

FARMS ESTATE COMMITTEE – DECISION NOTICE

16 May 2022

8 CPRE Report Re-imagining Council Farms

RESOLVED that the Committee notes the further report from the CPRE which remained broadly in keeping with the aims and objectives of the existing Estate Strategic Review Report established in March 2010.

*** 9 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.

*** 10 Holdings and Tenancies etc.**

a Management and Restructuring issues

RESOLVED

- (i) that the existing tenant of Duckaller Farm, Dawlish be invited to surrender his 1986 Agricultural Holdings Act 'retirement' tenancy of the holding at 25 March 2023.
- (ii) that should the tenant of Duckaller Farm, Dawlish surrender his tenancy, the proposed surrender be accepted by the County Council; and
- (iii) the tenant and his son be simultaneously regranted a Farm Business Tenancy of Duckaller Farm, Dawlish for a term commencing 25 March 2023 and terminating 25 March 2030, subject to:
 - (a) the Farm Business Tenancy being in accordance with the County Council's standard form;
 - (b) the rent for the holding being set at its open market value, as defined in the Agricultural Tenancies Act 1995;
 - (c) the letting being treated as a new entrant starter farm tenancy;

(d) the tenant's son participating in the normal new entrant monitoring visits and satisfying the new entrant competencies assessment to the complete satisfaction of the County Council before any further tenancies are granted; and

(e) all other terms and conditions being agreed.

b Requests for Extension of Tenancy

(i) Endfield Farm, Sandford

RESOLVED that the request for an extension of tenancy made by the tenant of Endfield Farm, Sandford be refused.

(ii) East Fingle Farm, Drewsteignton

RESOLVED that the request for an extension of tenancy made by the tenant of East Fingle Farm, Drewsteignton be refused.

c Request for Landlord's Consent

RESOLVED

(i) that landlord's consent be granted for the tenant of Churchlands Farm, Ermington to demolish two redundant life expired buildings and replace them with an 80' x 30' steel portal frame extension (complete) to an existing landlord's livestock building; to improve the existing building by constructing a retaining wall and new surface water drainage system behind it, laying a concrete scrape passage to the front of the building, and replacing the timber dung boarding with concrete panels, subject to the improvement being written down in value to £100 on a straight-line basis over a life expectancy of 20 years if the steel work is painted or 25 years if the steel work is galvanised; and

(ii) that landlord's consent be granted for the tenant of Great Stone Farm, South Molton to construct a concrete slurry channel through the existing landlord's cubicle sheds through to the existing landlords slurry store, subject to the improvement being written down in value to £100 on a straight-line basis over a life expectancy of 30 years.

d Carbon Audits and Sequestration Capacity Assessments

RESOLVED

(i) that, subject to obtaining additional competitive quotes from suitably qualified consultants, the Council's preferred consultant be commissioned to carry out a farm by farm detailed assessment of the carbon emissions of each tenant's business and an assessment of every farm's carbon

sequestration capacity, in accordance with the detailed specification agreed; and

- (ii) that the requirement for carbon auditing be included in all future Farm Business Tenancy Agreements.

e **Landlord's Consent Policy for Tenant's Improvement Solar Panels**

RESOLVED

- (i) that the level of compensation payable for any potential tenant's improvement solar panel and battery storage infrastructure installed on a holding be 'capped' at the value of the cost of investment being written down on a straight-line basis to £100 over the supplier's calculated/forecast return on investment period plus a further two years for the tenant to benefit from free electricity;
- (ii) that tenants should be given the right to remove the installation at end of tenancy should they so wish to do; and
- (iii) that the landlord should have the right to make the tenants remove the installation at end of tenancy if the landlord wishes for that to happen.