion on behalf of the Devon Women's Institute, Buglife SW, Friends of the Earth and Devon Wildlife Trust.
- 5.5 There has been no formal consultation undertaken by DCC in relation to its approach to pollinators and neonics. However, there has been some informal discussion with a range of organisations and other local authorities to gather information to inform this Authority's consideration of the issue and its planned production of a Pollinators Action Plan.
- 5.6 No other parties have been consulted and no other representations for or against the proposal have been received.
- 5.7 The technical data referred to in this Report is believed to be true and accurate.

6. Considerations

- 6.1 Sustainability issues are being considered at a national (and EU) level in relation to the impacts of neonics and the need for any further regulatory control over their use. In 2014, Defra published a National Pollinator Strategy, setting out collective approaches in support of bees and other pollinators in England.
- 6.2 The author is not aware of any financial, carbon impact, equality, legal, risk management or public health issues arising from the recommendations in this report. However, any potential implications for county farms estate tenants or indirect consequences for DCC as landlord might be better identified and considered through the proposed tenant survey.

7. Reason for Recommendation/Conclusion

- 7.1 The Author has prepared this report in accordance with the County Farms Estate Strategic Review (2010) and the requirement to take forward Cabinet recommendations (see Section 1 above).

Dave Black
Head of Planning, Transportation and Environment
Rob Parkhouse
Head of Business Strategy and Support Services

Electoral Divisions: All

Local Government Act 1972: List of Background Papers

Contact for enquiries: Peter Chamberlain/Sarah Jennings

Room No. County Hall, Exeter. EX2 4QD

Tel No: 01392) 383000

Background Paper	Date	File Reference
------------------	------	----------------

None

.

pc150316cfec Pollinators and Neonicotinoids
hk 03 180416

The County Farms Estate

Revenue Monitoring (Provisional Outturn) 2015/16 & Revenue Budget 2016/17

Report of the County Treasurer

1. Monitoring 2015/16 (Provisional Outturn)

- 1.1 The financial statement is herewith attached at Appendix A.
- 1.2 The target surplus agreed at County Council on 19th February 2015 was £293,000 (inclusive of inflation).
- 1.3 This assumed that insurance costs would be met from the County Farms Revenue budget. However, these costs will now be funded centrally, enabling the County Council to manage its insurance needs in a more efficient & economic way, whilst also reducing the administrative burden of internal recharging. This has resulted in a budget virement, with these costs no longer borne by County Farms. As a result the target surplus is now set at £337,000.
- 1.4 Provisional outturn figures show a net surplus of £325,000, an over spend of £12,000.
- 1.5 This follows a reduction in rental income of £19,000 following agreement to offset a tenancy compensation payment (due to the tenant) against rental arrears (due from the tenant). The impact of this is a reduction in rental income in the Revenue budget, with a corresponding reduction in expenditure against the Capital budget (see report CT/16/47).
- 1.6 Rental income is also lower than previously forecast due to two agreements that offset rental arrears against tenant rights valuation payments due to the tenant. This results in reduced income with a corresponding reduction in tenants right valuation payments.
- 1.7 Despite this, tenants right valuation costs are higher than previously forecast due to a number of recent high value settlements being negotiated and agreed. However, the liabilities have proved to be cost effective improvements in essential infrastructure.

Agenda Item 5

- 1.8 Professional fees associated with end of tenancy valuations at 25 March 2015 and 25 March 2016 are yet to be invoiced, hence the current underspend in this respect.
- 1.9 Building maintenance spend in year is lower than budgeted. Some repair, maintenance and replacement schemes developed to the point of being able to instruct contractors were delayed in order to contain net spend, with other works not substantially complete by year end and not able to be accrued as in-year costs.
- 1.10 The rolling quinquennial condition survey programme was completed in 2015, which informed a priority programme of repair and maintenance requirements for 2015/16. There remains sufficient knowledge from that exercise to inform and prioritise a full programme of works for the 2016/17 financial year. For this reason NPS were not commissioned to carry out further surveys resulting in a net saving.
- 1.11 In terms of building maintenance 'other' costs, the budget for the revenue funded contribution to restructuring was not committed and an underspend in Land Agents initiatives planned in order to accommodate increased costs in respect of Tenant right valuations.
- 1.12 As previously forecast, NPS fees are higher than budgeted, as a result of additional speculative planning design works, completing the in-depth development appraisal, and the extra summer Farmwise event at the County Show. All of this is on top of an already very busy year in terms of management, restructuring and multiple farm letting campaigns.

2 **Draft Revenue Budget 2016/17**

- 2.1 The Revenue Budget presented to Corporate Service Scrutiny Committee on 22nd January included a target surplus of £318,000 for the County Farms Estate, in accordance with targets set by Cabinet at its meeting on 13th January 2016.
- 2.2 This takes account of inflationary increases, anticipated rent reviews and increased expenditure in respect of future year's development potential.
- 2.3 The transfer of Insurance budgets to be managed centrally (as set out in 1.3 above), the target surplus has now been revised to £362,000. This has no impact on the County Farms Revenue budget as insurance costs will no longer be borne by this budget

3 **Options/Alternatives**

- 3.1.1 Alternative options have been considered and discounted as they are believed to either be contrary to current Estate policy and/or not in the best financial interests of the Estate.

4 **Consultations/Representations/Technical Data**

- 4.1.1 The views and opinions of the Devon Federation of Young Farmers Clubs and the Estate Tenants Association will be presented by the two co-opted members to the committee.
- 4.1.2 No other parties have been consulted and no other representations for or against the proposal have been received.
- 4.1.3 The technical data is believed to be true and accurate.

5 **Considerations**

- 5.1.1 The Author is not aware of any financial, sustainability, carbon impact, equality, legal, risk management or public health issues arising from this report.

6 **Summary/Conclusions/Reasons for Recommendations**

- 6.1.1 The Author has prepared this report in accordance with the findings of the County Farms Estate Strategic Review (April 2010).

Mary Davis – County Treasurer

Electoral Divisions: ALL

Local Government Act 1972: List of Background Papers

None

Who to contact for enquiries:

Name: Dan Meek, Director of Property Management, NPS South West Ltd, Venture House, One Capital Court, Bittern Road, Sowton Industrial Estate, Exeter, EX2 7FW

Contact: 01392 351066 or dan.meek@nps.co.uk

Name: Martin Oram, Chief Accountant, County Treasurer's, County Hall, Exeter

Contact: 01392 382418 or martin.oram@devon.gov.uk

Agenda Item 5

APPENDIX A

COUNTY FARMS ESTATE - FINANCIAL REPORTS FINANCIAL STATEMENT - PROVISIONAL OUTTURN 2015/16

<u>INCOME</u>	YEAR TO DATE £'000	ANNUAL TARGET £'000
Rent	(966)	(993)
Other	(42)	(61)
TOTAL INCOME	<u>(1,008)</u>	<u>(1,054)</u>
<u>EXPENDITURE</u>		
<u>STATUTORY COSTS</u>		
Tenant Right Valuation	55	20
SUB - TOTAL	<u>55</u>	<u>20</u>
<u>PREMISES COSTS</u>		
Building Maintenance - unforeseen	115	124
Building Maintenance - programmed	126	150
Building Maintenance - Surveys	0	10
Building Maintenance - STC	17	20
Building Maintenance - other (incl. land agents initiatives, redundant buildings, asbestos and health & safety)	18	77
Grounds Maintenance	11	10
Rents & other landlord charges	14	16
Rates, Electricity and Water Charges	8	9
SUB - TOTAL	<u>309</u>	<u>416</u>
<u>SUPPLIES & SERVICES</u>		
Insurance	0	0
Adverts	3	2
NPS Fees	258	200
Legal Fees	8	5
Professional Fees	8	16
Other Fees & Charges (DFYF, SHLAA, GPDO)	42	58
SUB - TOTAL	<u>319</u>	<u>281</u>
TOTAL EXPENDITURE	<u>683</u>	<u>717</u>
NET OPERATIONAL (SURPLUS)/DEFICIT	(325)	(337)

The County Farms Estate

Capital Monitoring (Provisional Outturn) 2015/16 & Capital Programme 2016/17

Report of the County Treasurer

1 Introduction

- 1.1.1 The capital programme for county farms for 2015/16 totals £2,074,000.
- 1.1.2 Provisional Outturn stands at £1,284,000, a little less than previously forecast due to additional slippage on some schemes, with expenditure arising after 31st March.
- 1.1.3 Scheme slippage to 2016/17 stands at £771,000, including £424,000 in respect of two Nitrate Vulnerable Zone compliant schemes for which tenders have been let and works are already contracted for the Spring (as previously reported).
- 1.1.4 After allowing for slippage there is a net underspend of £19,000.
- 1.1.5 This relates to agreement reached with a tenant for compensation payment to be retained in lieu of rental income owed by that tenant, resulting in an underspend against the Capital Programme and a corresponding loss of income to the Revenue budget (see CT/16/46, section 1.5),
- 1.1.6 There are a number of other schemes now complete in 2015/16 with a forecast over or under spend due to variations between estimates and actuals, or minor contract variances post scheme approval. These are largely self-balancing and as such require no further action.

1.2 Nitrate Vulnerable Zone Compliance

- 1.2.1 Currently seven new slurry stores are planned to be constructed, three concrete boxes and four tin tanks.
- 1.2.2 This includes two slurry store schemes that have been competitively tendered and contracts awarded / due to be awarded shortly, but with the works to be deferred until next spring. The contractors having agreed to hold their prices.

Agenda Item 6

1.2.3 Final spend stands at £783,000 on NVZ compliance schemes for 2015/16, a little higher than previously forecast.

1.2.4 Scheme slippage to 2016/17 stands at £491,000 in total.

1.3 **Compensation Payments (Tenants Improvements, etc..)**

1.3.1 Final spend stands at £18,000 on end of tenancy compensation liabilities that fell due at 25 March 2015, less than previously forecast for the reasons set out in 1.1.5 above.

1.3.2 Scheme slippage to 2016/17 stands at £20,000 in total.

1.4 **Enhancements and Improvements**

1.4.1 Final spend stands at £483,000 on capitalised maintenance or improvement schemes, a reduction on previous forecasts with some expenditure incurred after 31st March.

1.4.2 A significant proportion of these schemes focus on either maintaining listed property or improving the quality of the farmhouses.

1.4.3 Scheme slippage to 2016/17 stands at £260,000 in total, with a significant proportion of this spent in April.

1.5 **Land Acquisitions**

1.5.1 Currently no capital is available to purchase land.

2 **2016/17 Capital Programme**

2.1 The Capital programme presented to Corporate Services Scrutiny Committee on 22nd January 2016 (and subsequently approved by County Council) included schemes totalling £1,671,000.

2.2 The programme includes £271,000 for existing Nitrate Vulnerable Zone compliance schemes, and £900,000 in respect of additional scheme priorities.

2.3 The remaining £500,000 relates to additional scheme priorities for Devon Homes Standards, Energy Act and other associated infrastructure projects.

3 **Options/Alternatives**

3.1 Alternative options have been considered and discounted as they are neither practical nor in the financial best interests of the Authority.

4 **Consultations/Representations/Technical Data**

- 4.1 The views and opinions of the Devon Federation of Young Farmers Clubs and the Estate Tenants Association will be presented by the two co-opted members to the committee.
- 4.2 No other parties have been consulted and no other representations for or against the proposal have been received.
- 4.3 The technical data is believed to be true and accurate.

5 **Considerations**

- 5.1 The Author is not aware of any financial, sustainability, carbon impact, equality, legal, risk management or public health issues arising from this report.

6 **Summary/Conclusions/Reasons for Recommendations**

- 6.1 The Author has prepared this report in accordance with the Councils capital funding procedures and guidelines.

Mary Davis – County Treasurer

Electoral Divisions: ALL

Local Government Act 1972: List of Background Papers

None

Who to contact for enquiries:

Name: Dan Meek, Director of Property Management, NPS South West Ltd, Venture House, One Capital Court, Bittern Road, Sowton Industrial Estate, Exeter, EX2 7FW

Contact: 01392 351066 or dan.meek@nps.co.uk

Name: Martin Oram, Chief Accountant, County Treasurer's, County Hall, Exeter

Contact: 01392 382418 or martin.oram@devon.gov.uk

THE COUNTY FARMS ESTATE MANAGEMENT AND RESTRUCTURING

Report of the Head of Business Strategy and Support

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

Recommendation(s):

1. That the Committee approves the recommendation set out in the opening paragraph of section 1 of this report

1.0 Land at Combefishacre Farm, Ipplepen

1.1 That the 11.18 hectares or thereabouts of land at Combefishacre Farm, Ipplepen be advertised to let in internal competition between the tenants of Bulleigh Elms Farm, Ipplepen; Lomans Farm, Broadhempston; Fairfield Farm, Denbury; Coppa Dolla Farm; Denbury and Buckridge Farm, Denbury on a five year Farm Business Tenancy commencing 25 March 2017, subject to terms being agreed.

1.2 The Ipplepen Estate comprises:

Bulleigh Elms Farm	88.90 hectares (219.67 acres)
Combefishacre Land	11.18 hectares (27.62 acres)
Total	100.08 hectares (247.29 acres)

1.3 The former Estate Plan designated the Combefishacre land as 'migration' land to be farmed as away land by the tenant of Coppa Dolla Farm, Denbury. Following the disposal of the Combefishacre farmstead the land was initially farmed by a former tenant of Coppa Dolla Farm but he elected to surrender his lease of it. It was then temporarily occupied under a contract farming agreement and more recently, occupied by the tenant of Bulleigh Elms Farm, Ipplepen.

1.4 In terms of Authority for the most recent period of occupation, Members resolved at the County Farms Estate Committee meeting of 9 February 2012, under Minute Ref. FE/124(c) Combefishacre Farm, Ipplepen:

"that the land at Combefishacre Farm, Ipplepen be offered to the tenant of Bulleigh Elms Farm, Ipplepen on a five year Farm Business Tenancy Agreement commencing 25 March 2012 and terminating 25 March 2017, subject to terms being agreed".

1.5 Although the tenant of Bulleigh Elms Farm, Burlescombe would like to renew his tenancy at 25 March 2017, there have been a number of new tenants join the Estate within the locality of the land at Combefishacre since 2012 and the Land Agents are aware that some, if not all, are actively seeking additional land to enable their businesses to grow.

2.0 Higher Leigh Farm, Churchstow

Agenda Item 7

- 2.1 *'That the house buildings and 86.14 acres or thereabouts of land comprising Higher Leigh Farm, Churchstow be advertised to let to new entrants in the open market on a seven year Farm Business Tenancy commencing 25 March 2017 and terminating 25 March 2024 and as a mixed livestock enterprise expressly precluding the milking of dairy cows, subject to terms being agreed, and*

The additional 23.13 acres of adjoining land known as Part Combe Royal be let to the new tenant of Higher Leigh farm under a consecutive series of 12 month Farm Business Tenancy Agreements, subject to terms being agreed, until such times as any development potential can be realised'.

- 2.2 The Churchstow Estate comprises:

Higher Leigh Farm	34.86 hectares (86.14 acres)
Part Combe Royal Land	9.36 hectares (23.13 acres)
Total	44.22 hectares (109.27 acres)

- 2.3 At the County Farms Estate Committee meeting of 10 February 2011, members resolved under Minute Ref. FE/68(c) – Higher Leigh Farm, Churchstow:

'(i) that the tenant of Higher Leigh Farm, Churchstow be offered a further but final 4 year Farm Business Tenancy of the majority of the holding extending to 86.14 acres or thereabouts for a term commencing 25 March 2013 and terminating 25 March 2017, subject to terms being agreed;

(ii) that the tenant be offered a series of 12 month Farm Business Tenancies of the 'Combe Royal' land amounting to 23.13 acres or thereabouts and more particularly known as OS 9006, 8596, 7003, 6595 and pt 6185 on the same terms as the main tenancy until such time as any development potential has been secured or discounted or until 25 March 2017 whichever is the sooner.

- 2.4 In accordance with good estate management a Notice to Quit has been served on the tenant of Higher Leigh Farm to bring his tenancy to an end on the term date of 25 March 2017. He has appointed an agent who is to represent him throughout his end of tenancy valuation. Accordingly steps need to be taken to advertise the farm to let on the open market.

- 2.5 The user clause within the existing tenancy agreement is for a mixed agricultural enterprise but as the current tenant was originally let the farm as a dairy farming opportunity, he has been allowed to continue milking dairy cows subject to him doing so at his own risk and subject to him complying with all antipollution legislation. The infrastructure on the holding is not currently adequate to ensure that a dairy tenant could, in all probability, comply with antipollution legislation at all times. The infrastructure is however reasonably well suited as a mixed non-dairy livestock and arable unit. The opportunity to relet the farm to a new entrant presents an opportunity to cease milk production from dairy cows on the holding once and for all.

3 Lower Chitterley Farm, Bickleigh

- 3.1 *'That the tenant's early surrender of his Farm Business Tenancy of Lower Chitterley Farm, Bickleigh, effective at 25 March 2017, be accepted by the landlord, and*

That in the first instance the house buildings and 149.91 acres or thereabouts of land comprising Lower Chitterley Farm, Bickleigh be advertised to let internally to existing

tenants as a potential progression opportunity on a Farm Business Tenancy for a term of up to fifteen years commencing 25 March 2017, subject to terms being agreed, and

That should no existing tenants apply for or be offered a tenancy of Lower Chitterley Farm, Bickleigh the house buildings and 149.91 acres or thereabouts of land be advertised to let to new entrants in the open market on a seven year Farm Business Tenancy commencing 25 March 2017 and terminating 25 March 2024, subject to terms being agreed, and

3.2 The Bickleigh Estate comprises:

Lower Chitterley Farm (incorporating land at Dorweeke)	60.46 hectares (149.41 acres)
Total	60.46 hectares (149.41 acres)

3.3 Members will recall that Lower Chitterley Farm was advertised to let on the open market as recently as 2013. Members will also recall receiving two subsequent new entrant monitoring reports confirming that the current tenant had established a very successful and rapidly expanding business. Furthermore the reports noted that the current tenant had almost completed the significant schedule of dilapidation remedial works commenced by the former tenant. It is pleasing to be able to report that the farm has now been put back in to good tenatable repair order and condition and is now a highly productive and reasonably well equipped mixed livestock and arable unit.

3.4 However, perhaps more pleasing is the opportunity to report to Members that the current tenant, has secured a progression move beyond the Estate and has requested that he be allowed to surrender his lease at 25 March 2017.

4. Lomans Farm, Broadhempston

4.1 *That the offer from a neighbouring special purchaser be accepted and that 0.012 ha of Part OS 4115 be declared permanently surplus to the operational requirements of the Estate and sold.*

4.2 Lomans Farm comprises 26.78 hectares (66.18 acres) or thereabouts and is let as a starter farm. The majority of the farm is within a ring fence approximately half a mile from the centre of the village of Broadhempston. There are two fields in the village centre. OS 4115 (a former orchard) borders Radfords, a courtyard of properties currently being developed. At the end of the courtyard the last cottage is built into the hill and the side wall is affected by damp. Terms have been agreed to sell 0.012 ha to the adjoining owner in order that they may improve the condition of their property. Included in the sale is a length of wall which is believed to be listed. The access and use of the field will not be affected and the tenant has confirmed it will not compromise his business.

5.0 Options/Alternatives

5.1 Alternative options have been considered and discounted as they are believed to either be contrary to current Estate policy and/or not in the best financial interests of the Estate.

6.0 Consultations/Representations/Technical Data

Agenda Item 7

6.1 The views and opinions of the Devon Federation of Young Farmers Clubs and the Estate Tenants Association will be presented by the two co-opted members to the committee.

6.2 No other parties have been consulted and no other representations for or against the proposal have been received

6.3 The technical data is believed to be true and accurate.

7.0 Considerations

7.1 The Author is not aware of any financial, sustainability, carbon impact, equality, legal, risk management or public health issues arising from this report

8.0 Summary/Conclusions/Reasons for Recommendations

8.1 The Author has prepared this report in accordance with the findings of the County Farms Estate Strategic Review (April 2010)

Rob Parkhouse

Electoral Divisions:

Teignbridge South; Thurlestone, Salcombe & Allington; Newton St Cyres and Sandford.

Local Government Act 1972: List of Background Papers

None

Who to contact for enquiries:

Dan Meek, NPS South West Ltd, Venture House, One Capital Court, Bittern Road, Sowton Industrial Estate, Exeter, EX2 7FW
Tel No: (01392) 351066
Email: dan.meek@nps.co.uk