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To: The Chair and Members  
of the Farms Estate  
Committee

County Hall  
Topsham Road  
Exeter  
Devon  
EX2 4QD

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Date: 15 September 2022

Contact: Wendy Simpson, 01392 384383

Email: [wendy.simpson@devon.gov.uk](mailto:wendy.simpson@devon.gov.uk)

**FARMS ESTATE COMMITTEE**

Monday, 26th September, 2022

A meeting of the Farms Estate Committee is to be held on the above date at 2.15 pm at Committee Suite - County Hall to consider the following matters.

Jan Spicer  
Interim Chief Executive

**A G E N D A**

**PART I - OPEN COMMITTEE**

1 Apologies for Absence

2 Minutes

Minutes of the meeting held on 16 May 2022 (previously circulated).

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 Revenue Monitoring (Month 5) 2022/23 (Pages 1 - 4)

Report of the Director of Finance and Public Value (DF/22/86) on the County Farms Estate Revenue Monitoring Statement (Month 5) 2022/23, attached.

5 Capital Monitoring (Month 5) 2022/23 (Pages 5 - 8)

Report of the Director of Finance and Public Value (DF/22/85) on the County Farms Estate Capital Monitoring (Month 5) 2022/23, attached.

6 Management and Restructuring Issues (Pages 9 - 12)

Report of the Head of Digital Transformation and Business Support (Interim) (BSS/22/12) on County Farms Estate Management and Restructuring Issues, attached.

*Electoral Divisions(s): Hatherleigh & Chagford*

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

7 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**

8 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)*

a Request for Landlord's Consent for proposed Tenants' Improvements (Pages 13-16)

Report of the Head of Digital Transformation and Business Support (Interim) (BSS/22/13) on request for landlord's consent for proposed tenants' improvements, attached.

*Electoral Division: South Molton*

b Monitoring of Tenants on an Initial Farm Business Tenancy (Pages 17 - 40)

Report of the Head of Digital Transformation and Business Support (Interim) (BSS/22/14) on the Monitoring of Tenants on an Initial Farm Business Tenancy, attached.

*Electoral Divisions(s): Ashburton & Buckfastleigh; Braunton Rural; Creedy, Tav & Mid Exe; Exmouth; Okehampton Rural; Salcombe.*

*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). They need to be disposed of carefully and should be returned to the Democratic Services Officer at the conclusion of the meeting for disposal.*

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It is to be noted that Members of the Council 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.

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The County Farms Estate

Revenue Monitoring (Month 5) 2022/23

Report of the Director of Finance and Public Value

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

Recommendation: that the Committee endorse the report

Revenue Monitoring for the period 1 April 2022 to 31 August 2022.

- 1.1 The Revenue Budget presented to Corporate Infrastructure and Regulatory Services Scrutiny Committee on 24 January 2022 and approved at County Council on 17 February 2022 included a target surplus of £534,000 for the County Farms Estate. This is an increase of £70,000 on the previous year's target.
- 1.2 Appendix A provides details of income and expenditure to date.
- 1.3 Minimal income has been invoiced so far this year. Most rent is paid in arrears with the first payments due at the end of month 6 and the balance to be invoiced at the end of month 12. Forecasts indicate that income is expected to be on budget.
- 1.4 Some £70,266 of Tenant Right Valuation accruals are still not capable of being released as the 25 March 2022 end of tenancy valuations are not concluded. With the further changes of tenancy due at 25 March 2023 it is anticipated that this year's £21,000 budget will be over committed.
- 1.5 £15,434 worth of unforeseen repair works has been ordered and paid in 2022/23. In addition, a further £8,542 of unforeseen works has been ordered but not invoiced. Total unforeseen maintenance expenditure and commitment at month 5 is therefore £23,976. The year-end forecast remains £103,000, as per budget.
- 1.6 The revenue funded maintenance programme is showing accruals of £30,660 at month 5. Contractors are being pressed to present invoices to clear these accruals as quickly as possible. There has been an in year spend of £21,102 leaving a net balance year to date figure of £9,557. The year-end forecast for the revenue funded maintenance programme remains £216,000. More than adequate, priority programmed maintenance work has been identified to spend the entire budget in year.

# Agenda Item 4

- 1.7 The redundant buildings, asbestos removal and health and safety improvements works budget is showing accruals of £4,080. Contractors are being pressed to present invoices to clear these accruals as quickly as possible. There has been an in year spend of £495 leaving a net balance year to date figure of £3,584. The year-end forecast remains £63,000, as per budget.
  - 1.8 Spend on testing and inspection works (service term contracts for private water supplies, boilers, fixed wiring systems, sewage treatment plants, radon fans etc) is showing accruals of £1,368. There has been in year spend of £2,321 at month 5 leaving a net balance year to date figure of £952. The year-end forecast remains £21,000, as per budget.
  - 1.9 The programmed tree survey work has a budget of £13,000 with the expectation that this will be fully spent by year end. Annual tree surveys are now being carried out for the whole Estate and more Ash Die Back is being found. The remedial works are being priced and programmed for this coming winter season.
  - 1.10 It is anticipated the building maintenance survey budget of £10,000 will be fully committed. The programme of surveys has been agreed.
  - 1.11 On the understanding the revenue funded repair and maintenance programme will be carried out as per year end forecast, the South West Norse (NPS) fees are expected to be as per the year end forecast of £236,000.
  - 1.12 It is currently anticipated that the forecast year end level of income and expenditure will be achieved, and the target surplus delivered, albeit there may be some fluctuations within income and expenditure items.
2. Options/Alternatives
    - 2.1 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.
3. Consultations/Representations/Technical Data
    - 3.1 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.
    - 3.2 No other parties have been consulted and no other representations have been received
    - 3.3 The technical data is believed to be true and accurate.

4. Financial Considerations
  - 4.1 The Author is not aware of any financial issues arising from this report.
5. Legal Considerations
  - 5.1 The Author is not aware of any legal issues arising from this report.
6. Environmental Impact Considerations (Including Climate Change)
  - 6.1 The Author is not aware of any environmental impact (including climate change) issues arising from this report.
7. Equality Considerations
  - 7.1 The Author is not aware of any equality issues arising from this report.
8. Risk Management Considerations
  - 8.1 The Author is not aware of any obvious risks to manage.
9. Public Health Impact
  - 9.1 The Author is not aware of any public health impact.
10. Summary/Conclusions/Reasons for Recommendations
  - 10.1 The Author has prepared this report in accordance with the findings of the County Farms Estate Strategic Review (April 2010).

Angie Sinclair – Director of Finance and Public Value

Electoral Divisions: All

Local Government Act 1972: List of Background Papers

Contact for Enquiries:

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Contact: 01392 351066 or [dan.meek@norsegroup.co.uk](mailto:dan.meek@norsegroup.co.uk)

Name: Lisa Beynon, Head Accountant for Corporate Services, Finance and Public Value, County Hall, Exeter

Contact: 01392 382876 or [lisa.beynon@devon.gov.uk](mailto:lisa.beynon@devon.gov.uk)

Background Papers: Nil

# Agenda Item 4

## Appendix A

### COUNTY FARMS ESTATE - FINANCIAL REPORTS FINANCIAL STATEMENT - (MONTH 5) 2022-23

<u>INCOME</u>	<u>YEAR TO DATE £'000</u>	<u>ANNUAL TARGET £'000</u>	<u>CURRENT FORECAST £'000</u>
Rent	(8)	(1,213)	(1,213)
Other	(20)	(40)	(40)
TOTAL INCOME	<u>(28)</u>	<u>(1,253)</u>	<u>(1,253)</u>
 <u>EXPENDITURE</u>			
<u>STATUTORY COSTS</u>			
Tenant Right Valuation	(70)	21	21
SUB - TOTAL	<u>(70)</u>	<u>21</u>	<u>21</u>
 <u>PREMISES COSTS</u>			
Building Maintenance - unforeseen	15	103	103
Building Maintenance - programmed	(10)	216	216
Building Maintenance - Surveys	0	10	10
Building Maintenance - STC	1	21	21
Building Maintenance - other (incl. land agents initiatives, redundant buildings, asbestos and health & safety)	(4)	63	63
Grounds Maintenance	2	13	13
Rents & other landlord charges	1	11	11
Rates, Electricity and Water Charges	6	6	6
SUB - TOTAL	<u>11</u>	<u>443</u>	<u>443</u>
 <u>SUPPLIES &amp; SERVICES</u>			
Insurance	0	0	0
Adverts	0	2	2
NPS Fees	76	236	236
Legal Fees	0	4	4
Professional Fees	(8)	6	6
Other Fees & Charges (DFYF, SHLAA, GPDO)	0	7	7
SUB - TOTAL	<u>68</u>	<u>255</u>	<u>255</u>
<b>TOTAL EXPENDITURE</b>	<u><b>9</b></u>	<u><b>719</b></u>	<u><b>719</b></u>
<b>NET OPERATIONAL (SURPLUS)</b>	<span style="border: 1px solid black; padding: 2px;">(19)</span>	<span style="border: 1px solid black; padding: 2px;">(534)</span>	<span style="border: 1px solid black; padding: 2px;">(534)</span>
 <u>FARM IMPROVEMENTS inclusive of fees</u>			
Revenue funded Restructuring (BM other)	0	0	0
SUB - TOTAL	<u>0</u>	<u>0</u>	<u>0</u>
<b>TOTAL COSTS SURPLUS</b>	<span style="border: 1px solid black; padding: 2px;"><b>(19)</b></span>	<span style="border: 1px solid black; padding: 2px;"><b>(534)</b></span>	<span style="border: 1px solid black; padding: 2px;"><b>(534)</b></span>



The County Farms Estate

Capital Monitoring (Month 5) 2022/23

Report of the Director of Finance and Public Value

Recommendation: That the Committee endorse the report.

- 1 Capital Monitoring for the period 1 April 2022 to 31 August 2022
  - 1.1 The Capital budget presented to Corporate Infrastructure and Regulatory Services Scrutiny Committee on 24 January 2022 and approved at County Council on 17 February 2022 included schemes totalling £1,000,000.
  - 1.2 There was an 'underspend' of £25,787 in 2021/22 and an in-year receipt of £30,000 bringing the balance of capital available to spend in 2022/23 to £1,055,787.
  - 1.3 As at month 5 just over 50% of the budget has been spent and the remaining budget is forecast to be spent by year end.
- 2 Nitrate Vulnerable Zone Compliance
  - 2.1 Retention monies are left to pay on only one slurry stores constructed in the previous financial years. No new slurry store schemes were progressed this financial year.
  - 2.2 Forecast spend stands at £3,888 on retention monies associated with NVZ compliant schemes in 2022/23.
- 3 Compensation Payments (Tenants Improvements, etc.)
  - 3.1 It is probable that some of the capital budget will need to be spent on end of tenancy compensation liabilities arising at 25 March 2023. The end of tenancy valuations will be negotiated in the next 6 months.
- 4 Enhancements and Improvements
  - 4.1 The 2022/23 programme currently consists of:
    - (a) 14 projects that were started in previous years and have either been completed in year or remain in defects.
    - (b) 3 new whole house refurbishment projects started this financial year.

# Agenda Item 5

- (c) 4 further sewage treatment plants and one further scheme being considered
  - (d) 3 further whole house refurbishment schemes are being considered where the tenants will be vacating their holdings at 25 March 2023 and may be able to vacate the dwellings earlier to afford unencumbered access to carry out the works.
- 4.2 Actual spend at month 5 is just £579,865 with a further £435,220 committed (orders placed) to date. A total of £1,055,787 is forecast to be spent by year end.
- 5 Land Acquisitions
  - 5.1 No land acquisition opportunities are currently being explored.
- 6. Options/Alternatives
  - 6.1 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.
- 7. Consultations/Representations/Technical Data
  - 7.1 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.
  - 7.2 No other parties have been consulted and no other representations have been received
  - 7.3 The technical data is believed to be true and accurate.
- 8. Financial Considerations
  - 8.1 The Author is not aware of any financial issues arising from this report.
- 9. Legal Considerations
  - 9.1 The Author is not aware of any legal issues arising from this report.
- 10. Environmental Impact Considerations (Including Climate Change)
  - 10.1 The Author is not aware of any environmental impact (including climate change) issues arising from this report.

- 11. Equality Considerations
  - 11.1 The Author is not aware of any equality issues arising from this report.
  
- 12. Risk Management Considerations
  - 12.1 The Author is not aware of any obvious risks to manage.
  
- 13. Public Health Impact
  - 13.1 The Author is not aware of any public health impact.
  
- 14. Summary/Conclusions/Reasons for Recommendations
  - 14.1 The Author has prepared this report in accordance with the findings of the County Farms Estate Strategic Review (April 2010).

Angie Sinclair – Director of Finance and Public Value

Electoral Divisions: All

Local Government Act 1972: List of Background Papers  
Contact for Enquiries:

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Name: Lisa Beynon, Head Accountant for Corporate Services, Finance and  
Public Value, County Hall, Exeter  
Contact: 01392 382876 or [lisa.beynon@devon.gov.uk](mailto:lisa.beynon@devon.gov.uk)

Background Paper  
Nil



The County Farms Estate  
Management and Restructuring

Report of the Head of Digital Transformation and Business Support (Interim)

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

Recommendation(s):

That the Committee approves the recommendations as set out in the opening paragraph of sections 1 and 2 of this report.

1.0 Lower East Week Farm, South Tawton

1.1 It is recommended that:

- (i) The Case G Notice to Quit served on the personal representatives of the late tenant of Lower East Week Farm, South Tawton be upheld and vacant possession of the holding be taken at 24 March 2024.
- (ii) OS 669, Pt 670 and Pt 578 forming part Lower East Week Farm, South Tawton comprising the house, buildings and 3.00 acres or thereabouts of land be declared permanently surplus to the operational requirements of the Estate and sold on the open market.
- (iii) The remaining bare land amounting to 60.00 acres or thereabouts be advertised to let in internal competition between the tenants of East Week Farm (land), South Tawton; Smithscross Farm, Drewsteignton; Higher Fingle Farm, Drewsteignton; and East Fingle Farm, Drewsteignton on a Farm Business Tenancy for a term of up to five years commencing 25 March 2024, subject to terms being agreed.
- (iv) The committee resolution of 29 November 2021 (FE/13(a)) be superseded with the following proposal:
  - (a) that the 11.83 acres or thereabouts of land at part East Week Farm II, South Tawton and more particularly known as NG 8375, 8300 and 9300 be advertised to let in internal competition between the tenants of East Week Farm (land), South Tawton; Smithscross Farm, Drewsteignton; Higher Fingle Farm, Drewsteignton; and East Fingle Farm, Drewsteignton on a 12 month Farm Business Tenancy commencing 25 March 2023 and expiring 25 March 2024, subject to terms being agreed'.
  - (b) that at 25 March 2024 the 11.83 acres be merged with and let with the bare land forming part Lower East Week Farm in internal competition between the tenants of East Week Farm (land), South Tawton; Smithscross Farm, Drewsteignton; Higher Fingle Farm, Drewsteignton; and East Fingle Farm, Drewsteignton on a Farm Business Tenancy for a term of up to five years commencing 25 March 2024, subject to terms being agreed.

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1.2 The South Tawton Estate comprises:

- (i) Part East Week Farm I – 24.95 hectares (61.65 acres)
- (ii) Part East Week Farm I – 11.58 hectares (28.61 acres)
- (iii) Part East Week Farm II – 4.79 hectares (11.83 acres)
- (iv) Lower East Week Farm – 25.52 hectares (63.05 acres)

Total – 66.84 hectares (165.14 acres)

1.3 Lower East Week Farm was let to a tenant on an Agricultural Holdings Act 1986 'lifetime' tenancy.

1.4 The tenant sadly passed away on 26 May 2022 and a valid Case G Notice to Quit under the Agricultural Holdings Act 1986 was served on the personal representatives of the late tenant. The notice was also served on the Public Trustee. The notice has not been contested within the statutory timeline. The notice to quit will take effect at 25 March 2024.

1.3 The farmhouse at Lower East Week is listed and the infrastructure on the holding is poor.

1.4 The Estate Asset Management Plan suggests Lower East Week Farm is a holding that should NOT be retained and relet in accordance with the objectives of the Estate Policy and Strategy.

1.5 The former Estate plan (2002 to 2012) also suggested the Lower East Week Farmstead should be sold and the retained land kept and let internally to tenants within reasonably close proximity to it.

1.6 At the County Farms Estate Committee meeting of 29 November 2021, members resolved under minute ref FE/13(a):

'that the 11.83 acres or thereabouts of land at part East Week Farm II, 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; Smithscross Farm, Drewsteignton; Higher Fingle Farm, Drewsteignton; and East Fingle Farm, Drewsteignton on a three year Farm Business Tenancy commencing 25 March 2023 and expiring 25 March 2026, subject to terms being agreed'.

1.7 It would be desirable for cost effective Estate management purposes if the tenancy of part East Week II could co-terminate with the tenancy of Lower East Week, enabling both blocks of land to be let as one unit. The above resolution would therefore need to be amended such that this block of land is only let on an interim 12 month Farm Business Tenancy commencing 25 March 2023 and expiring 25 March 2024.

2.0 Hurditch Farm, Lamerton

2.1 It is recommended that:

- (i) the tenants short notice to surrender be accepted

# Agenda Item 6

- (i) the land and buildings forming Part OS 9642 and extending to 1.00 acre or thereabouts be declared permanently surplus to the operational requirements of the Estate and sold on the open market.
  - (ii) Hurditch Farm, Lamerton be advertised to let on the open market as a new entrant opportunity and on a Farm Business Tenancy for a term of seven years commencing 25 March 2023 and terminating 25 March 2030, all subject to terms being agreed.
- 2.2 The tenant of Hurditch Farm, Lamerton has recently indicated that she wants to vacate the holding at 25 March 2023 and has signed a letter agreeing to sign an Agreement to Surrender and a Deed of Surrender effective at 25 March 2023.
- 2.3 The Estate Asset Management Plan suggests Hurditch Farm is a holding that should be retained and relet in accordance with the objectives of the Estate Policy and Strategy.
- 2.4 There is however a set of off lying buildings that have some development potential and may be suitable for conversion to a residential dwelling or dwellings subject to securing permitted development rights under Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 or full planning permission.
- 2.5 The loss of these buildings and a small curtilage of land would not impact on the viability or rental value of the holding.
- 3.0 Options/Alternatives
  - 3.1 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.
- 4.0 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 have been received
  - 4.3 The technical data is believed to be true and accurate.
- 5.0 Financial Considerations
  - 5.1 The Author is not aware of any financial issues arising from this report.

# Agenda Item 6

## 6.0 Legal Considerations

6.1 The Author is not aware of any legal issues arising from this report.

## 7.0 Environmental Impact Considerations (Including Climate Change)

7.1 The Author is not aware of any environmental impact (including climate change) issues arising from this report.

## 8.0 Equality Considerations

8.1 The Author is not aware of any equality issues arising from this report.

## 9.0 Risk Management Considerations

9.1 The Author is not aware of any obvious risks to manage.

## 10.0 Public Health Impact

10.1 The Author is not aware of any public health impact.

## 11.0 Summary/Conclusions/Reasons for Recommendations

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

Matthew Jones

Head of Digital Transformation and Business Support (Interim)

Electoral Divisions: Hatherleigh & Chagford; Okehampton Rural

Local Government Act 1972: List of Background Papers

Contact for Enquiries:

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Background Paper: Nil



By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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