

Minutes of the Cabinet

30 March 2026

-: Present :-

Councillor David Thomas (Chair)

Councillors Chris Lewis, Jacqueline Thomas and Tyerman

(Also in attendance: Councillors Billings (virtual), Douglas-Dunbar (virtual), Long, Spacagna (virtual) and Twelves (virtual))

99. Apologies

Apologies for absence were received from Councillors Bye and Tranter.

An apology for absence from the physical meeting room was given by Councillor Billings, however Councillor Billings was present in the virtual meeting room from where he contributed to the meeting but was not part of the decision making process.

100. Minutes

The Minutes of the meeting of the Cabinet held on 17 March 2026 were confirmed as a correct record and signed by the Chair.

101. Disclosure of Interests

No declarations of interest were made.

102. Matters for Consideration

The Cabinet considered the following matters, full details of which (including the Cabinet's decisions) are set out in the Record of Decisions appended to these Minutes.

103. Disposal of Land at Edginswell Business Park, Orchard Way, Torquay

Chair

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Record of Decisions

Disposal of Land at Edginswell Business Park, Orchard Way, Torquay

Decision Taker

Cabinet on 30 March 2026.

Decision

1. In accordance with Standing Order D11, that in light of the Trust seeking completion of the freehold disposal by 31 March 2026, enabling them to manage the cash flow of available funds, the Cabinet's decision (set out below) is determined to be urgent. Therefore, Cabinet determines that Call-in shall be waived as any delay likely to be caused by the call-in process would prejudice the public's and the Council's interest. The Overview and Scrutiny Co-ordinator was consulted on 25 March 2026;
2. That the Director of Finance in consultation with the Cabinet Member for Housing and Finance be authorised to dispose of the Council's freehold interest in land at Edginswell Business Park, Orchard Way, Torquay, to Torbay and South Devon NHS Trust for Market Value on unconditional terms; and
3. The Director of Finance be authorised to agree and finalise the detailed transfer terms based on estates and legal advice.

Reason for the Decision

Disposal to the Torbay and South Devon NHS Trust will unlock the NHS' vision for development of the hospital site. To facilitate this vision, in the short term the land at Edginswell will provide car parking spaces displaced from the hospital site which would allow construction of a multi-storey car park at the hospital. Construction of a multi-storey car park would in turn unlock delivery of the wider hospital development programme, with the land at Edginswell being key to achieving this. Within a five year period the NHS would obtain planning consent for an employment led use and would deliver what was likely to be a support and logistics/diagnosis hub.

Implementation

The decision in respect of the disposal of land at Edginswell Business Park, Orchard Way, Torquay will come into force immediately as the decision maker has decided that any delay likely to be caused by the call-in process would prejudice the public's and the Council's interest. The Overview and Scrutiny Co-ordinator was consulted on 25 March 2026.

Information

Torbay Council's Asset Management Strategy provided an overview of the Council's land and property estate and identified the main priorities for managing and developing the estate, including the disposal of surplus assets.

The remaining, undeveloped land at Edginswell had been marketed several times over recent years with no suitable proposal coming forward detailing how high-quality jobs could be provided on the site. Considering the current market, the proposal was to progress freehold disposal rather than to develop and/or lease the site to an operator. This approach transferred

the substantial development risks to the purchaser, reducing financial and operational exposure for the Council.

Following a marketing campaign undertaken by Vickery Holman, several bids were received with the Torbay and South Devon NHS Trust bidding Market Value on an unconditional basis. The Trust sought completion by 31 March 2026, enabling them to manage the cash flow of available funds.

The Torbay and South Devon NHS Trust's primary vision for the Edginswell site was to accommodate a range of healthcare support services, including medical electronics and patient transport services, alongside broader logistics and estates functions. The acquisition would enable the Torbay and South Devon NHS Trust to free up space on its current Hospital site to enable much needed capital investment and development. In the short term, the Trust proposed to use the site for car parking/decanting with the stipulated requirement of developing for employment-led uses within a 5 year window. Failure to deliver the employment use in that timeframe would present the Council with an option to buy back the site for the same price that the Torbay and South Devon NHS Trust paid to acquire it – i.e. the current Market Value. A clause will also be put in place to prevent the Torbay and South Devon NHS Trust from selling on the site without first providing the option for Torbay Council to buy-back at the same price that the Torbay and South Devon NHS Trust paid to acquire it – i.e. the current Market Value. Furthermore, the Council would introduce a restrictive covenant to the title, preventing use of the land for car parking 5 years after the transfer date.

Although the Torbay and South Devon NHS Trust bid was not the highest in monetary terms, it was the only unconditional offer. This approach significantly reduced the risk associated with the transaction, ensured timely completion and provided certainty for both parties. Furthermore, disposal of the site to the NHS, as opposed to the highest bidder, aligned with the strategic partnership between the Council and the NHS, providing community wide benefits to Torbay.

At the meeting Councillor Chris Lewis proposed and Councillor Tyerman 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

Alternative options had been considered and rejected. Leasehold disposal for employment-led uses had been pursued to date but had failed to secure a tenant, resulting in freehold disposal being pursued. Accepting a higher value, but conditional, offer was an alternative option, however the conditionality of those higher value offers created uncertainty, timing and risk implications for the authority, with conditional bids often failing to deliver the value they promise.

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

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31 March 2026

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

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