

TDC Berth 4/5 Project Timeline			
March 2019 - May 2021			
Date	Subject	Notes / Description	Risks/Implications/Outcome
08/03/19		Initial contact from BAM informing that an aggregate berth on the River Crouch used on the crossrail project was no longer required. Berth consisted of two large steel pontoons.	
15/05/19		Initial meeting with project consultant, to develop outline design for a fixed quay replacement for the existing berth 4/5.	At the meeting instructions were also given to carry out an assessment of the suitability of the BAM pontoons for use as a replacement Berth 4/5 at Ramsgate
28/06/19	Planning Advice commissioned by TDC as Applicant	Advice was sought from external lawyers on the interaction between the Ramsgate Corporation Act 1934 and the General Permitted Development Order (GPDO2015) in the context of the proposed works.	Although the development is considered to be schedule 1 development (EIA Regulations) the advice indicated that reliance could still be placed on part 18 of the GPDO. On this basis a prior approval application could therefore be made without the need to undertake an EIA or to make a full planning application.
25/07/19		<p>Port Working Party Meeting Attendees:</p> <p>Cllr-Robert Bayford (Leader and Portfolio Holder) Cllr Peter Campbell Cllr Brenda Rogers Cllr George Rusiecki Cllr Rick Everitt Gavin Waite Madeline Homer Mike Humber</p> <p>Two technical reports from the project consultant shared with attendees.</p> <ol style="list-style-type: none"> 1. Basis of design report for a fixed quay 2. Assessment of the suitability of the BAM pontoons for use as two separate berths at Ramsgate 	Outcome of the meeting was that the pontoon option should be taken forward and developed with costs sought as this appeared to represent best value
01/08/19		Meeting with BAM and formal offer made to supply and install both pontoons for a lump sum cost of £1,250,000.	
12/08/19		BAM agreed to reduce the cost of the proposed works to £1,050,000	The reduced BAM offer along with other project costs were estimated to total £1.415m leaving a contingency of £85k in the total allocated budget of £1.5m
20/08/19	Legal Instruction	Legal Instruction to seek procurement advice on purchase and installation of the BAM pontoons and compliance with the PCR2015	

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23/08/19	Legal Advice	Legal advice received on the following question: "Can the pontoons be purchased in accordance with the Public Contracts Regulations 2015"	The decision made following the advice was to prepare a PSR2015 compliant tender pack with performance spec for competitive tendering.
18/09/19	Legal Advice	Legal check of the draft tender documents to ensure it was possible for open competition. The documents provided additional information which allowed a better understanding of the scale of the project that our lawyers had not had prior to the initial advice.	A second piece of legal advice was proposed and sought which indicated that the council could argue that the project is works or a mixed works/supply contract. This would mean that the works would be below the PCR2015 works threshold of approx £4.3m opening the opportunity to legally make a direct award subject to the waiving of TDC contract standing orders.
20/09/19	Budget / Scheme Approval	Record of decision signed by Cllr Bayford as portfolio holder to approve the addition to the 2019/20 capital programme of a capital project to deliver the Commercial Berth in the Eastern Gully of the Royal Harbour, to be funded from the realignment of the existing 2019-20 budget for Berth 4/5.	This published decision would (if implemented) have split the £1,477k budget as follows: Berth 4/5 - £887k Commercial Berth - Eastern Gully, Ramsgate Harbour project - £590k
23/09/19	Budget / Scheme Approval	Cllr Campbell as the chair of O&S gave notice by email that the record of decision made on 20/09/2019 would be called into O&S	Overview And Scrutiny Panel Call-in of Individual Cabinet Member Decision - Port And Harbour Projects - Variation to 2019/20 Capital Programme
01/10/19	Budget / Scheme Approval	Overview and Scrutiny Meeting Councillor Everitt proposed, Councillor Albon seconded and Members agreed to request that the Leader of Council held in abeyance the implementation of the decision for ten days during which arrangements were made for the Panel to view the legal documents relating to the procurement process of the two pontoons.	O&S Members to have opportunity to view legal advice during a 10 day period before decision is implemented
15/10/19	Budget / Scheme Approval	Following the change in administration on 10/10/2019 a Cabinet report was requested with options to take the project forward.	The individual cabinet member decision of 20/09/2019 was not implemented after the 10 working days referenced above pending the outcome of the report.
14/11/19		Pre- Cabinet Meeting Revision of 18/9/19 advice with additional content on risk of direct award was presented to Cabinet and CMT, advice from the Monitoring Officer & Deputy Monitoring officer was that the external advice was sound and that the Council could issue a	The Section 151 officer indicated that he did not support the direct award and preferred option would be a competitive process

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		direct award	
14/11/19	Budget / Scheme Approval	<p>Cabinet Cabinet report - Replacement of Berth 4/5 (Port of Ramsgate) and Provision of Commercial Berth (Ramsgate Harbour).</p> <p>The report described the urgent need to replace the existing Berth 4/5 (aggregate berth) and the proposal to deliver a commercial berth project in Ramsgate Harbour.</p>	A total of 4 options were listed in this report. The Cabinet decision on the report was deferred to the December 2019 meeting of Cabinet.
16/12/19	Budget / Scheme Approval	<p>Cabinet As above</p>	Option 4 for a competitive tender for a single berth to replace berth 4/5 was approved. The second additional commercial berth in the harbour included within BAM's original offer was therefore not taken forward.
24/01/20	Procurement	Open tender advertised for Berth 4/5 project	
02/03/20	Procurement	Tender return date	
10/03/20	Procurement	Tender opening meeting	
08/04/20	Budget / Scheme Approval	Email from Finance regarding berth 4/5 budget confirming budget position	It was confirmed that as the original decision to approve the commercial berth was called in, the capital budget had not been split into two separate budgets. Accordingly, the full budget has always remained in the Berth 4/5 capital budget.
14/04/20	Procurement	Order raised for technical evaluation of lowest tender by project consultant.	
16/04/20	Budget / Scheme Approval	Confirmation from Committee Services Manager that budget in place and no further decision or authorisation required to award tender provided that the decision of Cabinet on 16 December 2019 is followed.	Subject to tender evaluation, permissions in place to award contract
04/05/20	Procurement	Meeting with project consultant to run through and sign off draft outputs of technical evaluation of tender submission	
07/05/20	Consents and Licencing	Estates surveyor contact with Crown Estates to update on project progress and inform of proposed tender award	
20/05/20	Marine Licence (Consents and Licencing)	Project consultant shared draft Marine Licence and Water Framework Directive applications to the MMO	
20/05/20	Procurement	Award decision notice to successful and unsuccessful tenderers sent by Procurement (10 day standstill starts).	

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22/05/20	Consents and Licencing	UXO (Unexploded Ordnance) desktop study commissioned to inform CDM Construction Phase Plan	
26/05/20	Consents and Licencing	Amendments to draft marine licence application and instruction to project consultant to submit to MMO	
29/05/20	Consents and Licencing	Crown Estates confirm estimated fees of £9k for the provision of new supplemental lease	
01/06/20	Budget / Scheme Approval	Committee Services Manager confirms that the decision on 16/12/2019 meets the requirements of the constitution for a contract award of this value.	
02/06/20	Consents and Licencing	Marine licence application is submitted	
09/06/20	Contract Award	Provisional contract dates shared with legal services as follows	Project start - 13/07/2020. The access date - 14/09/2020. Completion date 30/10/2020
10/06/20	EIA (Consents and Licencing)	Screening request sent to Natural England for Appropriate Assessment.	
10/06/20	Contract Award	Tender acceptance letter sent by legal to BAM	Contract offer letter sent to BAM
17/06/20	EIA (Consents and Licencing)	MMO notification that the scheme will need to be screened for EIA.	This had the effect of putting the marine licence application on hold until screening complete. This would delay marine licence determination so contract award was held.
18/06/20	EIA (Consents and Licencing)	Information on frequency and level of berth usage sent to MMO to inform EIA Screening Opinion.	
22/06/20	Contract Award	Legal informed of need to hold on completion of contract award	BAM informed that contract award on hold
29/06/20	EIA (Consents and Licencing)	Legal advice received on potential to challenge the MMO's request to screen for EIA	No scope to challenge position based on EIA regs and rights under GPDO
17/08/20	EIA (Consents and Licencing)	Conclusion of MMO screening opinion is that EIA is not required. Marine licence application resumed	Marine licence process started again at week 3 of 13.
20/08/20	Prior Approval (Consents and Licencing)	Prior Approval application was submitted to Local Planning Authority (LPA)	This submission had to wait until the outcome of the MMO's EIA screening process
26/08/20	Contract Award	New dates agreed in principle with contractor	Contract start date - 14/09/2020 Contract Access Date (landside) - 21/09/2020 Contract Access Date (Marine) - 09/11/2020

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			Contract Completion - 31/01/2021
01/09/20	Contract Award	Contract Awarded to BAM	Contract documents sent to BAM for signature
25/09/20	Marine Licence (Consents and Licencing)	Marine Licence consultation starts	4 week consultation with adverts in local papers as part of marine licence process
30/09/20	Contract Award	Signed contract returned and completed by Legal	Formal contract now in place
13/10/20	Prior Approval (Consents and Licencing)	Local Planning Authority confirmed to TDC as applicant that legal advice had been sought which indicated that an EIA would now be required before the Prior Approval application could be determined	Potential to halt marine licence and prior approval applications and significantly delay construction start
15/10/20	Construction Contract	Notification to BAM that EIA required and contracted works will be unable to start until EIA in place to inform prior Approval. Instruction issued not to start works.	
22/10/20	Marine Licence (Consents and Licencing)	Indication from MMO that they are considering the LPA's position on need for an EIA and aligning consents	This effectively halts the marine licence process until an EIA has been undertaken and accepted
05/11/20	Site Works	Seaward barge of existing Berth 4/5 decommissioned and removed from station	Following poor weather and damage to the berth and due to poor condition, berth decommissioned. Bretts unable to bring coarse aggregates by sea until a new berth is in place.
23/11/20	Site Works	Second barge removed	As above
09/12/20	Construction Contract	Notification of compensation event issued by BAM as a result of the delay in starting the works	
18/12/20	Construction Contract	Notification to BAM that revised start date will be communicated in January 2021	
14/01/21	Construction Contract	Notification to BAM of consent to restart works on dates as follows: <ul style="list-style-type: none"> access date for marine works within the site 04/10/21 access date for all other works 13/09/21 completion date 23/01/22 	Dates shown based on best information available at the time but still subject to revision if required
18/01/21	Marine Licence (Consents and Licencing)	MMO confirmed that it will defer to the LPA's decision on the EIA. MMO will also undertake the required Habitats Regulations Assessment (HRA)	
22/01/21	EIA (Consents and Licencing)	Scoping Report draft received from project consultant	Draft report for client review
28/01/21	Marine Licence (Consents and	Sampling Plan for Marine licence received from MMO. importantly this included	

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	Licensing)	sampling and testing for Brominated flame retardants (PBDEs), a new requirement.	
28/01/21	EIA (Consents and Licensing)	Formal submission of scoping report for EIA to the LPA	
03/02/21	Marine Licence (Consents and Licensing)	Indication that the PBDE testing will require 90 day lead in time and 120 days for a lab to complete there after	Quotes received were on this basis as only one accredited lab in the UK can undertake this testing. Likely to lead to further serious delay to programme.
18/02/21	Construction Contract	Compensation Event Quotation 01 (CEQ01) submitted by the contractor (BAM)	
04/03/21	Marine Licence (Consents and Licensing)	Order placed for sediment samples to be taken to inform licence process and for testing to be undertaken	This activity is now considered to be on critical path due to the length of time needed for PBDE testing so order placed as quickly as possible.
05/03/21	EIA (Consents and Licensing)	5 weeks since EIA Scoping opinion sought - (anticipated date of response.) However MMO not yet engaged on the process.	
26/03/21	Change in Project budget	Update at Cabinet/CMT Due to ongoing delays with EIA and consents the project costs have significantly increased.	Additional project costs now exceed allocated budget and alternative funding solutions to be considered in relation to capital and revenue expenditure.
13/04/21	EIA (Consents and Licensing)	Email from project consultant to MMO MMO determination period is 5 weeks on EIA Scoping Opinion - but now 10 weeks since the request was made. No update on progress received.	
13/04/21	EIA (Consents and Licensing)	MMO email informing of capacity issues and won't be able to look at EIA scoping at the current time.	This has the effect of delaying the LPA's ability to issue a full scoping response. This is particularly important because the intended route to gaining approval of the Environmental Statement and EIA is for the MMO to adopt the LPA's decision. If the MMO's comments are not included in the scoping response then this may not be possible.
19/05/21	Marine Licence (Consents and Licensing)	Indication from the bathymetry samples testing lab that PDBE test results will be available the first week of June.	This is better than the anticipated date.
26/05/21	EIA (Consents and Licensing)	MMO email, indicating that the MMO have now received most of the consultation responses and are in the process of drafting a scoping opinion but are still awaiting one response.	Due to sediment testing happening earlier than expected the critical path falls back to the EIA and Marine Licence. Construction start date directly affected by return of scoping opinion and approval of scoping

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			report.
06/07/21	EIA (Consents and Licencing)	MMO response to EIA Scoping Report	This provides the LPA with the last required stakeholder response to make its formal response to the scoping report.