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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: 10 February 2023

Contact: Wendy Simpson, 01392 384383

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### **FARMS ESTATE COMMITTEE**

Monday, 20th February, 2023

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 meetings held on 5 December, 19 December, 20 December 2022 and 9 January 2023, (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 2022/23 (Month 10) (Pages 1 - 6)

Report of the Director of Finance and Public Value (DF/23/21) on the County Farms Estate Revenue Monitoring Statement 2022/23 (Month 10), attached.

*Electoral Divisions(s): All Divisions*

- 5 Capital Monitoring 2022/23 (Month 10) (Pages 7 - 12)  
Report of the Director of Finance and Public Value (DF/23/20) on the County Farms Estate Capital Monitoring 2022/23 (Month 10), attached.

*Electoral Divisions(s): All Divisions*

- 6 Management and Restructuring Issues (Pages 13 - 22)  
Report of the Head of Digital Transformation and Business Support (Interim) (BSS/23/01) on Management and Restructuring Issues, attached.

*Electoral Divisions(s): Combe Martin Rural; Cullompton & Bradninch; Hatherleigh & Chagford; Holsworthy Rural; South Brent & Yealmpton; South Molton*

- 7 The Use of Glyphosate in the Agricultural Industry  
Verbal report of the Head of Digital Transformation and Business Support (Interim) on the use of glyphosates in the agricultural industry.

*Electoral Divisions(s): All Divisions*

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

- 8 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**

- 9 Business Case for harvesting methane from slurry  
Verbal report of the Head of Digital Transformation and Business Support (Interim) setting out the business case for a potential pilot project to be developed on the Estate to harvest methane from stored slurry.
- 10 Holdings and Tenancies etc. (Pages 23 - 26)  
(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 Digital Transformation and Business Support (Interim) (BSS/23/02) on a request for landlord's consent for proposed tenant's improvements, attached.

*Electoral Divisions(s): South Molton*

*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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## **The County Farms Estate Revenue Monitoring (month 10) 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 endorses the report.

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### **1. Background/Introduction**

- 1.1 The County Farms Estate is wholly self-funded with operational costs paid for through rents and other income streams generated. Each year a substantial revenue surplus is delivered to support expenditure elsewhere in the County Council and cover the cost of centralised overheads. The County Farms Estate has consistently delivered a revenue surplus since at least 1992.
- 1.2 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.
- 1.3 Appendix A provides details of income and expenditure to date.

### **2. Revenue Monitoring for the period 1 April 2022 to 31 January 2023.**

- 2.1 Just over 50% of the annual income has been invoiced to date. The majority of the balance is to be invoiced at the end of month 12. Forecasts indicate that income is expected to be approximately £65,000 higher than budget.
- 2.2 Some TRV accruals have been released but £30,758 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 and a revised year end forecast of £84,000 is now anticipated.

# Agenda Item 4

- 2.3 £56,563 worth of unforeseen repair works has been ordered and paid in 2022/23. In addition, a further £3,359 of unforeseen works has been ordered but not invoiced. Total unforeseen maintenance expenditure and commitment at month 10 is therefore £59,922. The year-end forecast has been reduced to £83,000, as per budget.
- 2.4 The revenue funded maintenance programme is showing expenditure of £19,362 at month 10. Contractors are still being pressed to present invoices to clear some remaining accruals as quickly as possible. £94,972 has been committed on additional works orders due to be carried out before year end and at least a further £120,000 of works is currently out to tender. The year-end forecast for the revenue funded maintenance programme has been increased to £246,000.
- 2.5 There has been no additional spend against the redundant buildings, asbestos removal and health and safety improvements works budget since month 7. There are still 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 £7,952 leaving a net balance year to date figure of £3,872. There is one large demolition project that has recently come back from tender and could be delivered before year end. The year-end forecast remains £63,000, as per budget assuming the demolition is completed.
- 2.6 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 £7,928 at month 10 leaving a net balance year to date figure of £6,560. There are further orders raised producing a total commitment of a further £8,516. The year-end forecast has been reduced to £18,000.
- 2.7 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 have now been carried out for the whole Estate and more Ash Die Back has been found. The remedial works have commenced and so far £5,512 has been spent on surveys and remedial works.
- 2.8 It is anticipated the building maintenance survey budget of £10,000 will be fully committed. £9,102 has been spent on condition surveys so far.
- 2.9 On the understanding the revenue funded repair and maintenance programme will be carried out as per year end forecast, the South West Norse fees are expected to be as per the year end forecast of £236,000. At month 10 the South West Norse fees are £173,875.
- 2.10 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.



## 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 Strategic Plan

- 5.1 <https://www.devon.gov.uk/strategic-plan/>
- 5.2 The prudent management of the County Farms Estate, in accordance with the County Farms Estate Strategic Review (April 2010), is well aligned with Strategic Plan priorities such as:
- Responding to the climate emergency – help wildlife and landscapes recover
  - Responding to the climate emergency – take opportunities to improve the energy efficiency of homes and buildings
  - Responding to the climate emergency – encourage sustainable lifestyles
  - Responding to the climate emergency – continue to reduce carbon emissions across all our services
  - Investing in Devon’s economic recovery - ensure financial resilience of the Council.
  - Improving health and wellbeing – give people greater opportunities for walking and cycling to increase their physical activity

## 6.0 Financial Considerations

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

## 7.0 Legal Considerations

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

## 8.0 Environmental Impact Considerations (Including Climate Change)

# Agenda Item 4

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

## **9.0 Equality Considerations**

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

## **10 Risk Management Considerations**

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

## **11 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).

Angie Sinclair,  
Director of Finance and Public Value

Electoral Divisions:

All

Local Government Act 1972: List of Background Papers

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

Nil

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## COUNTY FARMS ESTATE - FINANCIAL REPORTS FINANCIAL STATEMENT - (MONTH 10) 2022-23

| <u>INCOME</u>                                                                                                      | <u>YEAR<br/>TO DATE</u>                                           | <u>ANNUAL<br/>TARGET</u>                                          | <u>CURRENT<br/>FORECAST</u>                                       |
|--------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|-------------------------------------------------------------------|-------------------------------------------------------------------|
|                                                                                                                    | <u>£'000</u>                                                      | <u>£'000</u>                                                      | <u>£'000</u>                                                      |
| Rent                                                                                                               | (642)                                                             | (1,213)                                                           | (1,249)                                                           |
| Other                                                                                                              | (59)                                                              | (40)                                                              | (69)                                                              |
| TOTAL INCOME                                                                                                       | <u>(701)</u>                                                      | <u>(1,253)</u>                                                    | <u>(1,318)</u>                                                    |
| <br>                                                                                                               |                                                                   |                                                                   |                                                                   |
| <u>EXPENDITURE</u>                                                                                                 |                                                                   |                                                                   |                                                                   |
| <u>STATUTORY COSTS</u>                                                                                             |                                                                   |                                                                   |                                                                   |
| Tenant Right Valuation                                                                                             | (31)                                                              | 21                                                                | 84                                                                |
| SUB - TOTAL                                                                                                        | <u>(31)</u>                                                       | <u>21</u>                                                         | <u>84</u>                                                         |
| <br>                                                                                                               |                                                                   |                                                                   |                                                                   |
| <u>PREMISES COSTS</u>                                                                                              |                                                                   |                                                                   |                                                                   |
| Building Maintenance - unforeseen                                                                                  | 57                                                                | 103                                                               | 83                                                                |
| Building Maintenance - programmed                                                                                  | 19                                                                | 216                                                               | 246                                                               |
| Building Maintenance - Surveys                                                                                     | 9                                                                 | 10                                                                | 10                                                                |
| Building Maintenance - STC                                                                                         | 7                                                                 | 21                                                                | 18                                                                |
| Building Maintenance - other (incl. land agents initiatives,<br>redundant buildings, asbestos and health & safety) | 4                                                                 | 63                                                                | 63                                                                |
| Grounds Maintenance                                                                                                | 5                                                                 | 13                                                                | 13                                                                |
| Rents & other landlord charges                                                                                     | 6                                                                 | 11                                                                | 11                                                                |
| Rates, Electricity and Water Charges                                                                               | 9                                                                 | 6                                                                 | 10                                                                |
| SUB - TOTAL                                                                                                        | <u>116</u>                                                        | <u>443</u>                                                        | <u>454</u>                                                        |
| <br>                                                                                                               |                                                                   |                                                                   |                                                                   |
| <u>SUPPLIES &amp; SERVICES</u>                                                                                     |                                                                   |                                                                   |                                                                   |
| Insurance                                                                                                          | 0                                                                 | 0                                                                 | 0                                                                 |
| Adverts                                                                                                            | 0                                                                 | 2                                                                 | 0                                                                 |
| NPS Fees                                                                                                           | 174                                                               | 236                                                               | 236                                                               |
| Legal Fees                                                                                                         | 0                                                                 | 4                                                                 | 4                                                                 |
| Professional Fees                                                                                                  | (4)                                                               | 6                                                                 | 6                                                                 |
| Other Fees & Charges (DFYF, SHLAA, GPDO)                                                                           | 0                                                                 | 7                                                                 | 0                                                                 |
| SUB - TOTAL                                                                                                        | <u>170</u>                                                        | <u>255</u>                                                        | <u>246</u>                                                        |
| <br>                                                                                                               |                                                                   |                                                                   |                                                                   |
| TOTAL EXPENDITURE                                                                                                  | <u>255</u>                                                        | <u>719</u>                                                        | <u>784</u>                                                        |
| <br>                                                                                                               |                                                                   |                                                                   |                                                                   |
| <b>NET OPERATIONAL (SURPLUS)</b>                                                                                   | <span style="border: 1px solid black; padding: 2px;">(446)</span> | <span style="border: 1px solid black; padding: 2px;">(534)</span> | <span style="border: 1px solid black; padding: 2px;">(534)</span> |



## The County Farms Estate Capital Monitoring (Month 10) 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 endorses the report.

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### 1. Background/Introduction

- 1.1 Each year the County Farms Estate generates significant capital receipts from the sale of surplus assets associated with an approved restructuring or rationalisation programme and through the sale of high value development opportunities.
- 1.2 The Estate bids for Capital for essential inward investment to maintain and improve critical infrastructure. Capital is bid for in competition with other front-line services.
- 1.3 The following table shows the current five-year capital allocation for the County Farms Estate and the capital allocation before the recent capital budget reductions.

Year	2023/24	2024/25	2025/26	2026/27	2027/28	Total
	£'000	£'000	£'000	£'000	£'000	£'000
Current Capital	750	450	450	450	0	2100
Previous Capital	1000	600	600	600	0	2800

### 2. Capital Monitoring for the period 1 April 2022 to 31 January 2023.

- 2.1 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.
- 2.2 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.

# Agenda Item 5

- 2.3 As at month 10 almost 80% of the budget has been spent and the remaining budget is forecast to be spent by year end.

## **3 Nitrate Vulnerable Zone Compliance**

- 3.1 Retention monies are left to pay on only one slurry store constructed in a previous financial year. No new slurry store schemes were progressed this financial year.
- 3.2 Forecast spend stands at £3,888 on retention monies associated with NVZ compliant schemes in 2022/23.

## **4 Compensation Payments (Tenants Improvements, etc.)**

- 4.1 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 are currently being negotiated.

## **5 Enhancements and Improvements**

- 5.1 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.
  - (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.
- 5.2 At the County Farms Estate Committee meeting of 9 December 2022 members asked, and officers agreed to confirm, how far adrift the refurbishment programme was likely to be from what was proposed at the start of the year.
- 5.3 From the analysis of the capital programme, it can be confirmed that the 14 projects started in the previous year have been completed to the specification proposed; some previously specified items on the 3 new projects have been omitted such as the PV panels at Thorndon Farm (considered to be a poor return on investment following a detailed feasibility study); and the four sewage treatment plants have been or are currently being installed.
- 5.4 In the month 7 monitoring report presented to the committee on 5 December 2022 (report DF/22/85 refers), three further refurbishment schemes were being considered. These have been postponed, not because they were planned to be delivered within the in-year capital budget provision, but because the 2023/24 capital budget could not be brought forward.

- 5.5 An analysis of the three whole house refurbishments referred to in 5.1(a) above show that compared to the Building Surveyors budget estimates (on which the total capital programme is built), tenders returned where anywhere between 18% and 55% above budget estimate and contracts let were for sums 18% to 35% higher than the budget estimates. On these three projects alone, an additional £180,000 (25% average increase) was required to deliver the same programme of work.
- 5.6 Actual spend at month 10 is now £839,753 with a further £246,055 committed (orders placed) to date. It is anticipated to outturn as per budget.

## 6 Land Acquisitions

- 6.1 No land acquisition opportunities are currently being explored.

## 7 Capital Receipts Generated in year

- 7.1 At the County Farms Estate Committee meeting of 26 September 2022, members requested an update at all future meetings of all capital receipts completed in year to date.
- 7.2 The table below schedules all County Farms Estate disposals that have completed by month 7 and contributed towards to the Corporate Capital Programme. The table now includes the acreage sold (as requested by members at the meeting of 5 December 2022).

Asset Sold	Acreage Sold	Capital Receipt (net of costs)	Date of completion
Part Aldens Farm (West)	5.39	£3,167,920	30 June 2022
Land at Tithebarne Way (part Monkerton Farm)	4.64	£3,096,000	11 July 2022
Barn at Lower Farm, High Bickington	0.12	£34,560	16 September 2022
Uppacott Farm, Mariansleigh (overage payment)	nil	£76,901	26 July 2022
East Hill Farm, Knowestone (deed of variation)	nil	Forecast of £11,869	28 October 2022
<b>Total</b>	<b>10.15</b>	<b>£6,387,250</b>	

## 8.0 Options/Alternatives

- 8.1 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.

# Agenda Item 5

## **9.0 Consultations/Representations/Technical Data**

9.1 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.

9.2 No other parties have been consulted and no other representations have been received

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

## **10.0 Strategic Plan**

10.1 <https://www.devon.gov.uk/strategic-plan/>

10.2 The prudent management of the County Farms Estate, in accordance with the County Farms Estate Strategic Review (April 2010), is well aligned with Strategic Plan priorities such as:

- Responding to the climate emergency – help wildlife and landscapes recover
- Responding to the climate emergency – take opportunities to improve the energy efficiency of homes and buildings
- Responding to the climate emergency – encourage sustainable lifestyles
- Responding to the climate emergency – continue to reduce carbon emissions across all our services
- Investing in Devon’s economic recovery – deliver £500 million Council capital investment programme over five years
- Investing in Devon’s economic recovery - ensure financial resilience of the Council.
- Improving health and wellbeing – give people greater opportunities for walking and cycling to increase their physical activity

## **11.0 Financial Considerations**

11.1 The Author is not aware of any financial issues arising from this report.

## **12.0 Legal Considerations**

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

## **13.0 Environmental Impact Considerations (Including Climate Change)**

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

## **14.0 Equality Considerations**



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

## **15.0 Risk Management Considerations**

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

## **16.0 Summary/Conclusions/Reasons for Recommendations**

16.1 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

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Background Paper	Date	File Reference
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Nil

The above mentioned Reports are published on the Council's Website at:

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



## **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:** That the Committee approves the recommendations as set out in the opening paragraph of section 2.1, 2.2, 2.3, 2.4, 2.5, 2.6 and 2.7 of this report.

### **1. Background/Introduction**

Decisions to declare any asset surplus to the requirements of the Estate in advance of disposal must be approved by the County Farms Estate Committee. All or any estate rationalisation or restructuring proposals must also be approved by the Committee. Proposals to let or continue to let all or any part of the Estate to any tenants and for how long need to be approved by the Committee. The appointment of new tenants either from the open market (starter farms) or internally (progression farms) are delegated to an Interview Panel sub-committee convened to meet as and when required.

### **2. Proposals to sell, let or restructure the Estate**

#### **2.1 Land at Glebe Farm, West Putford**

2.1.1 It is recommended that the 27.85 hectares (92.90 acres) or thereabouts of bare land at Glebe Farm, West Putford be advertised to let in internal competition between the tenants of Merrifield Farm, Holsworthy; North Hele Farm, Buckland Brewer; and Lower Alminstone Farm, Woolsery on a 5 year Farm Business Tenancy (or for a shorter term to co-terminate with the term date of the successful tenants main holding tenancy) commencing 25 March 2024, subject to terms being agreed.

2.1.2 The West Putford Estate comprises:

Glebe Farm (bare land)	27.85 hectares (92.90 acres)
Total	27.85 hectares (92.90 acres)

# Agenda Item 6

2.1.3 Members may recall that at the County Farms Estate Committee meeting of 18 September 2017 it was resolved under Minute Ref. FE/13(f):

*'That the 27.85 hectares (68.88 acres) or thereabouts of bare land at Glebe Farm, West Putford be advertised to let in internal competition between the tenants of Merrifield Farm, Holsworthy, North Hele Farm, Buckland Brewer and Lower Alminstone Farm, Woolsery on a five year Farm Business Tenancy commencing 25 March 2019, subject to terms being agreed.'*

2.1.4 Members may also recall considering a potential opportunity for a surrender and regrant of a 1986 Agricultural Holdings Act 'retirement' tenancy of North Hele Farm, Buckland Brewer at a Committee meeting of 3 September 2018. Members resolved under minute ref FE/59(a):

(i) *The proposed surrender be accepted by the landlord;*

(ii) *The tenant be simultaneously re-granted a Farm Business Tenancy of North Hele Farm, Buckland Brewer for a term commencing 25 March 2019 and terminating 25 March 2032, subject to terms being agreed;*

(ii) *The tenant be granted a new Farm Business Tenancy of the land at Glebe Farm, West Putford for a term commencing 25 March 2019 and terminating 25 March 2032, subject to terms being agreed; and*

2.1.5 The tenant of North Hele Farm did not agree terms for the proposed surrender and regrant but was successful with his subsequent rent offer for the land at Glebe Farm, West Putford. He has occupied the land at West Putford since.

2.1.6 A notice to quit has been served on the current tenant of the land at Glebe Farm to bring the current lease to an end on the term date of 25 March 2024.

## **2.2 Part Beara Down Farm, Bratton Fleming**

2.2.1 It is recommended that:

(a) the farmstead, comprising NG 9089 and extending to 1.32 acres or thereabouts be declared permanently surplus to the requirements of the estate and sold for residential development with outline planning consent as soon as practically possible.

(b) the 16.45 hectares (40.65 acres) or thereabouts of bare land at Beara Down Farm, Bratton Fleming be advertised to let in internal competition between the tenants of Beara Down Farm, Bratton Fleming; Chapel Farm, Marwood; Prixford Barton Farm, Marwood; Little Stone Farm, South Molton; Great Stone Farm, South Molton; and Great Blakewell Farm, Chittlehampton, on the following subject to contract basis:

(i) *The 26.05 acres of land or thereabouts forming part Beara Down Farm and more particularly described as OS 0800, 0805, 1500, 3122, 4425 and 5625 be let on a further separate 5 year Farm Business Tenancy commencing 25 March 2024.*

- (ii) *Parts NG 7200, 0005 and 9793 extending to 12.87 acres or thereabouts of bare land be let to the same tenant as (i) above but on a series of consecutive 12 month Farm Business Tenancy Agreements until 25 March 2029 or until such times as the development potential of the land can be realised, whichever the earlier.*
- (iii) *Part NG 0005 amounting to 1.73 acres or thereabouts of bare land be let to the same tenant as (i) and (ii) above but on a series of consecutive seasonal grazing agreements until 25 March 2029 or until such times as the prospective buyers complete on the subject to contract and planning purchase, whichever the earlier.*

2.2.2 The Bratton Fleming Estate comprises:

Beara Down Farm	16.99 hectares (41.97 acres)
Total	16.99 hectares (41.97 acres)

2.2.3 Beara Down Farm has been occupied by the current tenant since 1991, initially on an Agricultural Holdings Act 1986 lease but more recently under a series of Farm Business Tenancy Agreements.

2.2.4 At the County Farms Estate Committee meeting of 9 February 2012 members considered the part II report BSS/12/05 and resolved under minute reference FE/128:

- (a) *That the tenants proposed short surrender of Beara Down Farm be accepted;*
- (b) *that 56.92 acres of land or thereabouts forming part Beara Down Farm, Bratton Fleming and more particularly described as OS 5157, 7747, 0546, 2044, 3141, 0131, 1730, 9715 and 1514 be declared permanently surplus to the operational requirements of the Estate so that it can be sold to the tenant simultaneously to the tenancy surrender referred to in (a) above, subject to terms being agreed;*
- (c) *that the tenant's counteroffer to purchase the 56.92 acres of land be accepted, subject to all other terms and conditions being agreed;*
- (d) *that the Beara Down farmhouse, buildings and 20.79 acres of land or thereabouts and more particularly described as OS Pt 7200, 9089, 0005, 0805, 0800 and 1500 be relet back to the tenant on a five year Farm Business Tenancy Agreement commencing 25 March 2012 and terminating 25 March 2017, subject to terms being agreed;*
- (e) *that 21.05 acres of land or thereabouts forming part Beara Down Farm and more particularly described as OS 3122, 4425 and 5625 be relet back to the tenant on a further separate five year Farm Business Tenancy Agreement commencing 25 March 2012 and terminating 25 March 2017, subject to terms being agreed.*

2.2.5 The tenant of Beara Down Farm subsequently surrendered his Agricultural Holdings Act 1986 tenancy, purchased the 56.92 acres of land and took the two Farm Business Tenancy Agreements referred to in resolution (d) and (e) above.

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2.2.6 In 2016, members resolved at the County Farms Estate Committee meeting of 28 June 2016 under Minute Reference FE/14(a):

*(i) that the Beara Down farmhouse, buildings and some land extending in total to 15.84 acres or thereabouts and more particularly described as OS 9089 and Pt's OS 7200, 9793 and 0005 be relet on a further Farm Business Tenancy Agreement to the existing tenant for a term commencing 25 March 2017 and expiring 25 March 2018, subject to terms being agreed;*

*(ii) that the 26.05 acres of land or thereabouts forming part Beara Down Farm and more particularly described as OS 0800, 0805, 1500, 3122, 4425 and 5625 be relet on a further Farm Business Tenancy Agreement to the existing tenant for a term commencing 25 March 2017 and expiring 25 March 2024, subject to terms being agreed.*

2.2.7 The former tenant of Beara Down Farm has secured planning consent for agricultural buildings and an agriculturally tied dwelling on the land he acquired from the County Council. The dwelling was constructed in c.2017 and the tenant has successfully relocated his business from the Council's farmstead to his own recently constructed farmstead.

2.2.8 The Council's farmstead, comprising NG 9089 and extending to 1.32 acres or thereabouts is now vacant and held in hand pending a proposed planning application being submitted to the Local Planning Authority for residential redevelopment. The dwelling is in poor condition and not considered suitable for human habitation.

2.2.9 In 2015 an outline planning application for residential development was submitted by NPS South West Ltd, for and on behalf of the County Council, on the Beara Down farmstead and a field linking the farmstead to the existing village Built Up Area Boundary (BUAB). In total, the proposed development site extended to 5.67 acres or thereabouts and would have enabled up to 40 dwellings to be constructed. However, following some concerns from some statutory consultees appertaining to the scale of the development, the application was withdrawn on 5 April 2016.

2.2.10 A new planning application for a smaller scale residential development on just the farmstead is currently being prepared.

2.2.11 In addition to the farmstead, Part NG 0005 amounting to 1.73 acres or thereabouts has, for several years now (since at least 2016), been sold on a subject to contract and committee approval basis to the owners of the adjacent small industrial estate as a potential extension to the industrial estate. The purchasers have submitted, but since withdrawn, a planning application to develop the land for employment use purposes. This land has been let on a series of seasonal grazing agreements to the former tenants of Beara Down Farm as a short term management solution.

- 2.2.12 Furthermore, Pts NG 7200, 0005 and 9793 extending to 12.87 acres or thereabouts are considered to have some mid to long term development potential and have thus been let on a series of short term Farm Business Tenancy Agreements to the former tenant of Beara Down Farm.
- 2.2.13 The remaining 26.05 acres of land or thereabouts forming part Beara Down Farm and more particularly described as OS 0800, 0805, 1500, 3122, 4425 and 5625 have been farmed by the former tenants of Beara Down Farm since 2012 on two consecutive five year Farm Business Tenancy Agreements.
- 2.2.14 A notice to quit has been served on the tenant of the 26.05 acres of bare land to bring the current Farm Business Tenancy of it to an end on the term date of 25 March 2024.
- 2.2.15 The current tenants have expressed interest in being offered the land again for a further term.
- 2.2.16 The other County Farms Estate tenants located in closest proximity to this land farm between c. 9 and 11 miles distance by quickest or shortest road route from Bratton Fleming. In the spirit of equality, they ought to at least be given the opportunity to consider renting the land in internal competition.

## **2.3 Part Higher Henland Farm, Kentisbeare**

- 2.3.1 It is recommended that Part Higher Henland Farm Kentisbeare, amounting to 9.89 hectares (24.45 acres) or thereabouts of bare land be advertised to let in internal competition between the tenants of Higher Henland Farm, Kentisbeare; Lower Henland Farm, Kentisbeare; Westcott Farm, Burlescombe; Great Southdown Farm, Burlescombe; Dungeons Farm, Cullompton; Tarrants Farm, Payhembury; and Perriton Barton Farm, Whimple on a 5 year Farm Business Tenancy (or for a shorter term to co-terminate with the term date of the successful tenants main holding tenancy) commencing 25 March 2024, subject to terms being agreed.
- 2.3.2 The Kentisbeare Estate comprises:
- (a) Higher Henland Farm – 41.91 hectares (103.58 acres)
  - (b) Lower Henland Farm – 73.31 hectares (181.07 acres)
- Total – 115.22 hectares (284.65 acres)
- 2.3.3 Higher Henland Farm is let to the tenant under two separate agreements. The lease of the main holding is a 1986 Agricultural Holdings Act 'retirement' tenancy. With the legislative amendments made by the Agriculture Act 2020, the earliest date on which the landlord could take back possession of the holding under the Agricultural Holdings Act 1986 Case A provisions is 25 March 2024.

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2.3.4 A Case A notice to quit has not been served to bring the Agricultural Holdings Act lease to an end and the tenancy continues to run from year to year until such times as it can be determined.

2.3.5 The tenant occupies the remaining 24.45 acres of bare land under a Farm Business Tenancy. At the County Farms Estate Committee meeting of 22 February 2021 members resolved under minute ref FE/155(a) Part Higher Henland Farm, Kentisbeare:

*‘that Part Higher Henland Farm Kentisbeare amounting to 9.89 hectares (24.45 acres) or thereabouts of bare land be let again to the tenant of Higher Henland Farm, Kentisbeare on a Farm Business Tenancy agreement commencing 25 March 2022 and terminating 25 March 2024, subject to terms being agreed’.*

2.3.6 The other County Farms Estate tenants located in closest proximity to this land farm anywhere from immediately adjacent to it and between c. 9 and 11 miles distance by quickest or shortest road route. In the spirit of equality, they ought to at least be given the opportunity to consider renting the land in internal competition.

## 2.4 Dungeons Farm, Cullompton

2.4.1 It is recommended that the farmhouse, buildings and 65.11 hectares (160.01 acres) or thereabouts of land at Dungeons Farm, Cullompton be advertised to let as an equipped residential progression dairy farm in internal competition between existing tenants of the Estate and on a Farm Business Tenancy for a term of up to fifteen years commencing 25 March 2024 and expiring 25 March 2039, subject to terms being agreed.

2.4.2 The Cullompton Estate comprises:

(a)	Dungeons Farm	–	65.11 hectares (160.01 acres)
	Total	–	65.11 hectares (160.01 acres)

2.4.3 Dungeons Farm comprises a house, buildings and 160.01 acres or thereabouts of land and is let to the current tenant on a Farm Business Tenancy Agreement under the Agricultural Tenancies Act 1995 expiring 25 March 2024. A Notice to Quit has been served to bring the lease to an end on the term date and the current tenant is planning to retire from active farming at that point.

2.4.4 Dungeons Farm has proven to be a successful and profitable farming opportunity for the current tenant.

2.4.5 The holding is a reasonably well equipped dairy holding complete with NVZ compliant slurry store. The current tenant has invested in a number of tenant’s fixture or improvements, some of which ought to be taken over by the landlord at end of tenancy. The holding should afford an existing starter



farm tenant with a good progression opportunity. It is therefore proposed to advertise the farm to let internally in the first instance.

## **2.5 Lower Uppacott Farm, Mariansleigh**

2.5.1 It is recommended that the farmhouse, buildings and 34.56 hectares (85.45 acres) or thereabouts of land at Lower Uppacott Farm, Mariansleigh 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 2024 and terminating 25 March 2031, subject to terms being agreed.

2.5.2 The Mariansleigh Estate comprises:

(a) Southacott Farm	-	87.66 hectares (216.67 acres)
(b) Lower Uppacott Farm	-	34.56 hectares (85.45 acres)
Total	-	122.22 hectares (302.12 acres)

2.5.3 Lower Uppacott Farm comprises a house, buildings and 85.45 acres or thereabouts of land which has been let to the existing tenant under a series of Farm Business Tenancy Agreements since 2010. The tenants current lease expires 25 March 2024.

2.5.4 The farm is a versatile mixed livestock holding in good condition and has proven to be a sufficiently viable platform for the existing tenant to establish and build a very successful business on it and more recently, to buy land and secure planning consent for an agriculturally tied dwelling and poultry houses, thereby progressing beyond the Estate directly from a starter farm tenancy.

## **2.6 Glebe Farm, Rattery**

2.6.1 It is recommended that NG 8938 and Pt 0037 amounting to 0.64 acres or thereabouts be declared permanently surplus to the requirements of the Estate and sold for residential conversion with the benefit of Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.

2.6.2 The Rattery Estate comprises:

(a) Glebe Farm	-	19.21 hectares (47.45 acres)
Total	-	19.21 hectares (47.45 acres)

2.6.3 The farmhouse at Glebe Farm was sold off in c.2002. The buildings and some land on the edge of the village of Rattery were retained for their mid to long term development potential.

2.6.4 Until such times as the development potential can be realised the tenant of Cobberton Farm, Dartington is to be offered first refusal of an annual Farm Business Tenancy of the land and buildings each year, subject to terms

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being agreed. This was an agreement reached at the time of the current tenants progression to Cobberton Farm.

- 2.6.5 A prior notification to the Local Planning Authority is currently being prepared for the conversion of some of the buildings on the farmstead under Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.

## **2.7 Higher Fingle Farm, Drewsteignton**

2.7.1 It is recommended that:

- (i) The tenants proposed surrender of Higher Fingle Farm, Drewsteignton at 25 March 2025 be accepted subject to an Agreement to Surrender and a Deed of Surrender being signed before 25 March 2023.
- (ii) The tenants proposed surrender of the 27.97 hectares (69.11 acres) of land at Great Parks Farm, Crediton at 25 March 2025 be accepted subject to an Agreement to Surrender and a Deed of Surrender being signed before 25 March 2023.
- (iii) The tenants proposed surrender of the 11.86 hectares (28.61 acres) of land at East Week Farm, South Tawton at 25 March 2024 be accepted subject to an Agreement to Surrender and a Deed of Surrender being signed before 25 March 2023.
- (iv) That it be acknowledged and accepted that the current tenant of Higher Fingle Farm, Drewsteignton be allowed to vacate the farmhouse and farm another commercially viable holding rented locally in the private sector during a transitional and phased progression move between 25 March 2023 and 25 March 2025.
- (v) That the farmhouse, buildings and 22.83 hectares (56.41 acres) or thereabouts of land at Higher Fingle Farm, Drewsteignton 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 2025 and terminating 25 March 2032, subject to terms being agreed.
- (vi) That the 27.97 hectares (69.11 acres) or thereabouts of bare land at Part Great Parks Farm, Crediton be advertised to let in internal competition between the tenants of Lower Parks Farm, Crediton; Middle Yeo Farm, Down St Mary; Endfield Farm, Sandford; and Lower Chitterely Farm, Bickleigh on a 5 year Farm Business Tenancy (or for a shorter term to co-terminate with the term date of the successful tenants main holding tenancy) commencing 25 March 2025, subject to terms being agreed.
- (vii) That the 16.76 hectares (40.44 acres) or thereabouts of bare land at East Week Farm be advertised to let in internal competition between the tenants of East Week Farm (land), South Tawton; Smithscross Farm, Drewsteignton; and East Fingle Farm, Drewsteignton on a 5 year Farm Business Tenancy (or for a shorter term to co-terminate with the term date of the successful tenants main holding tenancy) commencing 25 March 2024, subject to terms being agreed.

2.7.2 The Drewsteignton Estate comprises:

(i)	Higher Fingle Farm	- 22.83 hectares (56.41 acres)
(ii)	East Fingle Farm	- 26.20 hectares (65.85 acres)
(iii)	Smithscross Farm	- 39.95 hectares (98.72 acres)
	Total	- 88.98 hectares (220.98 acres)

2.7.3 In addition to the main Higher Fingle holding the tenant rents the following additional blocks of bare land from the Estate:

(i)	Part Great Parks Farm, Crediton	- 27.97 hectares (69.11 acres)
(ii)	Part East Week Farm, South Tawton	- 11.86 hectares (28.61 acres)
(iii)	Part East Week Farm, South Tawton	- 4.79 hectares (11.83 acres)

2.7.4 The tenant of Higher Fingle Farm has very recently been offered a tenancy of a farm advertised to let in the private sector. The tenant has accepted the offer but needs a period of transition to progress beyond the Estate and cannot surrender his tenancy agreements of the property rented from the County Council immediately.

### 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 Strategic Plan

5.1 <https://www.devon.gov.uk/strategic-plan/>

5.2 The prudent management of the County Farms Estate, in accordance with the County Farms Estate Strategic Review (April 2010), is well aligned with Strategic Plan priorities such as:

- Investing in Devon's economic recovery - ensure financial resilience of the Council.



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

Document is Restricted

