

## **The County Farms Estate Management and Restructuring**

Report of the Head of Digital Transformation and Business Support

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

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### **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)
	<b>Total</b>	<b>75.38 hectares (186.26 acres)</b>

- 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

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)

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

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).

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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

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