

**Agenda Item No:**

**Report To:** Cabinet

**Date of Meeting:** 22<sup>nd</sup> February 2024

**Report Title:** Roof replacement, thermal upgrade and Photo Voltaic (PV) installation at Ellingham Industrial Estate

**Report Author:** Lee Craker  
**Job Title:** Senior Building & Project Surveyor  
Victoria Couper-Samways  
Commercial Portfolio Operations Manager

**Portfolio Holder:** Cllr. Simon Betty  
**Portfolio Holder for:** Economic Growth & Investment



ASHFORD  
BOROUGH COUNCIL

**Summary:** Approval was granted by Full Council in March 2023 to proceed with the re-roofing of Ellingham Industrial Estate. Since approval an opportunity has arisen to significantly decarbonise the site by installing PV solar panels to the proposed new roofs and creates an opportunity for the Council to either sell electricity to tenants, at a favourable rate for both ABC and the tenant, or sell back to the national grid.

These improvement works will make the unit lettings more desirable resulting in more favourable rental levels for these Council assets supporting the Medium Term Financial Plan (MTFP).

The cost of the Solar Panels is £500k with a return on investment period of approximately 7 years. This is an 'invest to save' project alongside supporting the Borough Council's Carbon reduction agenda.

It is envisaged that the refurbishment project will be completed in four phases over a 12 to 14 month period. A programme of works will deliver the detail but essentially the works will be carried out in 2024/2025 with appointment of the main contractor in Spring 2024.

**Key Decision:** YES

**Significantly Affected Wards:** Norman Ward

**Recommendations:** The Cabinet is recommended to:-

- i. To agree the additional £500k spend for the installation of photovoltaic solar array.
- ii. To delegate authority to the Assistant Director of Environment, Property & Recreation to negotiate the sale of electricity either to the Ellingham tenants and/or the National Grid.

- iii. To note the positive impact on carbon reduction within the Estate.
- iv. To authorise the Solicitor to the Council and Monitoring Officer to negotiate, finalise and complete all necessary legal agreements and other documents to give effect to the above.

**Policy Overview:** The proposal supports Corporate Objectives GP1 and GP2; to reduce reliance on fossil fuels in line with the Authorities carbon neutral targets and to encourage sustainable lifestyles.

**Financial Implications:** £500k of Capital spend is required to install PV panels on the new roofs.  
Time consuming and costly reactive repairs will be removed and create a saving.  
The cost of annual asbestos management surveys is 2.5k and this will no longer be required and result in a saving.  
There is a positive financial opportunity for income generation by selling electricity to tenants and/or UKPN. These improvements will also make the units more desirable resulting in the ability for more favourable future rental income. This is an 'invest to save' project.

**Legal Implications:** The current Leases of the units provide the ability for the Council to carry out the works proposed by this report, subject to the Council making good any damage caused to the premises.  
*Text agreed by Chartered Legal Executive on 17<sup>th</sup> January 2024*

**Equalities Impact Assessment:** N/A

**Data Protection Impact Assessment:** See attached.

**Risk Assessment (Risk Appetite Statement):** As our financial risk is low, we will ensure that we make the most of our assets and invest wisely to maintain long term financial stability and independence.

**Sustainability Implications:** This scheme will achieve a reduction of 110 tonnes of carbon per year on this site and is a step towards the Council's overall net zero carbon targets for 2030.

**Other Material Implications:** None

**Exempt from Publication:** NO

**Background  
Papers:**

**The 2023/24 Budget Report:**  
[Report Title: \(modern.gov.co.uk\)](https://modern.gov.co.uk)

**Contact:**

**Lee Craker** (Senior Building & Project Surveyor)  
Tel: (01233) 330268  
[lee.craker@ashford.gov.uk](mailto:lee.craker@ashford.gov.uk)

## Agenda Item No.

# Report Title: Roof replacement, thermal upgrade and PV installation at Ellingham Industrial Estate.

## Introduction and Background

1. With the exception of three units built in 2016, Ellingham Industrial Estate was built in six phases with the final phase being completed in the mid-1980s. The roofs on the units are the original roofs, many of which contain asbestos materials. This is an opportunity to proactively remove these.
2. The units have suffered considerable leaks over the years resulting in businesses being affected by loss of goods and trading in addition to increased reactive repair costs for the Council. The roofs need replacing to ensure the Borough Council meets Landlord obligations, reduces impact and risk on our tenants and reduces costly reactive repairs for the Council.
3. The project is planned in four phases and will take 12 to 14 months to complete with a detailed programme of works starting in Spring 2024.
4. The Budget report 2023/24 [Report Title: \(moderngov.co.uk\)](https://www.moderngov.co.uk) that was approved by Cabinet on 23<sup>rd</sup> February 2023 included £800k for the re-roofing work and thermal upgrade. However, additional funds are requested in order to include a PV solar array on the roof replacement. The inclusion of solar panels to this project will cost approx. £500k, bringing the total to £1.3m. The 500k cost of the PV solar array should be recognised as an 'invest to save' project. The return on investment will be approximately 7 years. This has been calculated based on the fact that we are able to sell electricity back to our tenants but at a lower rate than they currently buy from the open market. This should ensure that there is benefit to both the Council and our tenants. It is further anticipated that any surplus supply will be sold back to the National Grid.
5. This project supports the Green Pioneer Corporate Plan Objective by reducing our reliance on fossil fuels, ensuring that our properties are as energy efficient as possible, cheaper to heat and with more energy sought from renewable technologies.
6. The corporate property team has been taking steps in order to reduce the reliance of fossil fuels across its portfolio. The recent successful Public Sector Decarbonisation Scheme projects at the Stour Centre and Tenterden Leisure Centre have demonstrated our commitment in achieving this objective. Further examples within the property portfolio include PVs at Carlton Road Business Park. All future projects will have "reduction in reliance on fossil fuels" as a key objective.

## Proposal

7. The replacement, design and construction of new roofs to 78 industrial units along with the installation of roof mounted solar panels with ancillary equipment. The construction of the proposed roofs is intended to be non-combustible, insulated

aluminium sheet which will assist with noise absorption as well as its inherent thermal properties.

8. The scheme will also include the replacement/upgrade of existing wall sections in order to improve the thermal properties, minimising carbon emissions.
9. An outcome report on the reduction in CO<sub>2</sub> will be provided 1yr after completion of the project to allow for comparative data and will be provided to our climate change officer to include in the pathway projection work for the Council.

### **Implications and Risk Assessment**

10. Further investigations need to be completed to confirm the capacity of the UKPN infrastructure to receive excess electricity, fed in at this point, in order to sell back to the grid. This is in addition to a consideration of selling the electricity to the tenants.
7. The terms of the Leases under which the units are let, reserve rights to the Council to carry out the works proposed, provided any damage caused to the premises is made good. Any damage occasioned to the premises will be dealt with by the contractor(s) carrying out the works.

### **Equalities Impact Assessment**

11. N/A

### **Date Protection Impact Assessment**

12. See attached.

### **Consultation Planned or Undertaken**

13. Refurbishment and Demolition (R&D) surveys have been carried out in all units to identify if/where any asbestos may be located in order to allow its safe removal.
14. An energy assessment has been carried out to identify existing levels of insulation.
15. A feasibility study has been conducted around the suitability of the proposed solar installation.
16. Whilst the Council has the right to carry out the proposed works it is recognised that there may be a need to decant some tenants for a short period of time during the project depending on the type and nature of their business and existing roof materials. A planned approach will be taken to engage with tenants early on and work with them throughout all stages of the project to mitigate any impact on business delivery and costs occurred. Tenants are already aware that the Council is looking to replace the roofs.

## **Other Options Considered**

17. We have considered the 'do nothing approach' which would mean that we continue to maintain the existing 'end of life' roofing system. Of the overall 78 roofs, 22 of them are asbestos based. Although that asbestos is contained for now, over time there is a risk of deterioration, as asbestos containing materials become very brittle, thus presenting risks to contractors and tenants, each time it is accessed, to carry out repairs and can lead to further leaks.
18. We have considered over-cladding the existing roofs. However, good asset management promotes the permanent removal of the asbestos which realises a reduction in costs associated with the management of asbestos containing materials as set out in the Control of Asbestos Regulations 2012, which stipulates annual inspections. The initial capital cost will then create longer term revenue savings.
19. The installation of the new roofs without solar array has also been considered. Officers believe that this would be a missed opportunity not to incorporate this as part of this project in order to benefit from economies of scale, the carbon reduction benefits and the potential revenue stream.

## **Reasons for Supporting Option Recommended**

20. The roofs are at end of life and need replacing to comply with our obligations as a landlord. The removal of the roofs and replacement with thermally efficient alternatives will negate the current pattern of time consuming and costly reactive repairs.
21. The removal of the asbestos containing materials will realise a modest saving of £2.5K per year due to the removal of annual asbestos inspections.
22. Condition surveys are currently being carried across the whole of the Council's commercial portfolio to allow for better planned maintenance with a gradual decrease in the need for us to be reactive; the installation of the new roofs is the first step towards achieving this.
23. High level calculations have shown an estimated payback period of 7 years for the PV installation, followed by a number of years where the Council could see an income from the sale of electricity to tenants and/or the national grid; we are currently working on the plan and final figures for this part of the project.
24. It is expected that there will be a reduction in 110 tonnes of carbon per year on this site contributing towards the Council's overall net zero carbon targets for 2030.

## **Next Steps in Process**

25. If approved, procurement documents will be prepared and published on the Kent Business Portal. This will allow contractors to declare an interest in the scheme and submit their bids for the project team to evaluate and award the contract.

## **Conclusion**

26. Installing PV panels on Ellingham Industrial Estate provide a number of benefits, including reduction of carbon, financial savings and future income and therefore it is recommended that this 'invest to save' project is delivered.

## **Portfolio Holder's Views**

27. 'I am pleased that the opportunity to install PV panels on the new roofs at Ellingham is available and I support this recommendation. This will not only ensure that we are meeting our landlord obligations, with the new roofs, but we are proactive in future proofing the asset and providing a commercial income opportunity alongside reducing our carbon footprint'

**Cllr Simon Betty, Portfolio Holder for Economic Growth and Investment**

**Ashford Borough Council**  
**Data Protection Impact Assessment**



**Data Protection Impact Assessment Template**

|   |                                      |
|---|--------------------------------------|
| Project Name: PV installation at Eliingham Industrial Estate (in addition to the approved re-roofing scheme). | Approved by: T. Swain                |
| Author: Lee Craker  | Date: 29 <sup>th</sup> December 2023 |

Data protection impact assessments (DPIAs) are tools which can help Ashford Borough Council (ABC) identify the most effective way to comply with its data protection obligations and meet individuals' expectations of privacy. An effective DPIA will allow ABC to identify and fix problems at an early stage, reducing the associated costs and damage to reputation which might otherwise occur. DPIAs are an integral part of taking a privacy by design approach, and are a legal requirement under the UK General Data Protection Regulation (UK GDPR) whenever a 'process is likely to result in a high risk to the rights and freedoms of the natural persons'.

**Overview**

**Aim:**

With the exception of three units built in 2016, Ellingham Industrial Estate was built in six phases with the final phase being completed in the mid-1980s. The roofs on the units are the original roofs, many of which contain asbestos and the proactive removal will be beneficial.

The units have suffered considerable leaks over the years resulting in businesses being affected by loss of goods and trading. Without replacing the roofs there will continue to be failures which will become progressively worse resulting in a loss of income and increased repair costs.

The project will be completed in four phases and will take 12 to 14 months to complete. The programme of works will go into greater detail, but as a broad overview the works will be completed in 2024/2025 with appointment of a main contractor by Spring 2024.



The Budget report 2023/24 that was approved by Cabinet on 23<sup>rd</sup> February 2023 included £800k for the re-roofing work and thermal upgrade. However, additional funds are required if we are to include a photovoltaic solar array, once the roofs are replaced. The inclusion of solar panels to this project will cost approx. £500k, bringing the total to £1.3m.

**Objectives:**

- Potential income from generating and selling solar electricity to Tenants and/or UKPN.
- This scheme will achieve a carbon reduction of 110 tonnes per year on this site and is a step towards the Council’s overall nett zero carbon targets for 2030.

**Step 1. Data Protection Impact Assessment Screening Questions**

These questions are intended to help ABC decide whether a full DPIA is required. If the answer is yes to any of the questions a DPIA will be required.

|  |     |
|--|-----|
| Will the project involve the collection of new data about individuals?   | No  |
| Will the project compel individuals to provide data about themselves?  | No  |
| Will data about individuals be disclosed to other organisations not previously privy to the data?  | Yes |
| Will data about the individuals be used for purposes it is not currently used for?   | Yes |
| Does the project involve new technology that might be perceived as being privacy intrusive?  | No  |
| Will the project result in making decisions or taking action against individuals in ways which could have a significant impact on them?                | No  |
| Is the data about individuals of a kind particularly likely to raise concerns e.g. health records, criminal records - which may be considered private? | No  |
| Will the project require contact to individuals in ways they may find intrusive?   | Yes |

**If yes has been answered to any of the questions above – the below full DPIA below requires completing.**

Although the screening questions would normally indicate that, a DPIA is not required, with no new processing activities or additional data being collected. Due to the scale of the project, involving the relocation of all council services, personnel and

equipment and the speed under which the project is hoped to be completed, data protection needs to be considered as a central pillar to the project.

## Step 2. Describe the processing

**Describe the nature of the processing:** how will you collect, use, store and delete data? What is the source of the data? Will you be sharing data with anyone? You might find it useful to refer to a flow diagram or other way of describing data flows. What types of processing identified as likely high risk are involved?

Ashford Borough Council processes personal data to enable it to provide a range of services to local people and businesses; as such we do collect and process personal data where necessary to:

- deliver public services
- contact our residents by post, email or telephone
- understand the needs of our residents
- obtain their opinion about our services
- update our customer records
- process financial transactions
- prevent and detect fraud and corruption in the use of public funds
- allow us to undertake statutory functions efficiently and effectively
- make sure we meet our statutory obligations including those related to diversity and equalities
- and other reasons

**Describe the scope of the processing:** what is the nature of the data, and does it include special category or criminal offence data? How much data will you be collecting and using? How often? How long will you keep it? How many individuals are affected? What geographical area does it cover?

This project will require essential communication between the Council's appointed Main Contractor and the 78 Tenants at Ellingham Industrial Estate. We will need to seek the Tenants' permission to share their contact details with our Contractor.

**Describe the context of the processing:** what is the nature of your relationship with the individuals? How much control will they have? Would they expect you to use their data in this way? Do they include children or other vulnerable groups? Are there prior concerns over this type of processing or security flaws? Is it novel, or utilises untested systems or software in any way? What is the current state of technology in this area? Are there any current issues of public concern that you should factor in?

The Council already hold tenants contact information so permission to share with outside parties must be sought. Tenant liaison will be a key consideration for this project.

**Describe the purposes of the processing:** what do you want to achieve? What is the intended effect on individuals? What are the benefits of the processing – for you, and more broadly?

Tenants will experience some disruption during the works, so communication will be key throughout this scheme.

### Step 3. Consultation Process

**Consider how to consult with relevant stakeholders:** describe when and how you will seek individuals' views – or justify why it's not appropriate to do so. Who else do you need to involve within the Council? (Data Protection Team/ Legal/IT/Etc.) Do you need to ask your data processors to assist?

A comprehensive project team including all required disciplines will be in place – further details held internally on a Project Initiation Document (PID).

### Step 4. Assess Necessity and Proportionality

**Describe compliance and proportionality measures, in particular:** what is your lawful basis for processing? Does the processing actually achieve your purpose? Is there another way to achieve the same outcome? How will you prevent function creep? How will you ensure data quality and data minimisation? What information will you give individuals? How will you help to support their rights? What measures do you take to ensure processors comply? How do you safeguard any international transfers?

With our tenants consent, we will be sharing name, phone number and email address with our Contractor, so that an accurate programme of works can be created. If consent is refused, the Council will act as an intermediary for the tenants but this is not the preferred option due to the amount of Officer time involved. The design of the solar array will be based on energy usage at the site; we will need to gather this information from tenants as part of this assessment.

**Step 5. Identify and assess risks**

**Describe source of risk and nature of potential impact on individuals. Include associated compliance and corporate risks as necessary. Along with identified measures to mitigate the associated risk.**

**Risk 1 – Potential loss of current data protection measures**

**Ensure shared data is only for the purposes of the project and not to be shared with other parties.**

- Contract to include a Data Protection clause to prevent sharing with other parties and ensuring the data is used solely for completion of this project only.

**Step 6 Sign off**

| <b>Item</b>                        | <b>Name/position/date</b> | <b>Notes</b>   |
|------------------------------------|---------------------------|--|
| <b>Measures approved by:</b>       |                           | <i>Integrate actions back into project plan, with date and responsibility for completion</i> |
| <b>Residual risks approved by:</b> |                           | <i>If accepting any residual high risk, consult the ICO before going ahead</i>               |

**Summary of DPO advice:**

**DPO advice  
accepted or  
overruled by:**

**If overruled, you must  
explain your reasons**