

### Timeline

- 1 In support of the initial proposals put forward to merge the former Waste Collection Authorities (WCAs) that now sit within Cheshire East were budgeted savings to be delivered through integrated delivery of refuse and recycling services. These included both short term and longer term savings, to be met initially through a re-routing exercise considering the inherited collection arrangements and then through potential changes in the service delivery method to deliver greater long term savings.
- 2 Throughout 2009/10 studies were completed by consultants including the logistics of joint domestic refuse, recycling, garden and bulky waste collections across Cheshire East in order to deliver operational efficiency savings. The work considered current variations in collection methods that existed across the former WCAs, concentrating on recycling collection methods and optimised round design.
- 3 Consequently, the project to transform the Council's waste collection service from a residual waste service to one where the primary services are recycling at a lower cost to the tax payer started in January 2010. The Cheshire East Waste Collection Improvement Project forms part of the Transformation – Places Directorate Savings Programme.
- 4 The project identified several related work streams that supported the service transformation including managing the PFI project, procuring new processing contracts for dry recyclate and garden waste, procuring waste transfer facilities in the north, purchasing additional containers to roll out the dry recycling collection borough wide and HR related issues relating to the terms and conditions of employment.

#### Extract from Report to Cabinet 14 March 2011

“Of these related work streams, the timely procurement of new contracts, additional containers and waste transfer facilities are integral to the delivery of new services. Without them the new services cannot be delivered and target savings cannot be achieved.

Delivery is challenging in a number of respects and will need to be driven hard to ensure all objectives are achieved in the timescales”.

- 5 The proposed service, designed to operate across the whole of Cheshire East, included fortnightly recycling collections of household co-mingled dry materials with optimised collection schedules. Dry recycling was to be deposited and bulked up at Pyms Lane, Crewe and a site to be determined in the north.
- 6 In July 2010 an OJEU Contract Notice was placed for a Contractor to collect the bulked co-mingled Dry Recyclate from the Council's Recyclate Bulking

Facility/Facilities (collection points) and to provide haulage to the Contractor's Materials Recovery Facility for separation and onward transport to re-processors.

- 7 The Contract Award Notice notes that the recycling contractor was awarded the Contract from 14.3.2011 until 13.03.2014 with the ability to further extend up to a maximum of 3 years. At contract commencement the only operational Collection Point was located at Pyms Lane Depot, Pyms Lane Crewe, however schedule 1 of the contract notes that "if so established, the Contractor shall be instructed ...to commence the collection of an additional quantity of co-mingled Dry Recyclate of approximately 16,000 tonnes per year, and take responsibility for its treatment and reuse/recycling.."
- 8 In order to address the need for a second collection point in the North £650,000 was included in the 2011/12 Capital Programme for the Council to build a Waste Transfer Facility at its Lyme Green Highways Depot, together with £233,000 in the revenue budget for operating costs. The capital planning process commenced in August 2011. The transformational scheme was required in order to deliver revenue savings and was linked to saving proposals for 2011/12 onward.

Extract from Report to CMT/Cabinet 17 December 2010

"Failure to deliver these schemes will have an impact on closing the revenue funding gap"

- 9 The 2011/12 budget was approved by the Council in February 2011.

Extract from Budget Report to Council 24 February 2011

"the Council is conscious of the impact of repayment costs on the revenue budget and has only considered schemes where capital investment is required to secure longer term revenue savings and repayment costs are affordable"

Extract from Budget Report to Council 24 February 2011

"In order to provide householders with a much improved waste and recycling collection service, the Council will introduce a new system in 2011/12, based in large measure, on three wheeled bins rather than the current mix of bins, boxes and bags. This will increase the number of materials that can be recycled by all householders and reduce the costs of waste and recycling collections by £0.7m in 2011/12, increasing to over £1m per annum from 2012/13"

- 10 **3 March 2011**- the Environment and Prosperity Scrutiny Committee endorsed the proposed redesign of waste and recycling collection services.
- 11 **14 March 2011** - Cabinet approved the implementation of the new waste collection services in accordance with the proposed timetable. The implementation timetable included two phases; phase 1 from the southern depot at Pyms Lane from 9 May 2011 and phase 2 from the northern depot at Commercial Road, Macclesfield from 3 October 2011. At this stage the emphasis had changed from the Council building and operating its own Waste Transfer Station at the Lyme Green Highways depot to one of private sector provision.
- 12 It is understood that the original intention was to implement the new waste collection services across the whole of the Borough from 1 April 2012 however during the 2011/12 budget process Services were requested, if possible, to bring forward savings proposals due to the need to close the revenue funding gap. The only way to bring the roll out forward was to phase implementation between the North and the South of the Borough. This factor obviously impacted on the method of provision of Waste Transfer facilities.

Extract from Cabinet Report 14 March 2011

“Another key factor in producing the required savings is the provision of waste transfer facilities in close proximity to Macclesfield, through an EU compliance procurement process...without such a facility, it is impossible to provide the service and attain the savings required”.

- 13 **In April 2011** the procurement process commenced, with an OJEU Invitation to Tender Notice being published in early May for bulking services for the receipt, handling, storage and dispatch of co-mingled dry recyclates in the North of the Borough.
- 14 **8 June 2011** – The first version of the Cheshire East Waste Collection Improvement Project – North Risk Log is produced in conjunction with the Organisational Change Manager indicates that the private sector may not be interested in providing waste transfer station services. Contingency arrangements are limited to the Council building the facility.
- 15 Following the receipt of one tender on **15 June 2011**, and subsequent evaluation of the bid, officers from the Waste and Recycling Service recommended acceptance of the tender (22 June). However, the Strategic Director for Places felt that despite the tender being within budget he was concerned that the offer may not represent best value and that it was difficult to demonstrate the prices were competitive because only one bid was received.

- 16 **By 30 June** the option of a Council owned Waste Transfer Station at the Lyme Green Highways depot was being explored by the Head of Service – Environmental Services because he believed that the Council could deliver a more cost effective in-house service.
- 17 Lyme Green Depot became available because, following the award of the Highways contract it was no longer required as a main depot by highways service. The fact that Lyme Green had been a Council Depot for many decades and a variety of activities had taken place over the years combined with existing buildings and a long standing level of activity for municipal tasks, including the handling of waste, informed the decision to locate a Waste Transfer Station on the site. Furthermore, the ability of the private sector to comply with planning conditions in relation to bank holiday operation whilst delivering the requirements of the Council’s Waste and Recycling Service, also influenced the decision to pursue an in-house solution (the new waste collection services had been designed to operate on a standard five day working week, including bank holidays, with the exception of the Christmas and New Year Period). Furthermore, balancing waste policies, recycling, and sustainability against green belt policy on a previously developed site was seen as a reasonable argument to put forward on any subsequent planning application.
- 18 **By mid July** the “transfer station steering group” represented by the Head of Environmental Services and officers from Waste and Recycling, Finance, Procurement, Assets, Highways, Planning and Legal were still debating the “make or buy” decision.

The Waste and Recycling Manager advised the Head of Environmental Services with regard to his preferences. In Summary he believes the best option is to award the contract to the waste bulking contractor submitting the tender which gives time to have a properly considered and well thought out project that considers the whole site at Lyme Green.

- 19 **By the end of July** a Principal Consultant had been appointed from the private sector and the Waste Strategy Manager was pursuing an environmental permit from the Environment Agency which required a Certificate of Lawful Development (see paragraph 17 regarding the belief that the site had been handling waste for a number of years). This procedure allows a person to make a formal application to the Council for a Certificate to determine whether an unauthorised development has become lawful, through the passage of time, and can be continued without the need for planning permission. Construction of a similar building (Prefabricated) to that at Pym Lane would not, however, be protected by the Certificate because it can only be granted for an existing use, operation or activity. The decision to mirror the Pym Lane operation was taken during the Capital Planning Process which commenced in September 2010. *The Certificate of Lawful Development option was subsequently discounted because there was insufficient evidence to suggest it was a mixed waste/highways site.*

- 20 **3 August 2011** – the Principal Planning Officer forwards details of a Certificate of Lawful Development to the Waste Strategy Manager. It is noted that there is a statutory period of 8 weeks to provide the written notice of the decision which does not commence until the fee is provided. Furthermore, it is noted that there is currently a backlog.
- 21 **3 August 2011** – The Waste Strategy Manager e-mails the steering group and notes that the information received from the Principal Planning Officer appears to be a “deal breaker”.
- 22 **3 August 2011** – The Head of Planning and Housing responds saying “I think we can do better than implied... our waste planner is going to speak to the environment agency directly and see if they will be content with an official letter rather than a formal Lawful Development Certificate”. The Head of Planning and Housing will support this provided he sees evidence that the depot has been a mixed waste/highways site for more than 10 years. He states that if this fails the group can go down LDC route and do a “rush job as there are no statutory consultations required and deal with it in one or two weeks.
- 23 **12 August** - the Head of Property Development and Projects put together an indicative programme, based on the various activities to be undertaken and their minimum timescales. It suggested an overall programme of 20 weeks with a completion date of Christmas 2011. This programme indicates that groundworks and base construction would be undertaken by the Council’s former highways maintenance contractor under the terms of the Highways term agreement (this option was later abandoned), and following a mini competition a Contractor from the North West Construction Hub Medium Value Framework would commence construction on 17 October. The groundworks and 3 weeks of construction would be completed before the planning application was determined. The planning process was shown as lasting 8 weeks.
- 24 **16 August** - the Waste Strategy Manager issues a Preliminary Project Brief to Asset Management Services. This is described as an ‘option appraisal stage’ but relates solely to the development at the Lyme Green Highways Depot. On the same day feasibility costs, completed by a contractor specialising in project/construction management, are received by the Head of Property Development and Projects. Feasibility costs are based on two options the first with a piled foundation and the second “with cut and retaining walls”. The options are based on brief discussions with the Engineer on site and not a detailed design. Indicative costs are between £1.4m and £1.55m but they would be reviewed when more detailed information became available.
- 25 On the same day the Waste and Recycling Manager advised the Head of Environmental Services with regard to the transfer loading options. Option 1 was to accept the tender which although higher than expected was within budget and would allow the rolling out of services as planned on 3 October. Option 2 was to build a Transfer Station at Lyme Green Depot which would not be operational until

December. Option 3 was to transfer load from the North to the South whilst option 2 is delivered. The cost of option 3 was estimated at between £38,000 - £41,000 per week (this was subsequently revised to £34,000 - £36,000 which would result in a £272,000 overspend on the 2011/12 budget). The estimated total cost if the transfer station was operational by the end of December 2011 being £456,000 to £492,000. Costs were provided by Finance (Principal Accountant) based on information provided by the Strategic Fleet Manager and the Waste Operations Manager. The Waste and Recycling Manager recommended option 1.

- 26 **17 August** - the Head of Environmental Services advised the Strategic Director of the options. At this stage the Strategic Director became aware that, in accordance with estimates provided by Finance, the Council run Waste Transfer Station was the cheaper option with savings increasing as recycle collected increases.
- 27 **By 22 August** the Head of Property Development and Projects had received formal fee quotations from the external consultants for the initial scoping meetings and topographical surveys. It is noted that approximately £44,000 of the capital budget would need to be used to develop the design proposals.
- 28 **24 August** – In order to protect the Council against the costs associated with transfer load from the North to the South the Strategic Director instructs Officers to obtain 3 written quotations for an interim contract for bulking facilities for the co-mingled dry recyclates from 3 October until the bulking station is built at Lyme Green. Further mitigation against the risk of excessive transfer load is taken when the Strategic Director asks Procurement to ask the waste bulking contractor to extend the tender offer until 3 October. **On 30 August** the waste bulking contractor refused to extend the bid beyond 90 days and the existing submission therefore expires on **15 September**.
- 29 **6 September** - following advice from Procurement a letter is sent to the waste bulking contractor seeking a price for bulking and waste transfer facility services on a four, six or eight month contract (a full EU compliant tender exercise has only identified the waste bulking contractor as willing to provide the service).
- 30 **7 September** – The “Project Design Team” consisting of officers from Asset Management Services, Waste Management and consultants meet and the Lead Consultant updated the group on the 2 design options proposed, one at low level and the other option to the higher level. The topographical studies have been completed, ground investigation surveys commenced. Discussions were held with regard to the planning approval requirements and the likelihood that the lower level building was likely to be the more favourable option. As planning approval is critical the Professional Services and Framework Manager was instructed to meet with the Principal Planning Officer to ascertain the requirements and review the associated timescales. The critical activity dates were reviewed and a revised target date of March 2012 was agreed. Construction is now clearly after the planning process.

- 31 The group agreed that the option to utilise the former highways maintenance contractor was no longer a viable option and that all works would now be procured through the North West Construction Hub Framework without a fully detailed design. Works could commence in the next 2 weeks to put together the tender documents which would include preliminaries, profit & overheads, with the contractor to start on a target cost basis.
- 32 **9 September** - The Head of Property Development and Projects seeks the steering groups view on the final scope of works to be undertaken, the minutes of the Project design team and the revised programme are included as are the feasibility studies described at 16 August. The e-mail which clearly indicates that the overall costs are far in excess of current budget is forwarded to the Strategic Director Places and Head of Services Environmental Services.
- 33 Four minutes later the Strategic Director for Places instructs the Head of Environmental Services to accelerate the “project”. The Head of Environmental Services agrees to look at the proposed changes. At this stage the Council is still exposed to the transfer load costs, the EU tender is fast expiring and the quotation from the waste bulking contractor for the bulking and waste transfer station facility services has not been received.
- 34 **12 September**- the Organisational Change Manager acknowledges the revised programme and asks the Head of Property Development and Projects about the process for monitoring progress against the plan and in particular whether there is a Project Board in place for overseeing the project and to provide direction given the potential impact of delays/issues.
- 35 **13 September** – In response to the Organisational Change Manager’s enquiry the Head of Property Development and Projects indicates that the Client, Waste Management, is updated as and when required and there are no additional arrangements in place to monitor progress or report the details to a wider audience.
- 36 **13 September** – the waste bulking contractor quotes for interim bulking and waste transfer facility services on a four, six or eight month contract. The quote exceeds the figure quoted in June but is within budget using the estimated annual tonnage of 16,000 tonnes. The information is forwarded to The Strategic Director Places by the Waste and Recycling Manager.
- 37 **13 September** 16.51 p.m. – the Professional Services and Framework Manager sets out his thoughts on having the Waste Transfer building in place for Christmas and forwards these to the Head of Property Development and Projects . This includes preparing the foundations for the prefabricated building with the main contractor on site on 17 October at the latest. A clear site will be required in the location of the proposed building which means removal of all former highways materials. The highways element of the works (resurfacing of internal roads) would need to be completed after Christmas.

- 38 He refers to variations to the usual procurement process and risk including:
- Instructing a contractor from the North West Construction Hub (NWCH) without competition.
  - Placing a direct order for the prefabricated building (later disregarded as this would breach EU Regulations).
  - work starting without planning approval, which could lead to adverse publicity and additional costs if planners and or highways insist on additional works.
- 39 **13 September** 17.05 p.m. – The Head of Property Development and Projects forwards the email to the Assets Manager highlighting the key issues and decision requirements.
- 40 **13 September** 18.19 p.m. - The Assets Manger forwards the email to the Strategic Director asking whether he wants the planning issues discussed with the Head of Planning and Housing.
- 41 **13 September** 18.23 p.m. - The Strategic Director replies “Yes lets get on with it. We do need to ensure we sign everything off as we go as you know some people choose to watch our every move”. The Strategic Director has confirmed that this refers to ensuring due process is followed.
- 42 **13 September** - The Asset Manager instructs the Head of Property Development and Projects to take control of delivery from this point. On **14 September** Waste, Corporate Improvement, Highways, Planning and Legal are informed of the decision to accelerate the programme for project completion by the end of December 2011. A meeting is called and the Head of Service Environmental Services adds “please come along with the notion that this is a shared responsibility to deliver”.
- 43 **14 September 2011** - A Delegated Decision is taken by the Strategic Director in order to waive the requirement for an additional tendering exercise on the basis that only one company can provide the service and to award a contract to the waste bulking contractor. The record of the decision indicates that it will take between 6 – 8 months to deal with the construction and secure the relevant licences and planning permission.

Extract from the Delegated Decision 14 September

“Under the Council’s Finance and Contract Procedure Rules there is the capacity to waive the requirement for competition in circumstances where only one company can provide the service, however this is subject to the contract value not exceeding EU thresholds. The award of Contact to the waste bulking contractor does exceed thresholds however the Council has performed a compliant tendering exercise for a three year term. Given the substantial amendment to the term of the contract and the potential impact on the cost it was advised that the contract should be retendered.

It is however apparent that due to the geographical and immediate requirements of the Council there are no other companies able to tender and no significant risk of a challenge to this award of contract.

There are no alternatives to this offer in order to begin collection of recyclate on schedule for 3 October. ...it is now too late to arrange haulage and personnel to transfer load material to our south transfer station at an estimated cost of approx £35k per week.

Delaying role out on 3 of October is now no longer an option as bins are being delivered to residents which cannot be collected without the change over of vehicles and use of a transfer station from 3 October.”

44 The Decision was signed off by the Director of Finance and Business Services and the Borough Solicitor on **15 September** following endorsement by Officers from Procurement, Finance and Legal (Senior Lawyer)

45 **14 September 2011** – The Head of Planning and Housing sends an e-mail to the Head of Property Development and Projects stating:

“I would urge you against doing anything that obviously requires consent without permission (like a building) its just a really bad example and bad press

However there maybe things we can do by way of preparatory works. Please discuss this with (Principal Planning Officer)”.

46 **15 September 2011** – The Professional Services & Framework Manager meets with the Principal Planning Officer to discuss the scheme & planning application.

47 **16 September** – The Organisational Change Manager notes the risks and attaches the Corporate Risk Log template for the Head of Property Development and Projects to formally record and manage the risks

48 **21 September** the Risk Log indicates that a number of risks are identified by the “steering group”. Including:

- No project sponsor/Project Board in place and hence the Project Manager is identified as the Head of Property Development and Projects with the Head of Environmental Services as the project sponsor.
- The budget is identified as £650,000 with full project costs of £1.5m. The project manager is to talk to the Asset Manager re bridging the funding gap
- Planning issues - development is within the green belt and there needs to be documented evidence to support a certificate of lawful development (it is understood that there was insufficient evidence to support an application). Need to justify special circumstances to justify the building, need to start some ground preparation work

before planning is formally considered. Information relating to the planning application was to be forwarded to the Principal Planning Officer.

- 49 **29 September 2011** – The Principal Planning Officer informs the Head of Property Development and Projects of a discussion with the Development Management and Building Control Manager regarding the timescales in place and states:

Extract from E-Mail

“I have previously raised my concerns over the timescales proposed with (the Professional Services and Framework Manager) when we have discussed the application. .... I note that you have only provided for 8 weeks for the whole process but the size of the building means this is a major application which has a statutory determination of 13 weeks.

In addition now that we have now been provided with, and had a chance to consider, the photomontages and plan of the building we are of the view that in planning policy terms it would be considered “inappropriate development” in the green belt (as defined in PPG2). As such, there is a statutory requirement for us to refer the application to the Secretary of State to allow them to call in the application for their own determination. This means that after going to Committee (should permission be granted) there is a 21 day delay before any decision notice can be issued.

I can discuss further tomorrow”.

- 50 The risk log is updated following a meeting of the “steering group” on 30 September and, furthermore, it is understood that the Principal Planning Officer provided a copy of the Statement of Community Engagement.
- 51 **29 September** discussions are held between the Professional Services and Framework Manager and the main contractor which indicates the building will be operable by 20 January 2012.
- 52 **3 October** the silver bin collection is rolled out and the interim contract for bulking of recycle commences.
- 53 **4 October** A Delegated Decision, which is described as a key decision, is taken by the Assets Manager to grant approval of the direct appointment, without competition, of the main contractor from the existing NWCH Medium Value Framework to undertake the formal construction project works as part of a phased procurement approach to provide a new Waste Transfer Station at Lyme Green, Macclesfield
- 54 Under the terms of the Framework Agreement the Council is required to undertake a mini competition. However, a mini competition will delay the project by 3 weeks a delay that, despite the interim contract for bulk and Waste Transfer Facilities Services being in place will, according to the Delegated Decision notice, attract

transfer load costs of £35,000 a week. (the interim contract would reduce this figure by approximately £25,000 per week).

- 55 The programme of works requires extensive ground works to be undertaken to reduce overall ground levels, form retaining walls, a new concrete base and foundations, together with general upgrading and access improvements to the site entrance roads and infrastructure. A large element of civil work needs to be completed prior to delivery and installation of the structural framed building.
- 56 The preferred project programme forecasts an accelerated 22 week project programme with a target completion date for the new building by January 2012.
- 57 The decision notice indicates a 32 week programme (completion date end of March) had been established by the team allowing more time to procure the project works through well established route, ensuring formal statutory consents/approvals, together with tendering the appointment and award of the contract to the main contractor, who would then take responsibility for any sub-contract works package. However, the additional project costs together with the costs of the interim service delivery were high.
- 58 The work programme attached to the DD clearly indicates that the planning application runs concurrently with Construction.
- 59 **5 October** - The risk log is updated to reflect the advice from the Principal Planning Officer whereby it is noted that the planning application will need supporting surveys and documents. The Programme of Works is to be reviewed by the Professional Services and Framework Manager to reflect the discussions with Planning. A copy of the Log is sent to The Head of Service Environmental Services.
- 60 **6 October** – A letter of intent is sent to the main contractor regarding Lyme Green Waste Transfer Station (the Works) by the Professional Services and Framework Manager.

“As a NWCH Constructor Partner and further to discussions we confirm it is our intention, subject to agreement of a number of matters, to enter into an NEC Option C form of contract with you for the construction of the works.

It is necessary that certain activities be undertaken, prior to the execution of the intended contract and you are therefore hereby authorised, until notified by us to the contrary, to proceed with the mobilisation, procurement and execution of the scheme, up to a maximum amount of £500,000 plus VAT”

The extent of authorisation included:

- Placement of orders for the waste storage building and precast concrete units
- Review against budget
- Developing the agreed maximum price for the contract

- Commencement of site works on 17 October 2011

The authorisation was to expire on 7<sup>th</sup> November 2011.

61 **7 October** – The Head of Property Development and Projects issues an alternative project programme to members of the “steering group” including the Head of Service Environmental Services which includes sufficient time within the programme (to seek the necessary statutory approvals including SoS approvals) prior to commencement of major site works. This results in a revised target date of May 2012. The e-mail requests clear guidance and direction, including approval at the Director level to confirm the acceptable way forward and in particular;

- Obtaining satisfactory planning approval prior to commencement of major site works
- Reaching satisfactory agreement on the funding shortfall

The e-mail notes that the Main Contractor is due to commence mobilisation works on **Monday 10 October 2011**

62 **7 October** – The Head of Environmental Services sends an e-mail to the Head of Planning asking him to confirm “the planning situation and what your advice to [assumed reference to Strategic Director] was”

63 **7 October** – in response to the e-mail the Head of Planning & Housing states “My advice has been that once the application is submitted we will “fast track” it through registration and deal with it promptly thereafter. It will need to go to Committee – ideally strategic planning board but potentially another will suffice if that avoids delay.

We will have to refer the application to the secretary of state as it is over 1000sqm in area. However we intend smoothing the way for that and I’d be amazed if they took issue with it.

A timescale of 8 weeks is realistic for the planning application itself although we’ll aim to do it in 6/7. The SoS is the only real uncertainty at this stage.

64 **10 October 2011** – The Professional Services & Framework Manager sends the Copy DD of the 4<sup>th</sup> October to the Head of Service Environmental Services for sharing with the Strategic Director together with the accelerated work programme and the programme showing nothing happening until planning is determined.

65 **12 October** the Head of Environmental Services asks the “steering group” whether they are ready to share the latest programme including the planning period with the Strategic Director/Lyme Green residents/trade unions/elected members. (a meeting with residents has already been agreed in September with the Ward Member after concerns raised by residents).

- 66 **21 October** The Professional Services and Framework Manager distributes the final iteration of the work programme to the steering group and the Strategic Director. This clearly indicates that construction (mass excavation and construction of retaining walls/floor slab) will be completed prior to any decision on planning (9 weeks) and that the erection of the Prefabricated Waste Transfer Structure will commence after the planning decision. It doesn't allow for any review by the Secretary of State.
- 67 **24 October** – starting date on site for the main contractor in accordance with the work programme.
- 68 **27 October** – public meeting – From late September the Ward Member has been in conversation with the Assets Manager and Head of Service Environmental Services regarding local concerns about the proposal to locate a Waste Transfer Station at Lyme Green Depot. The Waste and Recycling Manager, Assets Manager and Head of Planning and Housing, together with the Ward Member attend a public meeting to communicate the Council's plans. At the meeting it is made clear to the public that clearing and levelling of the site was necessary and was being undertaken irrespective of whether the proposed development went ahead. An assurance was given that work on the proposed development had not started except for some sub soil bore holes.
- 69 **3 November** An e-mail is sent by the Professional Services & Framework Manager increasing the overall commitment to £750,000 to cover the operations necessary to remain on site, the placement of sub-contract orders, and the formation and execution of contract documentation. The period of authorisation is extended to 30 November 2011.
- 70 **7 November** - The Principal Regeneration Officer (Env. Protection) sends the Principal Planning Officer pictures of excavators at Lyme Green Depot taken on Friday 4 November following a site visit associated with the Planning Application. These are forwarded to the Enforcement Officer (minerals and waste) for information.
- 71 **8 November** – The Principal Planning Officer forwards comments received by the Principal Regeneration Officer (Env. Protection) regarding the draft noise assessment to the Professional Services and Framework Manager. She notes that the development appears to have already started on site (as of last week) and comments "As per previous discussions on this, I do not recommend that you carry on undertaking development on the site without planning permission, however if you wish to do so this is done entirely at your own risk".
- 72 **10 November** 2011- Following complaints regarding apparent pile driving at Lyme Green Depot from Sutton Parish Council, the Asset Manager states in an e-mail:  
  
"My apologies for the delay in responding to you.

I can categorically assure you that there are no pile driving operations being undertaken on the site. The situation remains as described at the public meeting on 27th October. Work has continued in order to clear an accumulation of materials on the site to facilitate the new arrangements in respect of the operation of the Council's Highways Contract. Indeed, I understand that activity on the site, and the resultant vehicle movements, has now started to reduce. [The Waste & Recycling Manager] has asked that I extend an offer to you to visit the site to alleviate any concerns you may have.

The Council continues to follow due process in terms of the proposed transfer station and, again, I can assure you that the Council will only proceed once all required permissions are in place.”

- 73 **14 November** – Interim valuation number 1 for the main contractor to the value of £166,457 for works executed up to and including 31/10/11 the majority of which relates to bulk excavation and advance payment for the Prefabricated Building.
- 74 **16 November** the Planning Application is received which is registered on 24 November (arrangements have been made for payment of the planning fee on 15 November). The application notes that building, work or change of use has already started.
- 75 **18 November** a complaint is received by the Enforcement Officer Minerals and Waste regarding “a huge hole” that has been “excavated so that the new building could be set down in the ground”.
- 76 **22 November** Site visit by the Enforcement Officer Minerals and Waste who informs the operator that there is no current Planning Permission.
- 77 **22 November** it is reported that ready mix concrete has been delivered to the site and have been offloaded into excavated footings. A request to the Head of Planning and Housing is made to investigate from a planning enforcement point of view by Sutton Parish Council. The Head of Planning and Housing agrees to establish the current situation.
- 78 **22 November** The Ward Member raises concerns with the Strategic Director.
- 79 **23 November** – Standing down instruction for the main contractor work ceased and operatives left site.
- 80 **24 November** – The Enforcement Officer Minerals and Waste refers the issue to the Development Management and Building Control Manager reporting footings with concrete poured. (once the planning application is deemed valid enforcement action has to be put on hold until such time as a decision is made).
- 81 **24 November** – The Head of Planning responds to Sutton Parish Council stating:

"I'm sorry for the delay in coming back to you - I needed to liaise with a number of parties to establish the position on site.

Site clearance works were authorised following the recent changeover arrangements with the Council's Highways Contractor and in anticipation of the proposed development in the new year, should planning permission be granted. The opportunity to remove surplus soil materials, former highway materials, road scarifying material, poorly compacted fill in order to level out the site was taken in the knowledge that the Depot site was relatively quiet in terms of activity and that it would be more difficult to carry out the work over the busy winter period.

Unfortunately, problems were encountered with poor ground conditions and large areas of soft spots due to poor compaction of surplus road materials over many years. Additional measures are required to stabilise the ground and ensure safety of the site. These additional works are essential to the operational safety of the site and stability of adjacent structures and boundaries and will be on-going until the 9 December.

On completion of the required stabilisation works, all such activity on the site will cease pending the outcome of the Council's planning application for the proposed waste transfer station. The Council cannot and will not establish a waste transfer station at Lyme Green without a valid planning permission being in place."

- 82 **24 November** – further instruction for the main contractor to recommence works in connection with retaining walls which recommence on 25/11/11 with works scheduled up to 9/12/11.
- 83 **28 November** – Report to Cabinet 2011/12 for the Mid Year Review of Performance that provides summary and detailed information about the financial and non financial performance during the first half of 2011/12. The Waste Transfer Station is shown at Annex 2 Appendix 1 under new Starts for 2011-12. The total approved budget is £650k as at 30 Sept 2011.
- 84 **29 November** – The Strategic Director Places instructs the Head of Planning to stop the works following receipt of photos of the work.
- 85 **30 November** – the main contractor is instructed to cease all construction works and demobilise from site.
- 86 **5 December** - Interim valuation number 2 for £538,033, £371,576 paid (£538033 net of previous payment £166,457) for works executed up to and including 30/11/11. Indicates soft spots encountered on site.
- 87 **19/21 December** – revised plans submitted

88 **5 January 2012** – The item relating to the planning application is withdrawn from the Strategic Planning Board.

89 **18 January 2012** – Strategic Planning Board application deferred to enable the Officers to provide the following:

- Further information with respect to alternative sites
- Further information with respect to the access to the site and highway safety
- Further information with respect to noise levels and mitigation measures

And to allow the applicant to reconsider the design of the building.

90 **19 January 2012** Interim valuation number 3 for £594,877 Certificate number 3 shows that £56,844 paid (£594,877 net of previous payment £538,033)

91 **6 February 2012** – Report to Cabinet regarding the review of financial and non financial performance for Quarter 3. Annex 2 provides projections of service financial performance for the 2011 – 12. It focuses on the key financial pressures which the Council's services are facing, and areas of high financial risk to the Council, and highlights significant changes to forecasts since the mid year review.

Annex 2 Appendix 1 shows the Materials Transfer Facility with a total approved budget of £650k, actual expenditure is shown as £191k and forecast expenditure as £650k.

Analysis of the payment certificates clearly indicates that:

£166,457 issued at 14/11/11

£371,576 issued at 6/12/11

£56,844 issued at 24/01/12

This is because the report was based on information to mid November and not, as implied 31 December.

92 **17 February** the planning application is withdrawn.

93 Various public statements have been made with regard to the Lyme Green development leading to an apology to both residents and Councillors, and a commitment to "diligently examine all possible site options". Furthermore, a statement has been made with regard to this review and to publishing a summary of the report at a date to be confirmed.