

From: Peter Oakford, Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services
Rebecca Spore - Director of Infrastructure

To: Policy and Resources Cabinet Committee - 5 March 2025

Subject: Granting of Formal Lease for a Solar Panel installation within the grounds of Brunswick House Primary School, Maidstone.

Decision No.: 25/00025

Key Decision: Key Decision

Classification: Unrestricted

Future Pathway of report: Cabinet Member Decision

Electoral Divisions: Maidstone Central - Tom Cannon and Chris Passmore

Is the decision eligible for call-in? Yes

Summary: This report seeks endorsement from the Policy and Resources Cabinet Committee on the decision to grant a Lease in excess of 20 years to Solar for Schools for occupation and use of solar equipment located within the grounds of Brunswick House Primary School, Maidstone.

Recommendations:

The Policy and Resources Cabinet Committee is asked to consider and endorse, or make recommendations to the Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services on the proposed decision to:

1. authorise the granting of a Lease in excess of 20 years to Solar for Schools in order that a new solar panel installation can be built within the grounds of the Brunswick House Primary School to serve the school; and
 2. delegate authority to the Director of Infrastructure in consultation with the Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services to take necessary actions, including but not limited to entering into relevant contracts or other legal agreements, as required to implement this.
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1. Introduction/Background

- 1.1 Kent County Council (KCC) are the freehold owners of Brunswick House Primary School, Maidstone.
- 1.2 The County Council has been approached by Solar for Schools, who are offering fully funded solar Photovoltaic projects to operational schools. Solar for Schools are funded by their Community Benefit Society and run on a non-profit making basis.

- 1.3 Solar for Schools deliver the design, project development, installation, operation and maintenance of the installed solar panels for the lifecycle of the equipment, which is estimated at 25 years. The service includes grid application, a pre-installation electrical survey, a structural survey and sourcing of planning permission. In addition, this includes a specific education package, delivered by Solar for Schools for Key Stages 1-4 (inclusive), using the solar panels and live data as an educational tool, to provide learning which can be linked to the national education curriculum.
- 1.4 Solar for Schools and the County Council have approached 30 schools in Kent with reports of potential system sizes and financial savings to determine interest. These schools comprise a mix of local education authority-maintained schools, Foundation and Trust schools and Academies. A number of schools, including Brunswick House Primary School are interested in the offer. Solar for Schools are one of a few providers of a service which serves operational schools exclusively whilst also providing educational aspects alongside the generation of sustainable energy; such education is provided free of charge. KCC Procurement Team have been advised of this proposal and as no monetary exchange will take place between the County Council, Solar for Schools and the school itself, no formal procurement process needs to be complied with.
- 1.5 Solar for Schools have recently installed equipment at Swalecliffe Primary School and Herne Bay High School, which are both Foundation schools vested in their respective Governing Bodies, as well as Marsh Academy, which is leased to the Academy Trust from the County Council. It is understood these schools have experienced no problems to date with such installations and are already saving on their electricity costs.
- 1.6 To enable the solar equipment to be installed at Brunswick House Primary School, which is owned by KCC, Solar for Schools require KCC to grant them a lease in excess of 20 years, to provide security of tenure for their desired legal estate in the land/roof of school buildings, having regard to the costs incurred in providing and maintaining the solar equipment. It is anticipated that such a long lease will be no longer than 25–30 years in length.

2. Key considerations

2.1 Benefits to the Schools and the County Council and Potential Carbon Savings:

2.1.1 The following benefits have been identified for the schools:

- Access to lower-cost renewable energy, resulting in lower electricity bills.
- The costs of electrical consumption will only increase by inflation, reducing dependency on external energy markets.
- Provision of relevant educational content linked to the national curriculum and opportunities / links to tuition of green skills to school pupils. This would be delivered by Solar for Schools, thereby saving staff resource.

- No capital investment is required by the County Council.

2.1.2 The following benefits have been identified for the school:

- Support to reach county-wide emissions targets by the year 2050.
- An opportunity to encourage a more sustainable future for younger generations.
- Supporting maintained schools with their Climate Action Plans, as required by the Department for Education.
- No capital investment required by the school.

2.1.3 Potential Carbon Savings identified:

- Swalecliffe Primary School and Herne Bay Junior School have projected Carbon savings of 953 tonnes, as assessed by Solar for Schools using live generation data and consumption data for the site.
- This proposal supports the delivery of the Kent Environmental Strategy, and the delivery of the Councils Net Zero Plans.

3. Options considered and dismissed, and associated risk

3.1 **Using the County Council's Loan Scheme for Schools** - solar PV systems could be installed through the LASER Energy Department for Education (DfE) Compliant Solar Framework (to be published in Spring 2025). LASER are currently procuring a Net Zero Framework which will be available in 2025. This option could still require capital investment from Schools and the use of KCC's loan scheme.

3.2 **Do nothing** - Alternatively, the County Council could do nothing and allow its school to continue using electricity as it does at present, which in turn will generate higher running costs. This would not be cost effective, due to the possibility of having a solution presented by Solar for Schools that would not cost any capital to implement and derive lower running costs for the school.

4. Financial Implications

4.1 Solar for Schools are to cover the County Council's reasonable legal fees. It should be noted that any lease granted will contain break clauses in the event of a school closing within the proposed 25-year term, which enables the lease to be terminated if KCC have no further operational use for the former school site. Solar for Schools will be responsible for the costs of installation, maintenance, repair and removal of the panels to ensure there are no financial implications to the County Council. It should also be noted that Solar for Schools will carry out all feasibility and structural surveys of the property at its own expense prior to installation.

4.2 A rent payable to the County Council, as certified as being fair and reasonable by a Chartered Surveyor acting exclusively for the County Council. This is expected to be a nominal amount of £1 (one pound) per annum.

5. Legal Implications

- 5.1 The County Council is the current owner of the land upon which the equipment is to be located, together with all necessary rights of access. Solar for Schools will be obliged under any proposed lease terms to carry out all risk assessments and surveys, using Disclosure and Barring Service (DBS) accredited consultants and installers to ensure the panels are erected in a professional manner, for the safety of students and staff and also to KCC's full satisfaction.
- 5.2 Legal advice will be sought via the Office of General Counsel, if necessary, and external Solicitors appointed to prepare the formal lease when terms are agreed and further authorised.

6. Equalities Implications

- 6.1 The proposed solar installations are desired to provide power to the school in a green sustainable manner whilst reducing utility costs. This will benefit all users of the school, the local community and future generations.
- 6.2 An Equality Impact Assessment (EqIA) has been completed and no issues have been identified for EqIA.

7. Data Protection Implications

- 7.1 A Data Protection Implication Assessment (DPIA) screener has confirmed that there are no DPIA implications.

8. Other Corporate Implications

- 8.1 The proposed decision meets the objectives of "Increasing Opportunities, Improving Outcomes: Kent County Council's Strategic Statement (2015 – 2020)" as it will allow the young people of Maidstone to maintain access to education and training opportunities.
- 8.2 The proposed decision will also align with the County Council's Energy and Low Emissions Strategy (ELES).

9. Governance

- 9.1 A Key Decision is being sought in line with the Constitution and the Council's governance processes.
- 9.2 The Local Members have been formally notified of the proposed granting of the lease, with views reported to the Cabinet Member taking the decision.

10. Conclusions

- 10.1 Whilst there is some residual risk, as set out above, the granting of the proposed lease will provide Solar for Schools with an estate interest in a small area at the school and enable the facilities to remain in full operational use. It will also enable the school to reduce its utility costs and provide a more sustainable method of generating electricity without a capital investment required by KCC or the school.

Recommendations:

The Policy and Resources Cabinet Committee is asked to consider and endorse, or make recommendations to the Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services on the proposed decision to:

1. authorise the granting of a Lease in excess of 20 years to Solar for Schools in order that a new solar panel installation can be built within the grounds of the Brunswick House Primary School to serve the school; and
2. delegate authority to the Director of Infrastructure in consultation with the Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services to take necessary actions, including but not limited to entering into relevant contracts or other legal agreements, as required to implement this.

11. Appendices / Background Documents

11.1 Appendix A – Site Plan

11.2 Appendix B - Proposed Record of Decision

11.3 Appendix C – EqIA – Equality Impact Assessment

12. Contact details

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