

Record of Decisions

Torbay Waste Transfer Station and Household Waste Recycling Centre - Paignton

Decision Taker

Cabinet on 18 November 2025.

Decision

1. that delegated authority be given to the Chief Executive to continue negotiations with the land owners of the site as edged red in Appendix 1, and any other land, interests or rights subsequently required in consultation with the Cabinet Member for Pride in Place, Transport and Parking and Section 151 Officer on any Heads of Terms to enable the development of Waste Facilities for Torbay Council and associated statutory and non-statutory waste and recycling operations;
2. that, having taken into account the options to acquire the land, in the event that the land is not secured by negotiations, the making of the Compulsory Purchase Order (CPO) for the site be approved under section 226(1)(a) of the Town and Country Planning Act 1990, as outlined below, for land (as shown edged in red at Appendix 1 to the submitted report) and any other land, interests or rights subsequently required to deliver the redevelopment, The Chief Executive be given delegated authority to give effect to this decision, including:
 - (a) the taking of all necessary steps required to secure the making of the CPO and for the subsequent confirmation and implementation of the CPO including the publication and service of all notices, statement of reasons and presentation of the Council's case at public inquiry, if necessary, to secure confirmation of the CPO by the Secretary of State;
 - (b) to carry out any surveys on the Order Land and enter as may be required to deliver the proposed development by CPO(s) which the Council is authorised to carry out either by consent of the relevant landowner or under section 172 to 179 of the Housing and Planning Act 2016;
 - (c) to enter into agreement(s) with any person or body to secure the withdrawal of objections to the CPO(s) and/or to negotiate and agree terms for the acquisition by agreement of any land, interests or rights as may be required for the scheme; and
 - (d) to pay all necessary compensation either as agreed or as determined by the Lands Chamber of the Upper Tribunal in relation to the acquisition of land and other interests or for the overriding or acquisition of rights.

That, subject to 1. and 2. above, Cabinet recommends the Council:

3. that Council delegate to the Chief Finance Officer the approval of the expenditure of monies (including by prudential borrowing if necessary) required to cover the acquisition of the land to enable the development of Waste Facilities for Torbay Council and associated statutory and non-statutory waste and recycling operations Street identified red on the plan attached at Appendix 1 to the submitted report, and any land, interests or rights as may be required for the scheme, either by agreement or by CPO, on the basis that there continues to be a clear business case for the development of waste facilities, which demonstrates how the monies are to be used, and how any prudential borrowing (if necessary) is to be repaid.

Reason for the Decision

Investment in a new or significantly upgraded facility was essential to ensure regulatory compliance, public safety, financial sustainability, and alignment with future waste management strategies.

Implementation

The decision in respect of 1. and 2. will come into force and may be implemented on 1 December 2025 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny). The decision in respect of 3. will be considered at the Council meeting on 11 December 2025.

Information

The current site could not achieve full compliance without substantial capital investment. Upcoming requirements driven by simpler recycling, Extended Producer Responsibility (EPR), flexible plastics, persistent organic pollutants (POPs), food collections for both household and businesses and other central government directives demand additional space that simply cannot be accommodated within the existing footprint the Household Waste Recycling Centre (HWRC) at Tor Park Road.

In addition, the Tor Park Road facility had received multiple Compliance Assessment Report (CAR) notices from the Environment Agency (EA) due to longstanding non-compliance issues. In response, the Council has implemented several remedial measures following discussions with the EA. Whilst these actions had provided the EA with a degree of assurance, they were temporary solutions. The site remained fundamentally non-compliant, and long-term resolution would require significant investment and structural changes.

Incrementally developing the adjacent site in a redundant quarry would allow a phased build out and relocation with the minimum impact on current operations. Every effort would be made to conclude the acquisition of the site by negotiation, but the success of the negotiation process for the acquisition of the land was not guaranteed and therefore a backstop position of a Compulsory Purchase Order (CPO) was needed to ensure that the land and properties could be acquired.

At the meeting Councillor Tyerman proposed and Councillor Jackie Thomas seconded a motion that was agreed unanimously by the Cabinet, as set out above.

Alternative Options considered and rejected at the time of the decision

Operational appraisal modelling identified the extent of land required for redevelopment, and acquisition by negotiation was being pursued. However not pursuing acquisition via CPO if necessary, could result in the Environment Agency issuing further noncompliance notices and eventually fines and hence non-delivery of the preferred scheme was discounted.

Is this a Key Decision?

No

Does the call-in procedure apply?

Yes

Declarations of interest (including details of any relevant dispensations issued by the Standards Committee)

None

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21 November 2025

Signed: _____ Date: _____
Leader of Torbay Council on behalf of the Cabinet