

FARMS ESTATE COMMITTEE

16 May 2022

Present:

Councillors J Yabsley (Chair), J Berry (virtual), J Brook (Vice-Chair),
A Dewhirst, H Gent and L Samuel
Mr T Forward (Tenant's representative)
Mr R Shinner (Devon Young Farmers' representative)

Apologies:

Mrs L Warner

* **31** **Minutes**

RESOLVED that the minutes of the meeting held on 7 February 2022 be signed as a correct record.

* **32** **Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

33 **Announcements**

The Chair welcomed Mrs Saltmarsh who was attending the meeting in her capacity as a Co-opted Member of the Council's Standards Committee to observe and monitor compliance with the Council's ethical governance framework.

* **34** **Revenue Monitoring 2021/22 (Outturn) and 2022/23 (Budget)**

The Committee received the Report of the Director of Finance and Public Value (CT/22/50) on the County Farms Estate Revenue Monitoring (Final Outturn) 2021/22 and Revenue Budget 2022/23, providing a summary of the annual budget and detailing income and expenditure to date. The final outturn provided a net surplus of £465,998 compared to the target surplus of £464,000.

The Revenue Budget 2022/23 included a target surplus of £534,000, which was an increase of £70,000 on the previous year's target.

Members' questions and Officer discussion covered the empty surplus properties and the costs incurred in holding them, for which the Estate were responsible, pending disposal. The condition of the surplus properties had been deemed not fit for reletting.

Further questioning was of a commercially sensitive and confidential nature and would be dealt with under Part II of the meeting.

* **35** **Capital Monitoring 2021/22 (Outturn) and 2022/23 (Budget)**

The Committee received the Report of the Director of Finance and Public Value (CT/22/49) on the County Farms Estate Capital Monitoring (Final Outturn) 2021/22 and Capital Budget 2022/23.

Total spend in 2021/22 amounted to £1,189,233 and resulted in an underspend against the budget provision of £25,787, which would be carried forward to the 2022/23 budget, thus the balance of capital available to spend in 2022/23 amounted to £1,025,787.

36 **The County Farms Estate - Annual Report 2021/22**

The Committee received the Report of the Director of Finance and Public Value (CT/22/51) incorporating the 31st Annual Report of the County Farms Estate.

The Annual Report 2021/22 covered the Committee's functions, namely, Financial performance, Estate management performance, and highlighted notable Estate achievements and events throughout the year.

A correction at paragraph 5.2, bullet point 6, in the report was noted, which should read as follows:

'Seven farms (Thorndon Farm, Broadwoodwidge; Ten Oaks Farm, Roborough; Little Stone Farm, South Molton; Coppa Dolla Farm, Denbury; Perriton Barton Farm, Whimble; Nunford Farm, Colyton; and Higher Artiscombe Farm, Gulworthy) were re-let to new tenants.'

Members' questions and discussion included:

- it was noted that due to Inflationary pressures in the market, some repairs had not been carried out but these would be included in the priority programme for the coming year;
- that plans were being made for the Farmwise event to take place again in 2022/23; and
- further questioning was of a commercially sensitive and confidential nature and would be dealt with under Part II of the meeting.

Members welcomed the Report.

37 **Management and Restructuring Issues**

The Committee received the Report of the Head of Digital Transformation and Business Support (Interim) (BSS/22/10) on County Farms Estate management and restructuring issues.

(a) Part Lower Northchurch Farm, Yarnscombe

It was **MOVED** by Councillor Brook, **SECONDED** by Councillor Dewhirst and

RESOLVED that NG 0040 and 0041 forming part Lower Northchurch Farm, Yarnscombe and amounting to 3.39 acres or thereabouts be declared permanently surplus to the operational requirements of the Estate and sold to the neighbouring special purchaser, subject to terms being agreed.

(b) Part Lower Farm, High Bickington

It was **MOVED** by Councillor Brook, **SECONDED** by Councillor Dewhirst and

RESOLVED that NG 1926 forming part Lower Farm, High Bickington and amounting to 2.13 acres or thereabouts be declared permanently surplus to the operational requirements of the Estate and sold.

(c) Part Glebe Farm, Rattery

It was **MOVED** by Councillor Dewhirst, **SECONDED** by Councillor Samuel and

RESOLVED that

- (i) Part NG 2249 (0.38 acres or thereabouts) be declared permanently surplus to the operational requirements of the Estate and transferred to St Mary's Church, Rattery, subject to terms being agreed.
- (ii) Permission be given to discuss and agree terms with the Parish Council for a permissive path agreement granting rights for the Parish Council to create and thereafter maintain and repair a permissive path through Part NG 2249 and NG 2854.
- (iii) NG 8726 and NG 0017 amounting to 9.96 acres or thereabouts be let to the Veterans Farm-Able Foundation as an alternative and more secure base, subject to terms being agreed.

(d) Part Lower Barton Farm, Aylesbeare

It was **MOVED** by Councillor Brook, **SECONDED** by Councillor Dewhirst and

RESOLVED that Part Lower Barton Farm, Aylesbeare be declared permanently surplus to the requirements of the Estate and surrendered back to the landlord, Clinton Devon Estates, subject to terms being agreed.

38 **CPRE Report Re-imagining Council Farms**

The Committee received the Report of the Head of Digital Transformation and Business Support (Interim) (BSS/22/09) together with the annexed CPRE report, following the publication in March 2022 of its vision for Council Farms.

It was **MOVED** by Councillor Brook, **SECONDED** by Councillor Dewhirst and

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

* **39** **Exclusion of the Press and Public**

RESOLVED that the press and public be excluded from the meeting for the following items of business under Section 100(A)(4) of the Local Government Act 1972 on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1, 2 and 3 of Schedule 12A of the Act, namely information relating to, and which was likely to reveal the identity of, tenants and information relating to the financial or business affairs of tenants and the County Council and, in accordance with Section 36 of the Freedom of Information Act 2000, by virtue of the fact that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

* **40** **Holdings and Tenancies etc.**

(An item taken under Section 100A(4) of the Local Government Act 1972 during which the press and public were excluded, no representations having been received to such consideration under Regulation 5(5) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.)

(Councillor Yabsley declared a personal interest in the Part II background information discussions by virtue of being a member of North Devon Council's Joint Planning Policy Committee.)

a **Management and Restructuring issues**

The Committee considered the Report of the Head of Digital Transformation and Business Support (Interim) (BSS/22/06) on management and restructuring issues.

It was **MOVED** by Councillor Brook, **SECONDED** by Councillor Dewhirst and

RESOLVED

- (i) that the existing tenant of Duckaller Farm, Dawlish be invited to surrender his 1986 Agricultural Holdings Act 'retirement' tenancy of the holding at 25 March 2023.
- (ii) that should the tenant of Duckaller Farm, Dawlish surrender his tenancy, the proposed surrender be accepted by the County Council; and
- (iii) the tenant and his son be simultaneously regranted a Farm Business Tenancy of Duckaller Farm, Dawlish for a term commencing 25 March 2023 and terminating 25 March 2030, subject to:
 - (a) the Farm Business Tenancy being in accordance with the County Council's standard form;
 - (b) the rent for the holding being set at its open market value, as defined in the Agricultural Tenancies Act 1995;
 - (c) the letting being treated as a new entrant starter farm tenancy;
 - (d) the tenant's son participating in the normal new entrant monitoring visits and satisfying the new entrant competencies assessment to the complete satisfaction of the County Council before any further tenancies are granted; and
 - (e) all other terms and conditions being agreed.

b Requests for Extension of Tenancy

The Committee considered the Report of the Head of Digital Transformation and Business Support (Interim) (BSS/22/07) on requests for extensions of tenancy in respect of Endfield Farm, Sandford and East Fingle Farm, Drewsteignton.

Under the terms of the County Farms Estate Protocol, the tenants of each farm attended and presented their respective business plans to the Committee.

(i) Endfield Farm, Sandford

(Councillor Samuel declared a personal interest in this item by virtue of being personally acquainted with the tenants.)

It was **MOVED** by Councillor Brook, **SECONDED** by Councillor Dewhirst and

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

(ii) East Fingle Farm, Drewsteignton

It was **MOVED** by Councillor Brook, **SECONDED** by Councillor Yabsley and

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

c Request for Landlord's Consent

The Committee considered the Report of the Head of Digital Transformation and Business Support (Interim) (BSS/22/08) on a request for landlord's consent for proposed tenant's improvement.

It was **MOVED** by Councillor Brook, **SECONDED** by Councillor Dewhirst and

RESOLVED

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

d Carbon Audits and Sequestration Capacity Assessments

The Committee considered the Report of the Head of Digital Transformation and Business Support (Interim) (BSS/22/04) on carbon audits and sequestration capacity of the County Farms Estate.

It was **MOVED** by Councillor Dewhirst, **SECONDED** by Councillor Brook and

RESOLVED

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

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

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

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

The Committee considered the Report of the Head of Digital Transformation and Business Support (Interim) (BSS/22/05) on landlord's consent policy for tenant's improvement solar panels.

It was **MOVED** by Councillor Gent, **SECONDED** by Councillor Brook and

RESOLVED

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

* **DENOTES DELEGATED MATTER WITH POWER TO ACT**

The Meeting started at 2.25 pm and finished at 6.03 pm

