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Date: Monday, 15 July 2024

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Dear Member

COUNCIL - THURSDAY, 18 JULY 2024

I am now able to enclose, for consideration at the Thursday, 18 July 2024 meeting of the Council, the following reports that were unavailable when the agenda was printed.

Agenda No	Item	Page
12.	Nightingale Solar Farm	(Pages 3 - 6)
13.	Budget Monitoring - Outturn 2023/24	(Pages 7 - 8)

Yours sincerely

June Gurry
Clerk

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Record of Decisions

Nightingale Solar Farm

Decision Taker

Cabinet on 11 July 2024.

Decision

That Cabinet recommends that Council approves;

1. That the Director of Pride of Place be authorised to proceed with the next stage of the Nightingale Solar Farm project that is to conduct the EPC tender process and negotiation of the Power Purchase Agreement and to then develop a final business case based on revised income and costs.
2. That up to £4,151,000 of prudential borrowing subject to the securing a unit rate per M/Wh that exceeds the loan repayments, covers projected maintenance and other operational costs including anticipated equipment replacement costs and produces an appropriate surplus per annum over the life of the scheme commensurate with levels of risk, be approved.
3. That the Chief Executive, in consultation with the Leader of the Council, Director of Finance and Cabinet Member for Housing and Finance, be given delegated authority to review and agree that the final business case meets the conditions in 2. above, and subject to that agreement is then authorised to agree and finalise the detailed terms and enter into contract with The Health Trust or another user of the electricity.
4. That, subject to the Council entering into contract as per 3. above, the Director of Pride of Place in consultation with the Cabinet Member for Place, Development and Economic Growth be authorised to proceed with the project to deliver a solar farm on Nightingale Park.
5. That, in the event that the Chief Executive should determine that the final business case does not meet the criteria in 2. above, a paper should be brought back to Cabinet and Council to determine the future of the project.
6. That a report be presented to a future Cabinet Meeting after completion of the scheme, as to the potential use of up to 10% of the actual surplus generated to be made available for community use within 1 mile straight line distance of Nightingale Park.

Reason for the Decision

Torbay Council's current Energy and Climate Change Strategy for Torbay describes how the Council aims to help minimise the economic, social and environmental costs of climate change in Torbay by demonstrating leadership and providing encouragement in working toward emission reductions and resilience to our changing climate.

The solar farm would allow the end user to buy and use sustainable electricity generated on Torbay Council owned land to power the end users site. The end users site serves residents throughout Torbay and beyond. It would be a positive step, towards meeting the targets set out in the Climate Change Strategy.

Implementation

The recommendations of the Cabinet will be considered at the Council meeting being held on 18 July 2024.

Information

On 24 August 2021 Cabinet approved to increase the budget to £3,100,000 acknowledging the refined cost estimates having identified an organisation as the potential end user. Latest estimated costs indicate an increase to the budget was required. The income (unit price) charged to the end user will increase to cover the increased costs so that the net income exceeds the loan repayment costs.

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

To options were:

Option 1:

Build out the planning consented scheme after negotiating the Power Purchase Agreement and receiving Engineering Procurement and Construction and Operation and Maintenance tender responses which confirm that the scheme is viable.

Option 2:

Sell the renewable power direct to the national grid. The wider network has limited capacity. The earliest possible connection may not be until 2028 but this is likely to extend out to 2036 when more capacity within the network is expected. The issue with the wider network is that it needs upgrading to be able to handle significant extra capacity. Such upgrades delay the timeframe for a connection to be made. In addition to the programme delays there are also financial considerations. To connect to the grid will cost at least £420k (Sep 21 estimate – this is likely to be more now). Furthermore, the unit price when feeding into the national grid is likely to be considerably less when compared to a private wire end user scenario.

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

12 July 2024

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

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Record of Decisions

Budget Monitoring - Outturn 2023/24

Decision Taker

Cabinet on 11 July 2024.

Decision

That Cabinet recommends to Council:

1. That Council notes the revenue outturn position and approves the transfer of the £0.678m end of year surplus as follows:
 - £400k transferred to an earmarked capital reserve to assist with delivery of the Capital Investment Programme.
 - The balance transferred to the Comprehensive Spending Review (CSR) reserve and used to fund one off activities to accelerate the delivery of Operation Brighter Bay
2. That Council approve the addition of the Paignton and Preston coastal defence project, into the Capital Investment Plan at a value of £17.515m, subject to:
 - a) securing the required funding from the Environmental Agency (£9.441m), and
 - b) production of a compliant Full Business Case being discussed and supported at Capital Growth Board and approval from Cabinet (Outline Business Case attached as Appendix 4).
3. That delegated authority be given to the Divisional Director of Economy, Environment and Infrastructure in consultation with the Section 151 officer and Portfolio Holder for Finance and Housing to award the contract of works for the delivery of the Paignton and Preston coastal defence project.
4. Following receipt of £20m grant funding from the round 3 of Levelling Up Funds (LUF3) approval is given for feasibility funding to progress the following projects to the next stage:
 - 4.1 Brixham port infrastructure project. Initial allocation of £75k to be drawn down for feasibility works.
 - 4.2 Paignton tec park project - Initial allocation of £85k to be drawn down for feasibility works.

Reason for the Decision

To ensure the Council operates in a prudent manner and works to maintain a balanced budget.

Implementation

The recommendation of the Cabinet will be considered at the Council meeting on 18 July 2024.

Information

The Budget Monitoring Outturn 2023/24 report set out a high-level budget summary of the Council's revenue and capital position for the financial year 2023/24 which commenced on 1 April 2023. The report was based on the budget and final outturn position for the year ended 31 March 2024.

At the meeting, Councillor Tyerman proposed and Councillor David 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

There were no alternative options considered.

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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12 July 2024

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Leader of Torbay Council on behalf of the Cabinet