

Call-in of the Cabinet's Decision on Brokenbury Solar Farm – Report of the Overview and Scrutiny Board

Report to Cabinet on 13 May 2025

Background

1. The Overview and Scrutiny Board met on 7 May 2025 to consider details of a call-in by five Members of the Council of the Cabinet's decision regarding Brokenbury Solar Farm. The Call-in Seconder, Councillor Cowell (on behalf of the Call-in Promoter, who was Chairing the meeting) explained the reasons for the call-in as set out in the submitted call-in notice. Councillor Cowell advised the Board that he was concerned that the Cabinet did not have the full business case for the original option for the Council to develop the solar farm itself together with detailed risk analysis and mitigations which could have been put in place to reduce any risks, when it took the decision and wanted to know more about why the Council should not develop the solar farm itself. It was acknowledged that a summary of the business case and risks together with further information on the option to lease the land to South West Water was circulated in an Exempt paper prior to the meeting. Reference was made to a previous meeting which proposed a report being presented to the Cabinet at a future time for the potential use of up to 10% of the surplus generated from Brokenbury solar farm, being made available for community use in the Churston with Galmpton Ward similar to that proposed for the Nightingale solar farm and it was felt that this would be lost under the Cabinet's current decision (Note: the meeting referred to was Cabinet 19 May 2020).
2. The Cabinet Member for Place Development and Economic Growth, Councillor Chris Lewis responded to the reasons for the call-in and confirmed that the decision of the Cabinet had been taken following professional advice from the Lead Officer and Section 151 Officer that the financial benefits of the original delivery model, (approved by Council on 18 July 2024), had reduced due to increased costs and higher interest rates for borrowing. The risks associated with any loss of service, repairs or damage to the solar farm which the Council would be liable for would have to be considered which would further reduce net financial benefits over the 25 year period. The Council does not have sufficient resources to deliver this scheme in-house alongside numerous other key projects such as Union Square and the Pavilion. South West Water had experience of delivering solar farms and had a separate Team that dealt with this. Councillor Chris Lewis highlighted the key financial information and risks as set out in the Exempt paper circulated prior to the

meeting. It was noted that at the time of the original decision the option to lease the land to South West Water was not available.

3. The Section 151 Officer, Malcolm Coe, provided an update on the increased borrowing costs involved if the Council developed the solar farm itself and advised that this borrowing would not be a priority for him as Section 151 when considered alongside borrowing required for regeneration and housing. Mr Coe also detailed that, although the in-house delivery model could potentially generate greater financial benefit over 25 years, this benefit was not without risk of future liabilities due to power outages. The net financial difference between the two schemes for the first 10 years of operation was negligible (as detailed in the graph within the Exempt paper) with potential benefit from the self-delivery scheme escalating from year 11 onwards.
4. The Board discussed the borrowing rates and associated financial information, together with details of risks and advice of the External Solicitor who had been advising the Council on the proposals and had set out the risks associated with providing the power directly. In addition examples of some of the mitigations that could be put in place to manage some of the risks were given and the associated increased costs of such measures.
5. The Board questioned if the Council had looked at other local authorities who had developed solar farms and was advised that each solar farm was different and needed to be considered on its own merits. The External Solicitor did look at other contractual differences that could be available as part of their work.

6. Conclusion

- 6.1 The Board reflected and debated the information provided to them, both verbal and written and formed the following recommendations to the Cabinet. On being put to the vote, the motion was declared carried.

7. Recommendations

- 7.1 That the decision be referred back to the Cabinet for reconsideration, on the grounds that Board considers that there was insufficient evidence available to the Cabinet at the time it made its decision and recommends in reconsidering the decision, that Cabinet receives a detailed business case which sets out all of the risks and mitigations of delivering the solar farm in-house for transparency of the decision.

Background Papers

[Agenda for Overview and Scrutiny Board on Wednesday, 7 May 2025, 5.30 pm](#)