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To: The Chair and Members
of the Farms Estate
Committee

County Hall
Topsham Road
Exeter
Devon
EX2 4QD

Date: 1 September 2023

Contact: Wendy Simpson, 01392 384383

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FARMS ESTATE COMMITTEE

Monday, 11th September, 2023

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

Donna Manson
Chief Executive

A G E N D A

PART I - OPEN COMMITTEE

1 Apologies for Absence

2 Minutes

Minutes of the meetings held on 15 May and 23 June 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 2023/24 (month 4) (Pages 1 - 6)

Report of the Director of Finance and Public Value (DF/23/78) on the County Farms Estate Revenue Monitoring 2023/24 (month 4).

Electoral Divisions(s): All Divisions

- 5 Capital Monitoring 2023/24 (month 4) (Pages 7 - 10)
Report of the Director of Finance and Public Value (DF/23/79) on the County Farms Estate Capital Monitoring 2023/24 (month 4).

Electoral Divisions(s): All Divisions

- 6 The County Farms Estate - Management and Restructuring Issues (Pages 11 - 16)
Report of the Head of Digital Transformation and Business Support (BSS/23/07) on County Farms Estate Management and Restructuring Issues.

*Electoral Divisions(s): Crediton;
Dawlish; Torrington Rural*

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 landlords consent for proposed tenants improvements (Pages 17 - 20)
Report of the Head of Digital Transformation and Business Support (BSS/23/08) on request for landlords consent for proposed tenants improvements.
- b Monitoring of tenants (Pages 21 - 42)
Report of the Head of Digital Transformation and Business Support (BSS/23/09) on monitoring of tenants on an initial farm business tenancy.

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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Induction Loop available



DF/23/78
Farms Estate Committee
11 September 2023

The County Farms Estate Revenue Monitoring (month 4) 2023/24

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.

1) Recommendation

That the Committee endorses this report.

2) Background / Introduction

- 2.1 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.
- 2.2 The Revenue Budget presented to Corporate Infrastructure and Regulatory Services Scrutiny Committee on 30 January 2023 and approved at County Council on 16 February 2023 included a target surplus of £534,000 for the County Farms Estate.
- 2.3 Appendix A provides details of income and expenditure to date.

3) Revenue Monitoring for the period 1 April 2023 to 31 July 2023 (month 4).

- 3.1 No income has been invoiced to date. Invoices for the majority of the income are raised 6 months in arrears at 29 September and 25 March each financial year. Forecasts indicate that income is expected to be approximately £110,000 higher than budget.
- 3.2 Some Tenant Right Valuation (TRV) accruals have been released but £152,954 of TRV accruals are still not capable of being released as several end of tenancy valuations are not yet concluded. With the further changes of tenancy due at 25 March 2024 it is anticipated that this year's £21,000 budget will be over committed. The current forecast estimates a year end liability of £75,000.

Agenda Item 4

- 3.3 £19,267 worth of unforeseen repair works has been ordered and paid in 2022/23. In addition, a further £17,276 of unforeseen works has been ordered but not invoiced. Total unforeseen maintenance expenditure and commitment at month 4 is therefore £36,544.
- 3.4 The revenue funded maintenance programme is showing expenditure of £13,108 at month 4. In addition, a further £19,024 of programme works has been ordered but not invoiced. Total maintenance programme expenditure and commitment at month 4 is therefore £32,132. The current forecast estimates a year end liability of £279,000.
- 3.5 There has been no spend against the redundant buildings, asbestos removal and health and safety improvements works budget to date. An accrual of £11,122 for works carried out but not invoiced in the previous financial year remains outstanding. Contractors are being pressed to present invoices to clear these accruals as quickly as possible. The current forecast estimates a year end liability of £63,000.
- 3.6 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 £5,062. There are orders raised producing a total commitment of a further £6,922. The current forecast estimates a year end liability of £21,000.
- 3.7 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 commenced on the Estate and some remedial works procured. So far £3,414 has been spent on surveys and remedial works.
- 3.8 It is anticipated the building maintenance survey budget of £10,000 will be fully committed.
- 3.9 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 4 the South West Norse fees are £53,352.
- 3.10 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.

4) Options / Alternatives

- 4.1 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.

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 No other parties have been consulted and no other representations have been received
- 5.3 The technical data is believed to be true and accurate.

6) Strategic Plan

- 6.1 This report has no specific direct alignment with the Council's Strategic Plan 2021 – 2025 - <https://www.devon.gov.uk/strategic-plan>

7) Financial Considerations

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

8) Legal Considerations

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

9) Environmental Impact Considerations (Including Climate Change, Sustainability and Socio-economic)

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

10) Equality Considerations

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

11) Risk Management Considerations

- 11.1 No risks have been identified.

12) Summary / Conclusions / Reasons for Recommendations

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

Agenda Item 4

Angie Sinclair,
Director of Finance and Public Value

Electoral Divisions: All

Local Government Act 1972: List of background papers

Background Paper

Date

File Reference

Nil

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COUNTY FARMS ESTATE - FINANCIAL REPORTS FINANCIAL STATEMENT - (MONTH 4) 2023-24

<u>INCOME</u>	<u>YEAR TO DATE</u>	<u>ANNUAL TARGET</u>	<u>CURRENT FORECAST</u>
	<u>£'000</u>	<u>£'000</u>	<u>£'000</u>
Rent	(3)	(1,213)	(1,328)
Other	(1)	(40)	(35)
TOTAL INCOME	<u>(4)</u>	<u>(1,253)</u>	<u>(1,363)</u>
<u>EXPENDITURE</u>			
<u>STATUTORY COSTS</u>			
Tenant Right Valuation	<u>(153)</u>	<u>21</u>	<u>75</u>
SUB - TOTAL	<u>(153)</u>	<u>21</u>	<u>75</u>
<u>PREMISES COSTS</u>			
Building Maintenance - unforeseen	19	103	103
Building Maintenance - programmed	13	216	279
Building Maintenance - Surveys	0	10	10
Building Maintenance - STC	(5)	21	21
Building Maintenance - other (incl. land agents initiatives, redundant buildings, asbestos and health & safety)	(11)	63	63
Grounds Maintenance	3	13	13
Rents & other landlord charges	0	11	11
Rates, Electricity and Water Charges	<u>1</u>	<u>6</u>	<u>6</u>
SUB - TOTAL	<u>20</u>	<u>443</u>	<u>506</u>
<u>SUPPLIES & SERVICES</u>			
Insurance	0	0	0
Adverts	0	2	2
NPS Fees	53	236	236
Legal Fees	0	4	4
Professional Fees	(17)	6	6
Other Fees & Charges (DFYF, SHLAA, GPDO)	<u>0</u>	<u>7</u>	<u>0</u>
SUB - TOTAL	<u>36</u>	<u>255</u>	<u>248</u>
TOTAL EXPENDITURE	<u>(97)</u>	<u>719</u>	<u>829</u>
NET OPERATIONAL (SURPLUS)	(101)	(534)	(534)
FARM IMPROVEMENTS inclusive of fees			
Revenue funded Restructuring (BM other)	0	0	0
SUB - TOTAL	<u>0</u>	<u>0</u>	<u>0</u>
TOTAL COSTS SURPLUS	(101)	(534)	(534)

DF/23/79
Farms Estate Committee
11 September 2023

The County Farms Estate Capital Monitoring (month 4) 2023/24

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.

1) Recommendation

That the Committee endorses this report.

2) Background / Introduction

- 2.1 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.
- 2.2 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.
- 2.3 The following table shows the current five-year capital allocation for the County Farms Estate.

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

3) Capital Monitoring for the period 1 April 2023 to 31 July 2023 (month 4).

- 3.1 The Capital budget presented to Corporate Infrastructure and Regulatory Services Scrutiny Committee on 30 January 2023 and approved at County Council on 16 February 2023 included schemes totalling £750,000.
- 3.2 There was an 'underspend' of £31,018 in 2022/23 and an in year receipt of £120,000 thus the balance of capital available to spend in 2023/24 amounts to £901,017.
- 3.3 As at month 4 very little has been spent but the remaining budget is forecast to be spent by year end.

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4) Nitrate Vulnerable Zone Compliance

- 4.1 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.
- 4.2 Forecast spend stands at £2,868 on retention monies associated with NVZ compliant schemes in 2023/24.

5) Enhancements and Improvements

- 5.1 The 2023/24 programme consists of:
 - (a) 10 projects that were started in previous years which are now in defect periods.
 - (b) 2 projects started last financial year are still being delivered on site.
 - (c) 2 new whole house refurbishment projects are programmed to start and complete this financial year.
 - (d) 4 further sewage treatment plants are due to be installed by year end.
 - (e) 1 new silage clamp is being designed to replace a failed landlords clamp.
 - (f) 1 jointly funded methane harvesting slurry store cover is being procured in partnership with a third party contractor.
- 5.2 Actual spend at month 4 is now -£28,999 due to outstanding 2022/23 year end creditor adjustments with a further £82,795 committed (orders placed) to date. A total of £901,017 is forecast to be spent by year end.

6) Compensation Payments (Tenants Improvements, etc.)

- 6.1 It is possible that some of the capital budget will need to be spent on end of tenancy compensation liabilities arising at 25 March 2024. The end of tenancy valuations will be negotiated in the next 6 months.

7) Land Acquisitions

- 7.1 One land acquisition was approved at year end and an offer has been made and accepted on a subject to contract basis.

8) Capital Receipts Generated in year

- 8.1 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.
- 8.2 The table below schedules all County Farms Estate disposals that have completed in year to date and will contribute towards the Corporate Capital Programme.

Asset Sold	Acreage Sold	Capital Receipt (net of costs)	Date of completion
Field at Lower Northchurch Farm, Yarnscombe	3.93	£70,000.00	21 June 2023
Total	3.93	£70,000.00	

9) Options / Alternatives

- 9.1 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.

10) Consultations / Representations / Technical Data

- 10.1 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.
- 10.2 No other parties have been consulted and no other representations have been received
- 10.3 The technical data is believed to be true and accurate.

11) Strategic Plan

- 11.1 This report has no specific direct alignment with the Council's Strategic Plan 2021 – 2025 - <https://www.devon.gov.uk/strategic-plan>

12) Financial Considerations

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

13) Legal Considerations

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

14) Environmental Impact Considerations (Including Climate Change, Sustainability and Socio-economic)

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

Agenda Item 5

15) Equality Considerations

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

16) Risk Management Considerations

16.1 No risks have been identified.

17) Summary / Conclusions / Reasons for Recommendations

17.1 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

Background Paper

Date

File Reference

Nil

Contact for enquiries:

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BSS/23/07
Farms Estate Committee
11 September 2023

The County Farms Estate Management and Restructuring

Report of the Head of Digital Transformation and Business Support

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

1) Recommendation

That the Committee approves the recommendations as set out in the opening paragraphs of sections 3.1, 3.2 and 3.3 of this report.

2) 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.

3) Proposals to sell, let or restructure the Estate

3.1 Part Duckaller Farm, Dawlish

3.1.1 It is recommended that:

- (a) The tenants proposed voluntary surrender of part NG 0001 extending to 0.02 acres or thereabouts of land be accepted
- (b) That part NG 0001 extending to 0.02 acres or thereabouts of land be let to the Environment Agency on a 10 year common law tenancy commencing 29 September 2023 and terminating on 29 September 2033, subject to terms being agreed.

3.1.2 The Dawlish Estate comprises:

(i)	Duckaller Farm	35.74 hectares (88.31 acres)
(ii)	New Gulliford Farm	36.55 hectares (90.31 acres)
(iii)	Land at Cofton Cross	3.09 hectares (7.64 acres)
	Total	75.38 hectares (186.26 acres)

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- 3.1.3 It has been recently discovered that at some point in the past the National Rivers Authority (NRA) installed infrastructure and apparatus in and adjacent to a watercourse on the boundary of Duckaller Farm. The Environment Agency (EA) inherited the infrastructure and are now responsible for it.
- 3.1.4 The infrastructure and associated apparatus exists and is monitored virtually to measure the water flows below a South West Water abstraction point so that the Environment Agency can monitor the effects of the abstraction. There is a similar 'monitoring station' upstream of the abstraction point on third party land.
- 3.1.5 Neither the County Council nor the Environment Agency can find any evidence of any legal agreements existing between the parties to permit the existence and use of the infrastructure.
- 3.1.6 The Environment Agency infrastructure is life expired and in need of replacement which prompted the Environment Agency to approach the County Council's managing agents for permission to enter the farm to carry out works to replace the infrastructure.
- 3.1.7 The approach has been used as an opportunity to regularise the requisite legal permission for the infrastructure and apparatus to remain in situ for a further term of 10 years, subject to terms being agreed.
- 3.2 Part Tapps Farm, Coppleshone
- 3.2.1 It is recommended that a 35 year common law tenancy be granted to Network Rail of 13.5 acres of land or thereabouts comprising Part NG 0032 at Tapps Farm, Coppleshone for a term commencing 25 March 2024 and terminating 24 March 2059, subject to terms being agreed.
- 3.2.2 The Coppleshone Estate comprises:
- | | |
|-------------------------------------|------------------------------|
| (i) Land at Tapps Farm, Coppleshone | 10.57 hectares (26.11 acres) |
| Total | 10.57 hectares (26.11 acres) |
- 3.2.2 The bare land remaining after the farmstead was sold off in 2013 has been farmed and managed as 'away' land by a number of existing estate tenants during the intervening years. The current custodian is the tenant of Middle Yeo Farm, Down St Mary who members will note from the minutes of the Interview Panel Sub-Committee meeting of 23 June 2023 (ref: FE/91(b)) is progressing to a larger holding on the Estate at 25 March 2024.
- 3.2.3 Members may be aware that the County Council has been and continues to work in partnership with Network Rail to deliver the phase 1 and 2 schemes to open up the Okehampton Railway line.
- 3.2.4 It is understood some of the Okehampton Railway line scheme works required a Natural England licence to proceed due to potential impact on Dormice and Dormice habitat. As part of the Natural England licence habitat impact mitigation strategy and legal liabilities, Network Rail is obliged to replace dormice habitat lost through the

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essential scheme works. Network Rail has identified other third-party land to mitigate some of the impact but further land is required.

3.2.5 Network Rail's agents, Dalcour Maclaren, identified the land at Tapps Farm, Copplestone as a potential additional site for further tree planting to create the replacement dormice habitat required by the Natural England licence referred to above.

3.2.6 Subject to contract terms have been discussed with Dalcour Maclaren and Network Rail for a 35 year common law tenancy of Part Tapps Farm, Copplestone and more particularly, 13.5 acre or thereabouts of NG 0032.

3.2.7 Members should note that once trees have been planted and maintained for the 35 year term of the lease, the land will effectively have been permanently and irreversibly converted from agricultural to woodland in nature.

3.3 Furze Barton Farm, Ashreigney

3.3.1 It is recommended that:

(a) The Case G Notice to Quit served on the personal representatives of the late tenant of Furze Barton Farm, Ashreigney be upheld and vacant possession of the holding be taken at 24 March 2025.

(b) The farmhouse, buildings and 54.22 hectares (133.99 acres) or thereabouts of land at Furze Barton Farm, Ashreigney be advertised to let on the open market as an equipped residential starter dairy farm for a term of seven years commencing 25 March 2025 and expiring 25 March 2032, subject to terms being agreed.

3.3.2 The Ashreigney Estate comprises:

(i)	Furze Barton Farm	54.22 hectares (133.99 acres)
(ii)	Furze Cottages Farm	73.12 hectares (180.68 acres)

Total	127.34 hectares (314.37 acres)
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3.3.3 Furze Barton Farm was let to a tenant on an Agricultural Holdings Act 1986 'lifetime' tenancy.

3.3.4 The tenant sadly passed away on 26 June 2023 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. Unless successfully contested the notice to quit will take effect at 24 March 2025.

3.3.5 The Estate Asset Management Plan suggests Furze Barton Farm is a holding that should be retained and relet in accordance with the objectives of the Estate Policy and Strategy.

3.3.6 The landlord has already installed a new tin tank slurry store designed to comply with the Nitrate Vulnerable Zone (NVZ) Regulations, building in capacity for future expansion of the holding to one of a progression size, in accordance with the Estate Strategy. For the current size of the holding, the slurry store should therefore provide

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adequate capacity to comply with the increased storage requirements (6 months capacity) now required by the Agriculture Act 2021.

- 3.3.7 The former tenant installed a new milking parlour and dairy in recent years and the remaining farm infrastructure is of an age but still functional. There are no known reasons why a new tenant would not be granted a milk contract or achieve farm assurance status.

4) Options / Alternatives

- 4.1 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.

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 No other parties have been consulted and no other representations have been received
- 5.3 The technical data is believed to be true and accurate.

6) Strategic Plan

- 6.1 This report has no specific direct alignment with the Council's Strategic Plan 2021 – 2025 - <https://www.devon.gov.uk/strategic-plan>

7) Financial Considerations

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

8) Legal Considerations

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

9) Environmental Impact Considerations (Including Climate Change, Sustainability and Socio-economic)

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

10) Equality Considerations

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

11) Risk Management Considerations

11.1 No risks have been identified.

12) Summary / Conclusions / Reasons for Recommendations

12.1 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: Dawlish; CREDITON; Torrington Rural

Local Government Act 1972: List of background papers

Background Paper

Date

File Reference

Nil

Contact for enquiries:

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

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

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