

Record of Decisions

Brokenbury Solar Farm - Cabinet's Response to Call-in

Decision Taker

Cabinet on 13 May 2025.

Decision

That the Cabinet reconfirms the following decision made on 15 April 2025:

That the following decision of Cabinet made on 11 June 2024 be rescinded:

‘that the Chief Executive in consultation with the Leader of the Council, Finance Director and Cabinet Member for Finance should review and agree the final business plan after the EPC tender and Power Purchase Agreement (PPA) stage are complete and subject to that agreement is then authorised to agree and finalise the detailed terms and enter into contract with South West Water (SWW) or another purchaser of the electricity.’; and

That subject to the above, authority be delegated to the Director of Finance, in consultation with the Cabinet Member for Place Development and Economic Growth, to agree and finalise the detailed lease terms, in line with an independent market valuation, and enter into a long lease for the land edged red as set out in Appendix 1 to the submitted report.

And modifies the following:

That the decision of the Cabinet to recommend the following to Council be rescinded (Minute 116 refers) and that the report be withdrawn from the Adjourned Annual Council Meeting on 15 May 2025:

“That Cabinet recommends to Council:

That the following decision of Council made on 18 July 2024 be rescinded:

‘that up to £2,750,000 of prudential borrowing be approved subject to securing a unit rate per MWh that exceeds the loan repayments, covers projected maintenance and other operational and equipment replacement costs and provides an appropriate surplus per annum over the life of the scheme commensurate with level of risk.’”

Reason for the Decision

The Cabinet was required to respond to the findings of the Overview and Scrutiny Board within ten working days.

Implementation

This decision will be implemented immediately in accordance with Standing Order D9.5.

Information

On 15 April 2025 the Cabinet considered a report on the Brokenbury Solar Farm and determined:

1. That Cabinet recommends to Council:

That the following decision of Council made on 18 July 2024 be rescinded:

‘that up to £2,750,000 of prudential borrowing be approved subject to securing a unit rate per MWh that exceeds the loan repayments, covers projected maintenance and other operational and equipment replacement costs and provides an appropriate surplus per annum over the life of the scheme commensurate with level of risk.’

2. That the following decision of Cabinet made on 11 June 2024 be rescinded:

‘that the Chief Executive in consultation with the Leader of the Council, Finance Director and Cabinet Member for Finance should review and agree the final business plan after the EPC tender and Power Purchase Agreement (PPA) stage are complete and subject to that agreement is then authorised to agree and finalise the detailed terms and enter into contract with South West Water (SWW) or another purchaser of the electricity.’; and

3. That subject to 2. above authority be delegated to the Director of Finance, in consultation with the Cabinet Member for Place Development and Economic Growth, to agree and finalise the detailed lease terms, in line with an independent market valuation, and enter into a long lease for the land edged red as set out in Appendix 1 to the submitted report.

The decision was subsequently Called-in and the Overview and Scrutiny Board met on 7 May 2025 to consider details of a call-in by five Members of the Council. The Overview and Scrutiny Board made the following recommendation:

‘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.’

The Cabinet have considered the recommendation of the Overview and Scrutiny Board and have determined that, in their opinion, they had sufficient evidence available at the time the decision was made, and reconfirmed with modification the decision they made on 15 April 2025, as set out above.

Alternative Options considered and rejected at the time of the decision

The Cabinet had the following options to respond to the recommendations of the Overview and Scrutiny Board as set out in Standing Orders – Overview and Scrutiny:

- (i) confirm the decision without modification; or
- (ii) confirm the decision with modification; or
- (iii) rescind the decision.

Is this a Key Decision?

No

Does the call-in procedure apply?

No

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

None

Published

15 May 2025

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