

PRIDE COMES BEFORE A HALL

A village in crisis

At the time of writing, it appears that the William Marshall Centre (WMC) could be open again in the near future. Many people will be well aware that there have been major concerns about the building from long before it was closed due to Covid-19 restrictions. Unfortunately, none of the problems with the building have been resolved during its closure. Indeed, the situation is now probably even worse.

The purpose of this report is to make those who need to know aware of exactly what has happened over the past 6 years and be fully conversant with the essential details. These constitute both a catalogue of disasters, and make an object lesson on how not to handle a major project like this.

The complete lack of transparency throughout has managed to hide the sheer incompetence - or perhaps intentional ill-advised behaviour - of those most closely involved with the project. The situation has been complicated further by the desire to hide the irresponsibility of continually ignoring legitimate concerns with a stream of dismissals and denials. Such obfuscation has until now managed to prevent the numerous breaches of protocol, legal and financial irregularities from surfacing.

The report will be circulated to local, regional and national politicians and officials, as well as the media. Most important though is that the people of Welney will finally have the opportunity to learn the truth of what's been happening, supposedly for their benefit.

In contrast to the largely non-existent records held by Welney Parish Council (WPC) - indeed a former Chair of WPC has admitted to burning relevant papers - the authors of this report have a comprehensive file of information - mostly in hard copy - as evidence to back up the statements below

THE BACKGROUND

An Action Team (AT), including 2 WPC members and 6 other members of the Parish, was set up in June 2014 with a remit to raise the funds needed to provide a new community centre under a "turn-key" arrangement. This single structure was to replace both the old, dilapidated Parish Hall, which stood on land not owned by the village, and the very shabby Sports Pavilion adjacent to the playing field. The AT completed most of its task before handing everything back to WPC and disbanding itself, mainly due to the antagonism of the Council members. At this point the whole project started to go awry.

The project was completed by WPC, and the new building officially opened in June 2016. However, concerns about the hall were expressed even before it was erected, and soon grew stronger as people started to make use of it. None of the many concerns were addressed when they were first raised, and now, nearly 6 years later, still haven't been dealt with.

The whole story is far too complicated to relate here, but a selection of the major issues are listed below and then expanded upon later.

- The lack of suitable foundations.
- The payment for two roofs!
- The unexplained list of changes that were made to the original specifications.
- The major financial irregularities created largely because of the above.

- The numerous procedural irregularities that have occurred both during and beyond the actual project.
- The almost total lack of transparency throughout the course of the project.
- The complete failure of those "in control" to even consider that villagers' and professionals' concerns might actually be justified.

1) THE LACK OF PROPER FOUNDATIONS

The contractors Martin Reynolds Construction (MRC), originally specified that the site should be totally cleared to at least ground level. The modular building was to be constructed off site and then erected on foundations consisting of 72 concrete blocks measuring 600 mm x 600 mm sunk 500 mm into the ground. These proposed foundations were based on the assumption that the site had a load-bearing capacity of 100 kn/ m2. No soil tests were ever undertaken to identify the nature of what underlay the site, and therefore what it was able to support.

For some unexplained reason, the concrete base that formed the foundations of the old pavilion was not removed. Now the WMC actually stands partially on this and a number of adjustable jacks placed directly onto standard concrete paving slabs lying directly on the grass beneath. One would have expected some querying of the desirability of having two very different kinds of support for a single building. The adjustable jacks are there purely to raise the building 500 mm above the predicted flood level, and were not in themselves intended to form the foundations. As a result, since the WMC was erected, the contractor has been back on 3 separate occasions to make adjustments to some of the doors and windows and, more importantly, the replacement of several buckled wall panels.

An independent structural engineer from John Watson and Partners (JWP) was commissioned by John Loveday (a concerned parishioner with many years of experience in the construction industry), to inspect the foundations of WMC. The key points of their report appear in the Appendix, but can be briefly summarised as not conforming to building regulations, and that the building will be constantly on the move. WPC totally dismissed this report. MRC, unbeknown to anyone else at the time, had employed the services of Assent Building Control (ABC) to deal with the project. Another concerned parishioner (Dr. Pratley) having got nowhere following a series of questions put to ABC, arranged a meeting between them, herself and three of her colleagues. Subsequently, notes of this meeting made by Mr. Phillips of ABC were sent to WPC and not to Dr. Pratley herself, and it took two more months for Dr. Pratley - who had in effect commissioned the notes in the first place - to get a copy.

Dissatisfied with the inadequacy of these notes, she then complained to the Construction Industry Council Approved Inspectors Register (CICAIR). This is a body effectively set up by the Government to regulate the privatised building control industry. The key points of CICAIR's findings against one of their own members, namely ABC, in response to the complaint appear in the Appendix, and state that the completion certificate for the building should never have been issued, and that no soil tests were done. WPC chose to completely dismiss the CICAIR response, as they had done with the previous report.

Following a number of changes in the make up of WPC over the next couple of years, WPC itself finally commissioned another structural engineer (AGL Consulting Ltd.) to carry out a survey of the WMC.

The WPC had actually been asked to do this some time ago by two of the funding bodies and their own insurers, but had chosen to completely ignore these requests at the time. A firm of solicitors (Hegarty & Co.), which the WPC had appointed to deal with the problem, also pushed them into finally commissioning AGL. Their report and subsequent clarifications were far more damning than the previous one from JWP. Again, the key points appear in the Appendix. Their main finding was that the WMC does not even conform to the requirements for a temporary building. As a result of further changes within WPC, the recommendations made by AGL were, however, ignored.

More recently, another firm of solicitors – Birkett's that had been recommended by the Norfolk Association of Local Councils – suggested that the next stage in assessing the correct foundations would be to have bore holes excavated, so that remedial action could be taken over the foundations. Their suggestions were actually stated in the Welney News August/September 2021 edition. However, the WPC subsequently ignored their advice (after spending several thousand pounds to get it), and have done a complete U-turn. They now say that the building will be opened shortly. The WPC have now lost potential leverage to challenge MRC, and get the foundations properly sorted. This also might even have strengthened a legal case against them.

2) THE PAYMENT FOR TWO ROOFS!

The original plans, and all subsequent variations, as well as the fully costed prices used to attract grants from funding bodies, clearly show that the WMC would be provided with the standard roof normally supplied by MRC. Also, on all the quotations there was an "extra over" cost for the provision of a superior tile effect low-pitched roof at an extra cost of £6244. When the building was erected, it was actually capped with the standard roof, which with a pitch of less than 10 degrees, is technically classed as being flat.

Had the specified roof been supplied the pitch of the solar panels would have significantly improved their efficiency. Despite this very obvious change, WPC appear to have been easily fobbed off by MRC, and duly paid the additional cost for the roof that they had not got, as well as the standard version. MRC has in fact provided three contradictory accounts of the situation including one requested by WPC's solicitors. None of them explain why it was still necessary for the extra cost to be paid. WPC has consistently failed to explain this bizarre behaviour either, despite the fact that the figure is clearly shown in the accounts.

3) OTHER UNEXPLAINED CHANGES

The altered roof design was by no means the only unexplained change made to the plans shown to the village at a public meeting in August 2015. Many of them relate to the layout of the kitchen, or the provision of various appliances, such as a fridge/freezer and dishwasher. A change made before the order with MRC was placed involved moving the door to the end of the kitchen area, which would have allowed the servery hatch to be enlarged and the specified appliances to fit in comfortably.

The new agreed layout was not incorporated into the build by MRC for reasons unknown and, as a consequence, it was not possible to fit in either the fridge/freezer, or the dishwasher. They were however paid for in full along with a number of other changes that didn't happen, all of which had been fully funded.

The orientation of the whole building is actually at variance to that shown on the original plans. It should have been aligned so that it didn't impinge on a neighbouring property and didn't compromise the possible provision of a standard football pitch. It would also have allowed an additional section to be added in future should there ever be a need for an extension. It should be noted that the modular design supplied by MRC was originally chosen, particularly because of this last requirement.

A far more significant change was the one made to the proposed "green" heating system. It was seen as appropriate to install an air-source heat pump system, in order to be able to maintain a steady background temperature at all times. The proposed funding bodies were enthusiastic about this and the idea was even supported by MRC themselves, as the modern way to go. Although by the time the AT disbanded, the funds for this system had not been secured, there was a strong feeling that they would be. In the event Marshall's Charity covered the shortfall to the tune of £27k. However, for some reason WPC then chose to install air conditioning units instead, thus nominally "saving" some £18k, but considerably reducing the effectiveness of the heating system and also adding significantly to the long-term running costs.

4) FINANCIAL IRREGULARITIES

The project was unable to commence until sufficient funding had been secured from grant giving bodies. Applications to these had to include very precise details of all the materials and models of things like door handles and hinges, along with their accurately itemised costs. Later it became apparent that there were major discrepancies between what had been asked for and what was actually supplied - the heating system and the two roofs being prime examples. With all the other examples the total figure is in the region of £30k.

WPC has so far failed to put the relevant financial records into the public domain, so we do not know how they have accounted for these discrepancies. We, however, have a full breakdown of exactly what was applied for, but because of the lack of information held by WPC, it is not possible for us to provide a more accurate figure. Doubtless, this apparent poor book-keeping has in part contributed towards the WPC's accounts being described as "fictitious" by a past Clerk and leading to WPC subsequently being unable to lodge satisfactory annual returns for the last few years.

5) POOR PROTOCOLS AND PROCEDURES

It could be argued that bad management from the very start of the project right up to the present day is the key to why things have gone so disastrously wrong, but why has so little been done to rectify the situation? The appointment of an experienced Project Manager is fundamental to the success of such an important project as the provision of a new community building. Therefore, the fact that WPC never agreed to appoint one should have immediately raised alarm amongst their members, and this lack of scrutiny is probably the main reason why things continued to go awry.

Quite recently a current councillor made it clear that he assumed that a former Parish Clerk had held the role of Project Manager. However, it is clear from information supplied by MRC to WPC's solicitors, that they considered the Chair at the time was "in charge". The fact that their written account of things conflicts markedly with the one provided by the Chair following a request for information by WPC's solicitors, clearly demonstrates that there was at least much confusion from the outset.

Major decisions have been made throughout the project, and still are being made, for which no documentation appears to exist - a number of examples are given below: -

- No evidence of a pre-contracts meeting to finally agree the practicalities and processes in fine detail. This should be standard practice.
- No evidence of any discussions leading to an agreement about what kind of foundations were to be used.
- No paperwork explaining how and why so many changes were made to the specifications agreed by the AT and shown to the village before they were handed back to WPC.

If, as WPC maintains, MRC have provided exactly what they ordered, this can only have come about by WPC providing them with an out of date set of plans, which were certainly not the ones shown to the village, nor used to apply for grant aid.

- No evidence of a report on an asbestos survey having been undertaken (there was asbestos on site), even though there was a bill for it. No information on the outcome of the asbestos report appears to exist. Perhaps this was destroyed along with other documents.
- No evidence that the firm that dismantled the old pavilion held a certificate to enable them to handle asbestos.
- No record of how and where the firm disposed of the asbestos - they are supposed to provide a signed document each time a load is taken to a site designated specifically for the reception of hazardous waste. (It could have been dumped in a farm gate!)
- No warning signs or fencing designed to prevent unauthorised entry were erected, nor was the appropriate PPE used on site. All four of the above constitute serious breaches of H&S legislation.
- No evidence that WPC even knew, let alone approved of MRC's use of a private firm (ABC) to carry out building control. This is a legal requirement.
- No evidence that ABC ever even visited the site.
- No evidence that any site survey was carried out, nor soil tests undertaken.
- No evidence that any professional advice was sought about the pitch and orientation of the solar panels, which were intended to power the air-source heating system free of charge.
- No explanation as to why when WREN (one of the major funding bodies) asked for WPC's response to their concerns about the state of the building they were sent the invalid completion certificate. This, of course, was issued by ABC, who have a clear vested interest in the matter.

The impact of all this by no means exhaustive list should be immediately obvious and cannot be overstated. One case in point concerns the leaving of the concrete base supporting the old pavilion. Having received three broadly similar estimates to clear the site, as MRC had requested, it is incredible that WPC chose another much cheaper contractor without the necessary accreditation. Presumably, the fact that the concrete base got left had not been anticipated by WPC and must have come about because they failed to specify its removal.

Many of the ensuing practical problems would appear to stem from this major error. Another aspect of the poor administration, apart from the lack of transparency outlined above, is the almost total absence of routine communication with the local community. All questions put to the Council were either ignored or dismissed, and certainly never answered. Eventually, WPC attempted to stop legitimate questioning by claiming to have invoked a vexatious questioning order on four concerned village residents. These came in the form of letters to those individuals, who then chose to play along with the invalid orders, so as not to further exacerbate the situation. Needless to say, it was later confirmed that WPC had not gone through the correct procedures and, besides, the questions couldn't be classed as vexatious in the first place.

Sometime later, WPC claimed that they had transferred ownership of WMC to the Playing Field Committee – these are the exactly the same people wearing different hats. This approach has had the effect of ensuring that all matters relating to WMC could be dealt with in camera, with the result that no questions have needed to be answered for several years. No evidence has been found to prove that the transfer ever took place. WPC now claims that they didn't need to transfer it in the first place. That being the case, then why did they confidently state in a Parish Council meeting that they had done so?

According to a recent communication with the Land Registry, in 2014 WPC owned a building and adjacent playing field valued at £50k. No subsequent updates have been notified since then! Similarly, the Charity Commission confirmed it has no recent record of any changes. Why WPC should want to claim they have taken these actions merely serves to raise suspicion about their motives – was it purely so that everything could be kept quiet? Whatever, the almost complete lack of transparency of their actions would seem to be totally counterproductive and simply further raises suspicion about what WPC wishes to keep hidden.

More recently, WPC have been behaving in an even more secretive manner. They have now chosen to ignore the advice of their own solicitors and insurers by aiming to open the building without any of the remedial works demanded by the latter being carried out.

It would seem to us that the village has been "sold very short" and is likely to suffer further consequences in the future. This has always been our main concern and something that we have been trying to avoid from the outset. The village has not got a new community hub of which everyone can be proud. Ever since the project started to go wrong, those supposedly in control have sought to cover up their numerous mistakes instead of putting their hands up, admitting they were out of their depth and asking for help.

The authors of this report are more than happy to present all their evidence and answer any questions at a public meeting in front of the press and media. They are also in discussion with the Dept of Levelling Up, Housing and Communities about the much wider implications of the case.

Appendix

This appendix contains information that has been referred to in the report, but represents only a portion of relevant documents that are available.

1. Completion certificate from Assent.
2. Correspondence and 'report' from Assent.
3. Complaint to CICAIR following the inadequate response from Assent.
4. Independent Structural engineer's report JWP (commissioned by John Loveday)
5. Independent report from AGL consulting, commissioned by WPC.
6. Photographs of WMC showing 'foundations'.

Final Certificate

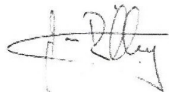
1	This certificate relates to the following work: Six bay replacement sports pavilion and community centre and associated works Welney Parish Council, Off Herne Drove, Welney, Norfolk, PE14 9SD	Date: 21/06/2016 Assent Ref: E102292
2	We, Assent Building Control Limited, are Approved Inspectors for the purposes of Part II of the Act and the above work is [the whole] / [part] of the work described in an initial notice given by us and dated as opposite.	Date: 02/03/2016
3	The work [does] / [does not] concern a new dwelling	
4	No optional requirement in the Building Regulations 2010 applies to the work	
5	One or more of the following optional requirements in the Building Regulations 2010 applies, namely - (a) regulation 36(2)(b) (optional water efficiency requirement of 110 litres per person per day) (b) Schedule 1 Part M optional requirement M4(2) (category 2 - accessible and adaptable dwellings) (c) Schedule 1 Part M optional requirement M4(3) (category 3 - wheelchair user dwellings)	
6	The work described above has been completed and we have performed the functions assigned to us by regulation 8 of the Regulations	
7	A Final Certificate has now been issued in respect of all the work described in the initial notice referred to in paragraph 2 above.	
8	Copies of the notice of approval and of a declaration of insurance relevant to the work described in this notice are on a register kept by the body designated under regulation 3 of the Regulations.	
9	The work [is] / [is not] minor work.	'Minor Work' has the meaning given in regulation 9(5) of the Regulations.
10	We, Assent Building Control Limited, declare that we have had no financial or professional interest in the work described since giving the initial notice described in paragraph 2	If the work is not minor work then this declaration must be made. Financial or professional interest has the meaning given in regulation 9 of the Regulations.
11	This certificate is evidence (but not conclusive evidence) that the requirements specified in the certificate have been complied with.	

Signed:



Name: RICHARD BATTE
 Assent Building Control Ltd
 Approved Inspectors
 Date: 21/06/2016

Signed:



Name: JOHN DILLEY

Date: 21/06/2016



Regulated by RICS



Assent Building Control Ltd
 Amber House, 53 Lynn Road, Dersingham, Kings Lynn, PE31 6JY
 Tel: 01485 545778 Email: admin@assentbc.co.uk
 Registered in England no. 5311596



Complaints Procedure

This note sets out the procedure that we will follow in dealing with your complaint.

A Director will be appointed to deal with your complaint. Please do not hesitate to contact us at the address given below should you have any complaints about our service.

Karen Sharp
 Assent Building Control Ltd
 Assent House,
 4 Navigation Court
 Calder Park
 Wakefield, WF2 7BJ

Tel: 01924 229185
karensharp@assentbc.co.uk

1. Please provide a summary of your complaint in writing. If this is not possible the form overleaf (Ref.F8) will be completed on your behalf.
2. We will respond to you within 10 working days of receiving your complaint. Where the problem is complex the initial contact may be to clarify the nature and/or circumstances of your complaint.
3. Within 20 working days we will notify you of the outcome of our investigation and inform you of our corrective proposals/actions.
4. If the complaint has still not been resolved to your satisfaction, you may refer your complaint to the Construction Industry Council, C/O
 Laura Russell
 Professional Services Officer
 CICAIR Ltd
 Construction Industry Council, 26 Store Street, London, WC1E 7BT
 Tel: 020 7399 7403 Email: lrussell@cic.org.uk
5. If the complaint relates to a matter of technical interpretation a separate procedure applies and this is detailed in the manual to the Building Regulations (ISBN 0 11 753485 4)



Assent Building Control Ltd, Assent House, 4 Navigation Court, Calder Park, Wakefield, WF2 7BJ
 Tel: 01924 229180 Fax: 01924 250387 Email: admin@assentbc.co.uk
 Registered in England no 5311596

Assent Internal Complaint Procedure - Attached

Karen Sharp <karensarp@assentbc.co.uk>

Wed 25/04/2018, 12:40

To: Vijapratley@hotmail.com <Vijapratley@hotmail.com>

2 attachments (359 KB)

Resolving Problems V1.pdf; Complaints procedure.pdf;

Dear Dr Pratley,

As requested please find attached our Internal Complaints Procedure a copy of which has also been forwarded in the post today to Wryneck Mill, One Hundred Foot Bank, Wisbech, PE14 9TW.

In the mean time, I have attached some guidance notes which we hope may help you in resolving any issues you have experienced, if you have any further questions please do not hesitate to contact me.

Regards

Karen Sharp
Administrator

T: 01924 229185

Email: karensarp@assentbc.co.uk

Web: www.assentbc.co.uk

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Assent Building Control Ltd, Assent House, 4 Navigation Court, Wakefield WF2 7BJ

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Form F8

Assent Building Control Ltd

issue date 27.01.09

Complaint Form

Complaint No: 1

Date: 21.05.18

Recorded by:

Customer: Parishioners of Welney on The William Marshall Centre, Hurn Drove, Welney

Complaint details: Inadequate supervision and scrutiny of the project has led to the foundations being non-compliant with standard building regulations i.e. clause 2E1 and 2E4 of Approved Document A. The minimum depth of foundations to avoid frost action should be 450mm, and deeper foundations may be needed in shrinkable clay soil (which is present) which should be between 750mm and 1.0m below ground. Trees are nearby (Leyland cypress hedge is within 1 m of one corner, and a line of large trees within 5 metres of the building which have been since removed), also result in the risk of topsoil drying out. NHBC Standards, chapter 4.2, specifies minimum depths of foundations relating to tree type, and the Leyland Cypress trees nearby would expect a depth of foundations greater than 2.5m to be used.

The concrete slabs sit on topsoil, which would shrink in summer and swell in winter, and in turn this would affect stability.

The building is supported partly on a pre-existing concrete slab, which has substantial cracks, and also slopes. The foundations on the slab may distribute the load of the building more effectively than the isolated concrete slabs on bare soil, so it might well be expected that there would be differential movement.

The completion certificate ref E 102292, dated 21.6.2016 was issued before the building was finished some 18 months before actual completion, after which the stepped approach to the main entrance also became non-compliant, i.e. the first rise is different from the rest.

MRC have been back to replace buckled panels twice, and recently another, larger fault has developed, which will need to be addressed. The fire door has had to be adjusted three times to prevent catching on the rear fire exit landing.

Appended is one picture of the latest faults.

Action agreed:

Preventative action required Yes/No

Authorised by:

Date:

Signed:

Date |:

Comments:

Dear Ms. Sharp,

The William Marshall Community Centre, Welney

Further to our correspondence re. my complaint about the above building, the following may be of interest.

It would appear from your responses to date that you accept the building's foundations do not comply with the appropriate Building Regulations. I can therefore only assume that your main concern must be with how the situation actually came about. It is this aspect that I may be able to help you with.

Along with a number of other village residents I was a member of the original "Action Team " (AT) that was set up by Welney Parish Council to deliver a "turn key" project to replace the old Parish Hall with a new multifunctional Community Centre. Many of us were, or had been, Parish Councillors ourselves.

In the furtherance of our duties we were able to secure much of the funding required from grant giving bodies and liaised regularly with both the appointed builders and local community, in order to ensure that everyone knew exactly what we were going to get for the money available. Throughout the process a number of revisions were made, but at all times everyone was aware of the detailed specifications that we were working to. From the outset it was clear to all that an old pavilion was to be demolished and the whole site on which the new building now stands would be completely cleared to below ground level. The new foundations would comprise of 72 jacks standing on 50cm x 50cm x 50cm concrete blocks sunk some 45cm into the ground.

Why this never happened is though not clear to us, as for reasons best known to themselves, the PC conspired to force the disbanding of the AT and took over the direct running of the project themselves. However it is known that there were problems with the demolition and hasty decisions were made about altering the foundations at this stage. Many other changes have also been made to the original detailed specifications, which have never been explained. As a result, the building is now substantially different from what the village expected and is not functioning as intended.

The possibility that the foundations might end up not conforming to expectations was in fact conveyed to your firm at an early stage by a concerned villager, who in so doing was actually the first to learn that Assent and not the local authority was overseeing the project. The response he received from your Dersingham office over the phone indicated that you too were not expecting such changes to be made and someone would come down to see what was going on. However, subsequently, erection of the building partly on top of an old concrete block that should have been removed continued!

We have paperwork supporting much of the above account, which could be made available to you. In the circumstances though it may be prudent to consider the option of arranging a meeting to discuss the matter in more detail.

I await your response.

Yours sincerely,

Dr Vilja Pratley

July 2018

Edward Phillips <edwardphillips@assentbc.co.uk>

Wed 11/07/2018, 16:36

You;

Karen Sharp;

John Dilley

Dear Dr Pratley,

I have been included in the emails are passed between yourself and the Wakefield office. However, I think it would be beneficial if we could meet possibly on site to discuss the issues you have raised. If the contracts manager from MRC is available, I would also like him to attend.

Would you please confirm if this proposal is acceptable to you? And the dates and times that you would be available.

Regards

Edward Phillips CEnv C.Build E FCABE AssocRICS FFPWS MICWCI

Associate

T: 01485545778

M: 07533607538

email: edwardphillips@assentbc.co.uk

Web: www.assentbc.co.uk

Assent Building Control Ltd, Amber House, 53 Lynn Road, Dersingham Kings Lynn, Norfolk, PE31 6JY

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Re: 2018.08.05_Welney Pavilion

Vija Pratley

Sun 05/08/2018, 18:10

To: Edward Phillips <edwardphillips@assentbc.co.uk>

Hello,

Thank you for agreeing to change the date, and the 16th August at 11am will be fine. I have booked a room at the Lamb and Flag, and will see you there.

Kind regards,

Vija Pratley

From: Edward Phillips <edwardphillips@assentbc.co.uk>

Sent: 05 August 2018 16:23:44

To: Vija Pratley

Subject: RE: 2018.08.05_Welney Pavilion

Hi Vija,

Can we go for 11am on the 16th August ?

Regards

Edward Phillips

From: Vija Pratley <vijapratley@hotmail.com>

Sent: 31 July 2018 09:40

To: Edward Phillips <edwardphillips@assentbc.co.uk>

Subject: Re: 2018.07.30_Welney Pavilion

Hello,

Thank you for replying so quickly, but I have been overtaken by events and now cannot do the 11am time on 13th August. Would it be possible to defer to the afternoon, say 3.30pm? Otherwise, it would appear that 16th August is fine all day (I'll make sure it is).

Kind regards

Vija Pratley

Sent from Outlook

From: Edward Phillips <edwardphillips@assentbc.co.uk>

Sent: 30 July 2018 15:58:14

To: Vija Pratley

Subject: 2018.07.30_Welney Pavilion

Hi Vija,

I do apologise for the delay in replying.

Would Monday the 13th at say 11 AM be suitable with you?

Minutes of meeting with Assent (Edward Phillips, Vija Pratley, John Loveday and Roger Giles and Tim Bennett) on 16th August 2018 at 11.00am held at The Lamb and Flag Private room.

Various questions were posed to Mr Phillips during the meeting.

Points to note:

- Although Mr Phillips expected to see only Vija Pratley, he was introduced to the other three parties, and when asked if he had any objection to them being present, he stated he did not, and the meeting went ahead.
- It was pointed out to Mr Phillips several times that the foundations on the William Marshall Centre (WMC) did not confirm to building regulations. The use of foundation pads originally was discussed with MRC i.e. 72 concrete pads set into the ground upon which the building would sit on jacks. Mr Phillips indicated that the building regulations were guide lines, and in this particular case the foundations did not require to be deep. However, no further comment was made about whether there was discretion over the interpretation of building regulations, and in what circumstances discretionary changes might be deemed acceptable. It was also pointed out that about a third of building sits on a solid concrete slab, and that the rest of the building uses paving slabs and jacks directly on top of fenland soil. Some of the paving slabs had broken. At no time during the meeting did Mr Phillips deny that the foundations were in breach of building regs.
- Mr Phillips was aware that two new slabs had to replace the broken ones. He also stated that MRC used the format of jacks on concrete slabs for many of their modular buildings (and had just secured an order for several classrooms that would also go straight onto slabs, but the site situations are probably quite different from those in Welney, and so direct comparisons are irrelevant). He stated that Assent had worked with MRC for about eight years without any major problems.
- Mr Phillips was also advised that MRC had to return on several occasions to adjust fire doors that were not opening fully and that several panels of the building had to be replaced on three separate occasions.
- Mr Phillips stated that a member of the office staff kept excellent records, but he was only aware that MRC had been back once rather than three times. There has been no communication with the office to this date.
- Mr Phillips was asked about the Report of Watson and Partners, Structural Engineers (commissioned by Loveday) which stated that the foundations were not fit for purpose. Mr Phillips had seen the report but said it was not relevant to the present situation as it was considering the need for piled foundations, which were not required in this case, but the report does not solely address piled foundations.
- The old concrete base was put down in 1969 and was not reinforced, but was designed for a much smaller and lighter structure than the present WMC. The question remains whether the building ought to stand on two sets of quite different foundation types.
- Mr Phillips said that he would inspect the building himself, but would need to remove a section of the wooden skirting in order to see what was happening with the foundations. He said he would contact the clerk of the parish council in order to facilitate the operations.
- Mr Phillips stated that he would look into the building and report back in 4 week's time.

The meeting finished approx. 12.15pm and a good and friendly rapport had been maintained throughout.



DATE : 30/09/2018

REF : E102292

Clerk to Welney Parish Council
Welney Parish Council
Off Herne Drove
Welney
Norfolk
PE14 9SD
E-Mail : Welney Parish Council <welneypcclerk@gmail.com>

Dear Welney Parish Council

THE BUILDING (APPROVED INSPECTOR ETC.) REGULATIONS 2010

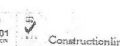
**SIX BAY REPLACEMENT SPORTS PAVILION AND COMMUNITY CENTRE AND ASSOCIATED WORKS
WELNEY PARISH COUNCIL, OFF HERNE DROVE, WELNEY, NORFOLK, PE14 9SD**

I attach my report for when the issues raised by the I attach my report members of the parish in relation to the construction of the above building. Raised by members of the Following the meeting with members of the parish who were not part of the parish council and a subsequent survey was undertaken by myself of the community centre on 23 August 2018, the following issues were raised, The concerns raised by the parishioners are in blue.

- Concern was expressed about the jack/pad foundations and the number used in the construction process.
Apart from minor adjustments to the pad foundations during the initial settlement period, no further adjustments have been made and the building is stable with no movement and no further adjustment has been required. This is despite the recent very dry and hot summer period, which we have just experienced.
The foundations show full compliance with the building regulations and there are no issues.
- The statement "At no time during the meeting did Mr Phillips deny that the foundations were in breach of building regs", is incorrect
My involvement at this meeting was to listen to the issues being raised, carry out my own independent survey of the building and then issue my opinion. At no time did I make any comments or indication that the foundations were in breach of the regulations.
- "Mr Phillips was aware that two new slabs had to replace the broken ones"
This again is incorrect. I am aware that there were broken paving slabs underneath the building and these were used as a temporary support to the drainage pipes whilst the building was being constructed. However, if a pad had been replaced then this is part of the maintenance and versatility of the jack/pad foundation. The building has now stood for approximately three years and no remedial work has been required to the foundations.
- Mr Phillips was also advised that MRC had to return on several occasions to adjust fire doors. Initially the fire door was scraping across the surface of the attached landing to the access ramp, this was minimal and required minor adjustment of the hinges. This work is now been undertaken, and there have been no further issues.
- That several panels of the building had to be replaced on three separate occasions
I am aware that two panels to the front of the building have been replaced due to a fault in the manufacturing process and not due to any movement or stress created within the building. The new panels have been in place for over two years without any issue or concern.



acai



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Registered in England no. 5311596



- Mr Phillips stated that a member of the office staff kept excellent records, but he was only aware that MRC had been back once rather than three times. There has been no communication with the office to this date

This remark refers to the records kept by MRC. The building comes with a 10 year warranty and I would not be involved with any maintenance issues. I am not aware of any outstanding complaint or issue raised by the parish council.

- Mr Phillips was asked about the Report of Watson and Partners, Structural Engineers (commissioned by Loveday) which stated that the foundations were not fit for purpose. Mr Phillips had seen the report but said it was not relevant to the present situation as it was considering the need for piled foundations, which were not required in this case, but the report does not solely address piled foundations.

The report ignores the fact that Jack/pads had been used and concentrates on had a traditional strip foundation being used. Therefore, jack/pad foundations were used to avoid the need for expensive piling and reinforcement.

- The old concrete base was put down in 1969 and was not reinforced, but was designed for a much smaller and lighter structure than the present WMC. The question remains whether the building ought to stand on two sets of quite different foundation types.
By using Jack/pad foundations the deviation in ground conditions can be allowed for as this building has shown. There is no movement or stress within the building. At the time of my survey I opened all doors and windows and they were freely openable.

- Mr Phillips said that he would inspect the building himself, but would need to remove a section of the wooden skirting in order to see what was happening with the foundations. He said he would contact the clerk of the parish council in order to facilitate the operations.

The skirt of the building and the underside of the building were observed, the line and level were consistent and true with no issues of concern.

Summary: the client is Welney Parish Council. At no time have they raised any concerns or issues to the construction of this building or any defects. The building has not had to be closed for remedial work and all planned functions have gone ahead without disruption. The parish council is happy with the building and have considered adding additional extra bays to the building as part of an extension.

Therefore I conclude there are no breaches of the building regulations and the building at the time of issuing the final certificate fully conformed to the requirements of the Building Regulations as applicable.

Unfortunately, there does seem to be a conflict between the parish council and this group of parishioners who were part of the initial focus group for this building.

Please do not hesitate to contact us if we can assist in resolving these outstanding matters.

Yours sincerely



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Registered in England no. 5311596

Fwd: Response to Ed Phillips letter.

20 November 2018 at 2:43 am

From Roger Giles

To Roger Giles

Sent from my iPad

Begin forwarded message:

From: John Loveday <john@demsports.com>

Date: 28 October 2018 at 21:27:26 GMT

To: Roger Giles <roger.giles38@icloud.com>, Vija Pratley <vijapratley@hotmail.com>, Tim

Bennett <stockyard.farm.welney@gmail.com>

Subject: Re: Response to Ed Phillips letter.

This is good with me

Get Outlook for Android

From: Tim Bennett <stockyard.farm.welney@gmail.com>

Sent: Sunday, October 28, 2018 9:16:21 PM

To: John Loveday; Roger Giles; Vija Pratley

Subject: Response to Ed Phillips letter.

What do you think of this?

Dear Mr. Phillips,

Many thanks for your very curious letter of 25th Oct., which contains an unbelievable number of inaccuracies. These are set out in order below.

- 1) You are well aware that I never received a copy of the report you mention. Indeed it was your good self, who said that we couldn't be sent a copy, because it would constitute a breach of Data Protection. On questioning this with the Information Commissioner's Office, their response was that your "spurious" use of the GDPR, was indicative of someone who was trying to hide something that should be in the public domain.
- 2) As I made the initial complaint, the report should have come directly to me and not Welney Parish Council. Because we believe in complete transparency, we would have sent them a copy anyway. My colleague, Tim Bennett, actually told them at their September meeting that they would be receiving a copy in the next day or two. In the event your report did not appear until some time later.
- 3) It is amazing that you found no defects during your visit, since at least one panel is clearly buckling. To state that there has been no movement to the building is ridiculous. Were that to actually be the case then one can only wonder why it has been necessary to have the fire doors adjusted and at least six panels changed already. By the way, the building has only been in situ for some 31 months.
- 4) My group never contacted your firm about the building itself in the first place. Our main concern has always been about the suitability of the foundations that are supposed to support it. As you know (as do all the many firms and individuals that we have consulted) the foundations do not even conform to the minimum standards for a temporary modular building. Your firm was originally contacted by Tim Bennett in February 2016, who was concerned about how it looked as

11/20/2018

iCloud Mail

though the building was going to be supported (?) by jacks sitting on pavement slabs laid directly on the grass.

This was long before we knew anything at all about any regulations.

Your firm's response was to state that this didn't seem right, admit that no one had visited the site for some time and say that someone would come down and have a look in the next day or two. We don't know whether or not anyone did come, but work continued as feared. Within a matter of days adjustments had to be made to the foundations.

5) At our meeting in Welney, following persistent questioning by my colleague, Roger Giles, you stated that Building Regulations were "only guidelines". I have to say that this is not the view of the Dept. for Communities and Local Government!

6) You state that Welney Parish Council are your clients for the project. However, you may not be aware that they had no idea a private building control company was involved in the project until Tim Bennett told them late last year.

You are presumably aware that potential clients have to be told and agree to this arrangement. Why did this not happen in Welney?

7) In light of the above, your sentence about the building being suitable for purpose is patently nonsense.

8) While we do have other issues with Welney Parish Council's handling of the project, you are quite right about them not building control issues, which is exactly why I have never raised them.

Finally, may I remind you that my original complaint to Assent Building Control was made on 18th April. That it has taken this long to get exactly nowhere means that I have no option, but to escalate it and make a formal complaint to C.I.C. This letter will probably form part of the supporting documentation.

Copies may also be sent to other third parties such as our MP, Elizabeth Truss, who has been kept informed for some time now. In the spirit of total openness, you will of course be told if/when this happens.

Yours etc

Dr Vija Pratley

E-Mail vijapratley@hotmail.com

Date : 25/10/2018

Our Ref : E102292

**SIX BAY REPLACEMENT SPORTS PAVILION AND COMMUNITY CENTRE AND ASSOCIATED WORKS
WELNEY PARISH COUNCIL, OFF HERNE DROVE, WELNEY, NORFOLK, PE14 9SD**

Dear Dr Pratley,

As you are aware from the report that was forwarded to yourself and your group, we carried out a survey of the property and found no defects of the building related to the building regulations. The fire door that you mentioned has been adjusted and is opening and closing freely. There has been no movement to the building even after being in position for three years.

Our client for this project is Welney Parish Council and they are pleased with the building and have no adverse comments or complaints.

The building according to the regulations is suitable for purpose, therefore there are no breaches of the building regulations.

We understand that you and your group have issues with Welney Parish Council but these are not Building Control issues and we can be no further involved in this dispute.

Yours sincerely



Edward Phillips
Associate

E-Mail edwardphillips@assentbc.co.uk
Contact No 07533 607538

The person sent to document

Regulated by RICS

Assent Building Control Ltd
Amber House, 53 Lynn Road, Dersingham, Kings Lynn, PE31 6JY
Tel: 01485 545778 Email: adminnorfolk@assentbc.co.uk
Registered in England no. 5311596

From: Vija Pratley <vijapratley@hotmail.com>
Sent: 08 October 2018 09:29
To: Kaylie Mascarenhas <KaylieMascarenhas@assentbc.co.uk>
Subject: Re: E102292 Welney Parish Council

Hello,
Thank you for responding.
There are several parts to this complaint:

1. The process has taken a long time, not in accordance with the 10-20 days specified. The complaint was started in April, and I gather a report was available from 30/9/2018.
2. During the course of this longstanding situation Mr Phillips requested a meeting which took place on 16th August, and he indicated that a report would be available in about four weeks - this also ran over the time indicated.
3. The report was sent to the parish council and not to me because of data protection issues. I have consulted the information commissioner who stated that this was incorrect use of data protection.
4. I should like to know why it has taken such a long time to answer the questions which were put to Mr Phillips i.e. why the foundations were changed from those discussed with the contractor, to those which were supplied, and which do not conform to any building regulations. I assume the report sent to the parish council might address these issues, but am unlikely to be given a copy. I don't understand the secrecy that is taking place here. A completion certificate was issued to the building, but the foundations do not comply - why is this the case? Unless some answers can be forthcoming within the next week, I shall inform CIC and send all relevant data. Elizabeth Truss is being informed as to the progress of this matter.
5. I trust that I shall have a quick response after being patient for nearly 6 months.

Kind regards
Vija Pratley

Sent from Outlook

From: Kaylie Mascarenhas <KaylieMascarenhas@assentbc.co.uk>
Sent: 05 October 2018 16:33
To: vijapratley@hotmail.com
Subject: E102292 Welney Parish Council

Dear, Dr Pratley,

Thank you for your recent correspondence dated 03rd October 2018.

As requested, please find attached a copy of our complaints procedure.

Kind Regards

Wryneck Mill,
Hundred Foot Bank,
Welney,
Cams., PE14 9TW

Dear Messers Dilley and Batte,

Please find enclosed a reply to Mr Edward Phillips in his final response to a complaint that started in April of this year. This letter should be sufficient explanation as to what has gone on and why my colleagues and I remain dissatisfied at the lack of information to what are very simple questions.

I feel that I have to send a letter rather than email in the hope that this will get to you.

If you need any more information, please contact me, and I can provide all emails from April that have been sent in respect of the complaint.

Yours faithfully,

Vija Pratley PhD

07790902816

vijapratley@hotmail.com

Dear Mr. Phillips,

Many thanks for your very curious letter of 25th Oct., which contains an unbelievable number of inaccuracies in so few sentences. These are set out in order below:

1. You are well aware that I **never received** a copy of the report you mention. Indeed, it was your good self who said that we couldn't be sent a copy, because it would constitute a breach of Data Protection. On questioning this with the Information Commissioner's Office, their response was that your "spurious" use of the GDPR, was indicative of someone who was trying to hide something that should be in the public domain.
2. As I had made the initial complaint, the report should have come directly to me and not to Welney Parish Council. My colleagues and I believe in complete transparency, and we would have sent them a copy anyway. My colleague, Tim Bennett, actually told the Parish Council (at their September meeting) that they would be receiving a copy in the next day or two. In the event your report did not appear until some time much later.
3. It is astonishing that you found no defects during your visit to the building, since at least one panel is clearly buckling, so to state that there has been no movement to the building is ridiculous. If it were the case that the building had not moved, then one can only wonder why it has been necessary to have the fire doors adjusted and at least **six** panels changed on three separate visits. Incidentally, the building has only been *in situ* for some 31 months.
4. My group never contacted your firm about the building itself in the first place. Our main concern has always been about the suitability of the foundations that are supposed to support it. As you may well be aware (as do **ALL** the many firms and individuals that we have consulted) that the foundations do not even conform to the minimum standards for a temporary modular building. Your firm was originally contacted by Tim Bennett in February 2016, who was concerned that the building was going to be supported by jacks sitting on pavement slabs laid directly on the grass. This was long before we knew anything at all about any regulations governing foundations. Your firm's initial response was to state that this didn't seem right, admit that no one had visited the site for some time, and state that someone would come down and have a look in the next day or two. We don't know whether or not anyone did come, but work continued as feared. Within a matter of days adjustments had to be made to the foundations as paving slabs cracked.
5. At our meeting held in Welney last August following persistent questioning by my colleague, Roger Giles, you stated that Building Regulations were "only guidelines". I have to say that this is not the view of the Department for Communities and Local Government! You also said that you had seen the report by John Watson and Partners who stated that the building did not comply to minimum building regulations, and tried to indicate that they thought the building should be piled, which was not given in the report at all.

6. You state that Welney Parish Council are your clients for the project. However, you may not be aware that they had no idea that a private building control company was involved in the project until Tim Bennett told them late last year. You are presumably aware that potential clients have to be told and agree to this arrangement. Why did this not happen in Welney?
7. In light of the above, your sentence about the **building** being suitable for purpose is patently nonsense.
8. While we do have other issues with Welney Parish Council's handling of the project, you are quite right about them not building control issues, which is exactly why I have never raised them.

Finally, may I remind you that my original complaint to Assent Building Control was made on 18th April. During this time all that has happened is to draw attention away from the issues of the original complaint about the unsuitability of the foundations the building sits on, and so far no answers that even mention foundations have been forthcoming. At no time have you actually denied that the foundations do not conform, so we can only assume that they don't. It has taken this long to get exactly nowhere which means that I no longer have any option but to escalate and make a formal complaint to C.I.C. This letter will probably form part of the supporting documentation. Copies may also be sent to other third parties such as the parish council, our MP Elizabeth Truss, who has been kept informed for some time now. In the spirit of total openness, you will of course be told if/when this happens. A recorded delivery of this letter will be sent to Messers Dilley and Batte (directors) so that it is not deflected by using the email given for the head office.

Dr Vija Pratley
Off Herne Drove
Welney
Norfolk
PE15 9SD

Date : 13/11/2018

Our Ref : E102292

E-Mail vijapratley@hotmail.com

**SIX BAY REPLACEMENT SPORTS PAVILION AND COMMUNITY CENTRE AND ASSOCIATED WORKS
WELNEY PARISH COUNCIL , OFF HERNE DROVE, WELNEY, NORFOLK, PE14 9SD**

Dear Dr. Pratley,

Thank you for your recent letter dated 30th October 2018. Please see below a copy of your correspondence and my responses in blue.

1. You are well aware that I never received a copy of the report you mention. Indeed, it was your good self who said that we couldn't be sent a copy, because it would constitute a break of Data Protection. On questioning this with the Information Commissioner's Office, their response was that your "spurious" use of the GDPR, was indicative of someone who was trying to hide something that should be in public domain.

Our client for this project is Welney Parish Council and we would require their permission to release any information in relation to this project, it is their prerogative if they wish to release this information.

2. As I had made the initial complaint, the report should have come directly to me and not to Welney Parish Council. My colleagues and I believe in complete transparency and we would have sent them a copy anyway. My colleague, Tim Bennett, actually told the Parish Council (at their September meeting) that they would be receiving a copy in the next day or two. In the event your report did not appear until sometime much later.

As mentioned above, although you have made a complaint, you are not the client and we wouldn't be able to release any information in relation to this project without their permission.

3. It is astonishing that you found no defects during your visit to the building, since at least one panel is clearly buckling, so to state that there has been no movement to the building is ridiculous. If it were the case that the building had not moved, then one can only wonder why it has been necessary to have the fire doors adjusted and at least six panels changed on three separate visits. Incidentally, the building has only been in situ for some 31 months.

The external fire door was adjusted to allow extra clearance when opening the door, this is a normal maintenance procedure. All other doors and windows open freely; if there had been movement, doors and windows would have issues when opening and closing.
From Edward's conversations with both MRC and the Parish Council, there are only two panels that have been replaced and these are to the front of the building facing onto the sports field.

4. My group never contacted your firm about the building itself in the first place. Our main concern has always been about the suitability of the foundations that are supposed to support it. As you may well be aware (as do ALL the many firms and individuals that we have consulted) that the foundations do not even conform to the minimum standards for a temporary modular building. Your

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Assent Building Control Ltd
Amber House, 53 Lynn Road, Dersingham, Kings Lynn, PE31 6JY
Tel: 01485 545778 Email: admin@assentbc.co.uk
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firm was originally contacted by Tim Bennet in February 2016, who was concerned that the building looked as though it was going to be supported by jacks sitting on pavement slabs laid directly on the grass. This was long before we knew anything at all about any regulations governing foundations. Your firm's initial response was to state that this didn't seem right, admit that no one had visited the site for some time, and state that someone would come down and have a look in the next day or two. We don't know whether or not anyone did come, but work continued as feared. Within a matter of days adjustments had to be made to the foundations as some of the paving slabs had already cracked.

These buildings are designed with Jack Pad Foundations which allow for adjustment, this is a feature of this type of building construction. As you mention, the building has been in occupation for 31 months and at no time has the building had to be closed, nor have we received a report from anyone but yourselves about issues with the building. Welney Parish Council are very satisfied with the building and are not even considering an extension to the building.

5. At our meeting held in Welney last August following persistent questioning by my colleague, Roger Giles, you stated that Building Regulations were "only guidelines". I have to say that this is not the view of the Department for Communities and Local Government! You also said that you had seen the report by John Watson and Partners who stated that the building did not comply to minimum building regulations. You tried to indicate that they thought the building should be piled. This was not mentioned in their report at all.

The building regulations are regulations as stated at the time of my meeting with yourselves, however, the approved documents which you were referring to are guidelines.
Your comment in reference to pile foundations is taken out of context, the report by the structural engineer referred to pile foundations which would not be suitable for this type of building.
Section 4.5 of the report by GWP final line states "the pavilion should ideally have been constructed on pile foundation system."

6. You state that Welney Parish Council are your clients for the project. However, you may not be aware that they had no idea that a private building control company was involved in the project until Tim Bennett told them late last year. You are presumably aware that most potential clients have to be told and agree to this arrangement. Why did this not happen?

2016.02.23_ MRC appointed Assent Building Control to undertake the building control for this project. I am not party to the conversations and correspondence between Welney Parish Council and MRC, however, it is standard practice that this would have been discussed at some time. You will have to contact either Welney Parish Council or MRC for further details.

7. In light of the above, your sentence about the building being suitable for purpose is patently nonsense.

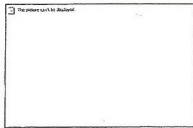
The foundations comply with the building regulations and that is why the final certificate has been issued.

Yours sincerely

The picture can't be displayed.

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Tel: 01485 545778 Email: admin@assentbc.co.uk
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John Dilley
Director



CICAIR APPROVED INSPECTORS
REGISTER

11 April 2019

Dr Vija Pratley
Wryneck Mill
Hundred Foot Bank
Welney
Cams
PE14 9TW

Dear Dr Pratley,

COMPLAINT AGAINST ASSENT BUILDING CONTROL LIMITED

Thank you for your email dated 8 April 2019 advising that you do not accept the response from Assent Building Control Limited in relation to your complaint lodged with the Construction Industry Council Approved Inspectors Register (CICAIR) and that you wish for the complaint to be investigated further.

As outlined in paragraph 9.4 of the CICAIR complaints protocol, I can confirm that CICAIR will now escalate this complaint to an independent review panel for further assessment. The review panel will consider all the evidence concerning the alleged breaches of the Code of Conduct and make a final decision over what, if any, action should be taken. If the review panel determine that there is a case to answer, paragraphs 9.5.5, 9.5.6 or 9.5.7 of the CICAIR complaints protocol will be enacted. If the review panel decide there is no case to answer, this would be the final stage of the process as outlined in paragraph 9.5.4 of the aforementioned protocol.

Please note that no further documentation can now be submitted to support your complaint. Should the Chairman of the Review panel request any further information from you I will be in touch.

The review panel will have 30 working days to come back to me with an outcome. I will keep you updated as the complaint investigation proceeds.

Kindest Regards

Laura Jayne Willoughby
Assistant Registrar
lwilloughby@cic.org.uk

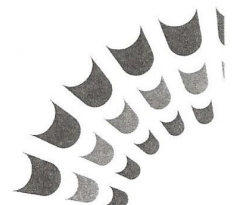
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The person sent to the Register

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VAT Registration Number 266 8002 01 | Company Registration Number 08881582



Section 3 - Supporting Information

Please provide information in support of your complaint here and clearly explain why you believe breaches of the Code of Conduct for Approved Inspectors that you indicated in section 2 of this form have taken place. Attach/enclose further documents as necessary.

The essence of my complaint is that no information has ever been forthcoming about the selection of the foundations used for the William Marshall Centre, Welney. Quite simply this building does not comply to the most basic of building regulations even for a temporary building. I append the timeline of the complaint against Assent itself, which I found to be unsatisfactory. I therefore enclose evidence that illustrates breaches of codes by Assent.

Timeline of Complaint to Assent:

- 16th April 2018 - email sent to Assent requesting their complaints procedure. Mr Phillips sent back an email requesting information about the complaint. This was not answered, as a formal process was required (1).
- 25th April 2018 – response from Assent with their procedure, and form F8 (2).
- 21st May 2018 – form F8 completed and sent back (3).
- July 2018 – a backstory of the complaint sent to Assent in order to help them to see fully the reasons for the complaint, particularly as there had been no response to date, and it was well past the time indicated for their procedures (4).
- 11th July 2018 - email from Mr Phillips requesting a meeting (5).
- 30th July 2018 – meeting dates finally given, and set for 16th August 2018 (6).
- 16th August 2018 – meeting held with Mr Phillips, John Loveday, Tim Bennett and Roger Giles. Mr Phillips promised to send me a report following a visit to survey the building. Minutes were written and sent to Assent. No acknowledgement was received (7).
- 30th September 2018 - a report on the building was sent to Welney Parish Council, but not to me. Assent claimed that they could not send the report to me because of data protection (8). Contact with the Information Commission indicated that this was a ‘spurious’ reason for denying me a copy, since I was the complainant.
- 3rd October 2018 – another, new complaint was made to Assent in the light of the above (9).
- 8th October 2018 - ‘Complexity of issues’ was given as the reason for the length of time that it had taken for the complaint to be resolved. It is difficult to see why Assent considered my complaint as complex (10).
- 23rd October 2018 - although the complaint had been marked by Assent as ‘priority’, I was still waiting for any kind of response (11).
- 25th October 2018 a letter from Mr Phillips, was found to be totally devoid of any detail. A

surprised that this simplified version has been allowed.

2.1 (Compliance with legislation)

On 26th April, following a request for more information from John Loveday, Mike Takla of John Watson and Partners (structural surveyors) indicated that the foundations were totally unsuitable, being laid on bare earth. This is an early indication that the foundations are inappropriate (F). In November 2016 John Loveday commissioned John Watson and Partners to visit the site and report on the building and its foundations, since no information could be obtained from the client (Welney Parish Council). This report stated that the foundations do not comply with 2E1 and 2E4 of approved document A. In addition, Chapter 4.2 (building near trees) has also not been complied with as one corner of the building sits within 1m of a Leyland Cypress hedge (photographs G1 and G2), and shows this aspect has not been considered.

A copy of the report from John Watson and Partners is enclosed (H).

An informal response from another modular building company - Springfield Modular – also concurs with the Watson report and states that the building will continue to move (I).

Movement of the building is demonstrated by the fact that several panels have buckled and needed to be replaced on several occasions (photos enclosed J1 and J2). Prior to adjustment the fire door to the rear of the building would not function as intended (K).

No information about which building regulations were used to validate the completion certificate have ever been given. The main response has been to say that that jacks were they best way to avoid flooding – a situation with which I have no problem. The problem is the lack of a suitable support system for the jacks themselves!

Furthermore, the completion certificate was granted in the absence of appropriate parking and compliant disabled access to the building. The latter was subsequently adjusted to meet requirements.

2.3.1 (Duty to maintain professional competence)

The report by Mr Phillips:

- The report is extremely shallow and lacks verifiable detail.
- It contains absolutely no justification for what was done.
- It is totally misleading, referring to things that are not there (i.e. jack pads).
- No tests were done to check whether the building is/has moved despite the buckled panels.
- Despite their ‘excellent record keeping’ Assent were unaware of the number of visits made (at least three), and the number of panels that had to be replaced (currently six).
- To have undertaken a survey and produced a report on a building which they had initially signed off is surely a major conflict of interest. This is especially so as I understand that this report has been used to secure insurance for the building.

reply to this letter was sent to Messers Dilley and Batte by post to ensure that it got to the individuals rather than get sidelined in emails (12).

- 13th November 2018 – Mr Dilley replied (13).
- 28th November 2018 – further letter to Mr Dilley in respect of the unsatisfactory responses given hitherto. Despite my suggesting that this be treated with some urgency, no reply to this letter has ever been received (14).
- 18th December 2018 - the Chair of Welney Parish Council expressed surprise that the report had not been sent to me, and stated that I could call Mr Phillips. On doing Mr Phillips stated that the report would be with me shortly (15).
- 20th December 2018 – the long - awaited report finally arrived. This is far from satisfactory as demonstrated in the subsequent complaint (16).

Breaches of the codes:-

2.2.1 (Duty to discharge responsibilities with integrity)

The building was erected on site in March 2016, and despite requests for information, it has never been clear whether the site was ever inspected for any reason prior to erection. Despite requests for information about this have met with blank response. There is no evidence of soil testing so that the appropriate foundations could be laid. There is also no evidence that the building was inspected prior to granting the completion certificate (A).

2.4.1, 2.4.2 (Duty to work with professional competence and resources)

The foundations as originally stated were to consist of 72 concrete blocks 500x500x450mm set into the ground upon which a jack pad system would sit. What was delivered was a system of adjustable jacks which were laid directly upon paving slabs which were themselves sitting directly onto unconsolidated grass. There are no concrete blocks set into the ground, and not only do the jacks sit on PCC slabs, and many of them also sit partly on an old concrete base (now cracked, which supported the former pavilion. In other words, two completely different types of foundation support the building (Photographs B1 – B4).

There is no evidence that any stress tests were done on the two substrates to ascertain their differing suitability for the approach used.

It had been indicated from an early that the site would be cleared at least to ground level and that the concrete base of the former cricket pavilion would be removed.

The main point here is that although Assent refer to a jack pad system, this is nothing like that provided by a jack pad system (as shown on enclosed photographs). With reference to jackpad.co.uk/thesystem, the foundations show clearly that there is no pad (photograph C).

Evidence for the 72 concrete blocks set into the ground plus jack pad foundations were discussed in numerous meetings with the contractor for which there are plenty of witnesses – i.e Vija Pratley, John Loveday, Peter Cox, Nigel Fleming, Ray Gilbert (email from Ray Gilbert) (D).

In a Parish Council meeting of 17th March 2016, Chris Neill of MRC (contractor) stated that the existing slab could be used, and then levelled with concrete blocks. This was not done (E).

Further queries on the foundations were addressed in a meeting on 24th August 2017, where MRC maintained that jacks were an excellent way of avoiding flooding. Though we have always accepted that adjustable jacks were desirable because of a potential flood risk, my concern is what the jacks are sitting on. Furthermore, MRC and Assent have worked together for more than 8 years, so I am

Signed

Vija Pratley

Date

26/01/2019

27 June 2019
RECORDED DELIVERY

Dr Vija Pratley
Wryneck Mill
Hundred Foot Bank
Welney
Cambs
PE14 9TW

Dear Dr Pratley,

COMPLAINT DECISION

I write to you in relation to the complaint accepted by the Construction Industry Council Approved Inspectors Register (CICAIR) on 8 February 2019 against Assent Building Control Limited, Approved Inspector registration number 118.

The complaint has been carefully considered after taking into account the available evidence including the statements from both parties. Accordingly, the following outcomes have been determined concerning the alleged breaches of the Code of Conduct for Approved Inspectors.

2.1 COMPLIANCE WITH LEGISLATION

2.1.1 - An Approved Inspector has a legal duty to comply with any current statutes or statutory provisions which are applicable to the functions of Approved Inspectors.

You complained that the foundations to the property were unsuitable and were not compliant with the building regulations and that the location of the building in respect of nearby trees was not considered.

The complaint panel determined that, while there was an element of technical assessment to this area of the complaint which was outside of the panel's remit of consideration, there did not appear to have been a proper check of the bearing capacity of the ground to prove the adequacy of the foundations and it is unclear what the assumed bearing pressure was.

The complaint panel determined that no inspection was carried out before the erection of the building on the jacks and, with the jacks variously on newly placed paving slabs and part of the foundation slab to the former building, differential settlement can occur. Should this happen, the ability to adjust the jacks was not considered satisfactory as the settlement may be continuous. The Approved Inspector requested a ground investigation but the complaint panel did not see any evidence that there was any follow up to this request and the system was not subject to a vigorous appraisal.

The complaint panel determined that a Final Certificate should not have been issued as works were incomplete in respect of access for the disabled and that it would have been more appropriate to issue a Part Final Certificate in this circumstance.

Regarding the conservation of fuel and power in new buildings other than dwellings, the complaint panel were unable to determine how the Approved Inspector satisfied themselves that compliance had been achieved with L2A. This was also the case with foul and surface water drainage which did not appear to have been adequately controlled.

Regarding the error on the Initial Notice, an Amendment Notice was issued to correct the mistake and the complaint panel determined that this was an administrative error which did not constitute a breach of this clause of the Code of Conduct.

The complaint panel, after reviewing the submissions from the Approved Inspector and the complainant, found sufficient evidence to substantiate this allegation.

Outcome: Complaint UPHELD

2.2 DUTY TO DISCHARGE RESPONSIBILITIES WITH INTEGRITY

2.2.1 - Approved Inspectors shall carry out their duties with due skill care and diligence and shall act with integrity in and for the interests of the Client for whom they act, maintaining confidentiality at all times.

You complained that the Approved Inspector was irresponsible to requests for information on the soil testing that had been undertaken and the inspections that were performed prior to the issue of the Final Certificate.

The complaint panel determined that there was no obligation on the Approved Inspector to release details of inspections that were undertaken and the complaint panel did not find any evidence that the Approved Inspector had not acted with integrity.

The complaint panel, after reviewing the submissions from the Approved Inspector and the complainant, did not find sufficient evidence to substantiate this allegation.

Outcome: Complaint DISMISSED

2.3 DUTY TO MAINTAIN PROFESSIONAL COMPETENCE

2.3.1 - Approved Inspectors shall demonstrate to the reasonable satisfaction of the CICAIR, that they maintain the levels of comprehensive knowledge, understanding, appreciation and awareness required to maintain a satisfactory level of professional competence.

You complained that the report from the Approved Inspector was not undertaken with an adequate level of competence.

The complaint panel determined that, although the qualifications and experience of the building control surveyors involved were adequate for the project, the comprehensive knowledge that was expected was not evidenced by either the plans assessment process or the inspection regime.

The complaint panel, after reviewing the submissions from the Approved Inspector and the complainant, found sufficient evidence to substantiate this allegation.

Outcome: Complaint UPHeld

2.4 DUTY TO WORK WITHIN THE SCOPE OF AVAILABLE COMPETENCE AND RESOURCES

2.4.1 - An Approved Inspector shall ensure, prior to entering into an agreement for the provision of professional services, that the Approved Inspector has the necessary level of competence and experience required, and that resources available are adequate to fulfil the work as specified in the agreement.

You complained that the Approved Inspector demonstrated insufficient competence in relation to the oversight of the foundations to the building.

The complaint panel determined that the scope of the work undertaken was such that it was not outside the competence and experience of the surveyors involved and was not outside the availability of sufficient resources. The outcome to clause 2.3.1 did identify, however, that the comprehensive knowledge that was expected was not evidenced by either the plans assessment process or the inspection regime.

The complaint panel, after reviewing the submissions from the Approved Inspector and the complainant, did not find sufficient evidence to substantiate this allegation.

Outcome: Complaint DISMISSED

2.4.2 - Where an Approved Inspector encounters situations arising from areas of work outside the competence of the Approved Inspector, the services of a Professional Consultant may be called upon. The Approved Inspector must satisfy himself that any Professional Consultant appointed has the necessary skill and competence to deal with the matter in hand.

You complained that the Approved Inspector demonstrated insufficient competence in relation to the oversight of the foundations to the building.

The complaint panel determined that there was no evidence that the system was an approved system and, as such, the complaint panel would have expected the Approved Inspector to have undertaken a check of the design of the system itself and the ground conditions.

The complaint panel determined that, while there was an element of technical assessment to this area of the complaint which was outside of the panel's remit of consideration, it appeared that the surveyor (Mr Phillips) was subsequently unsure of the system and requested the services of an external consultant (Mr Syder). Mr Syder assumed Fenland soil at 75kn/m or 50kn/m and considered the system satisfactory based on a pad area of 600mm x 450mm and multiple pads in certain locations. Photographs provided by the complainant indicated that the slabs used were in fact broken and irregular in size and there was no evidence that additional pads were installed or that there were inspections to check how many pads had been installed.

The complaint panel, after reviewing the submissions from the Approved Inspector and the complainant, found sufficient evidence to substantiate this allegation.

Outcome: Complaint UPHeld

For the upheld complaints the sanction to be applied is a **caution** against Assent Building Control Ltd as outlined by clause 9.5.6.1 of the CICAIR complaints protocol. The company will be required to provide a report to CICAIR outlining the remedial measures that are introduced as a result of this complaint.

It should be noted that some aspects of the complaint concerned a technical interpretation of building regulations. As you are aware, CICAIR cannot investigate any matters concerning a technical assessment or interpretation of building regulations, a misunderstanding or dissatisfaction with the minimum standard set by the Building Regulations or on criticisms of the quality of workmanship and, accordingly, these aspects of the complaint were not considered as part of the complaint investigation.

It is also worth reminding you that the role of building control is to act as an independent third party check and Approved Inspectors are required to take such steps as are reasonable to enable the Approved Inspector to be satisfied, within the limits of professional skill and care, that the applicable aspects of the Building Regulations are complied with. It is not the role of building control to:

- Provide quality control of the Works.
- Provide a 'clerk of works' service monitoring every stage of the construction process.
- Provide a service to address issues such as the finish and aesthetics of the Works where these are not Building Regulation matters.
- Provide a service to offer contractual protection between the person carrying out the work and the parties engaged in the design and/or construction of such work.
- Provide a guarantee of compliance with the Building Regulations. The appointment of a Building Control Body does not remove the obligation of the person carrying out the work to achieve compliance.

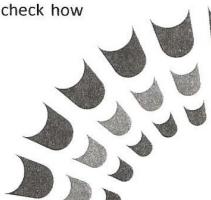
Finally, with all building work, the owner and occupier of the property or land in question is ultimately responsible for complying with the relevant planning rules and building regulations. This will normally be the building or land owner at the time of the Works.

CICAIR has every sympathy for the distress that the issues you have experienced have caused but there is unfortunately no further action that CICAIR can take to directly assist.

This notification concludes the complaint investigation.

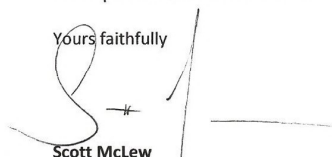
In concluding the complaint, there may also be other regulatory or legal avenues of redress that you might wish to consider. This would be a matter for you and CICAIR cannot advise you on this. If you wish to explore other avenues, you should seek specialist professional and/or legal advice about the applicability to your case and on the relevant procedures to be followed.

If you are dissatisfied with how your complaint has been handled by CICAIR, you can ask your MP to take the matter to the independent Parliamentary and Health Service Ombudsman (PHSO).



Please note that the PHSO is only able to look into whether CICAIR has acted properly or fairly or has given you a good service. The PHSO is not able to re-investigate the complaint you raised with CICAIR. For more information of the role and remit of the PHSO, please visit www.ombudsman.org.uk. Alternatively you can email phso.enquiries@ombudsman.org.uk or telephone the Ombudsman on 0345 015 4033.

Yours faithfully

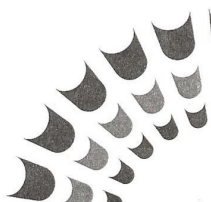


Scott McLew
Chief Operating Officer & Registrar
For and on behalf of CICAIR Limited

Welney Sports Pavilion and Community Centre

Structural Inspection of Sports Pavilion and
Centre off Herne Drove, Welney, PE14 9SD

November 2017





Welney Sports Pavilion and Community Centre.

Structural Inspection of building

November 2017

20a Tesla Court
Innovation Way
Lynchwood
Peterborough PE2 6FL



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1 Client Brief

- 1.1 Following the appearance of defects in the new sports pavilion, shortly after its construction, John Watson & Partners were instructed by John Loveday to inspect the foundations of the building and comment on their suitability.
- 1.2 This report is limited to the items specified in Clause 1.1 and no liability extends to any third party, other than the person who commissioned the report without the written permission of John Watson & Partners



3 Observations and Defects

- 3.1 At the time of our inspection it was not possible to access the interior of the building to review internal defects, but we understand that part of the floor slopes and some of the external cladding panels have been replaced twice where they have creased and buckled.
- 3.2 We partially removed a small amount of the timber cladding at the North East and South East corners to expose the foundation arrangement. Whilst visibility and access to the void beneath the suspended floor was limited due to the plastic drain pipe around the building perimeter and the general lack of space beneath the ground floor, it was evident that the building is constructed on two different foundation systems. Part of the building appears to be constructed on the concrete slab that previously supported the old timber pavilion building and in the area where there was no slab, the steel jacks were supported on 600 x 600 paving slabs which sit directly on the grass and topsoil of the cricket ground. Refer to the site plan in Appendix A which shows the approximate extent of the different foundation systems.
- 3.3 The old concrete slab varies in thickness from 75 to 150 mm and cracks in the slab are clearly visible along the West elevation of the pavilion. The slab edge slopes noticeably and it is clear that the slab has settled significantly over the years. See plates 1, 2 and 3 in Appendix B.
- 3.4 The isolated paving slabs used to support the building are 600mm x 600mm plan area and 50mm thick. In many instances the slabs are stacked two high but at the North East corner the steel jack rests on a single paving slab. We are advised that MRC, the suppliers of the building, have been to site to repair several single paving slabs that had cracked and these were subsequently replaced with the double slab arrangement. At the time of our inspection there were several broken slabs lying around in the void beneath the building and these are presumably the above mentioned failed slabs. Refer to plates 4 and 5.
- 3.5 We excavated a 300mm x 300mm x 350mm deep trial hole and a 50mm diameter hand augured borehole at the Northern end of the pavilion to identify soil conditions on the site. The excavation revealed 350mm of brown clay topsoil containing abundant live roots, overlying a 100mm band of soft to firm grey, brown clayey silt /silty clay overlying very soft black clay containing peat bands. The borehole was terminated at 1.2 metres below ground still in very soft clays. The borehole location is indicated on the site plan in Appendix A.
- 3.6 The pavilion has been located in close proximity to a large Leylandi hedge, which at the North West corner of the building is only 1 to 1.5 metres away. There is a mature broadleaf tree in the neighbouring garden which may also impact the building foundations and we understand numerous mature trees which were in close proximity to the pavilion have been removed. Tree locations are shown on the site plan in Appendix A.



2 Description of the Building and Site

- 2.1 The pavilion is a steel framed, timber clad, single storey, sectional building measuring approximately 18 metres x 12 metres on plan. The suspended ground floor is supported on a grid of steel beams which transfer the wall, floor and roof loads to the foundation via steel jacking joints.
- 2.2 The building has been located in the vicinity of the old pavilion structure on Welney cricket ground and is within close proximity to a Leylandi hedge at the Northern end of the ground. Another mature tree, species unknown is also in close proximity in the adjacent garden just beyond the Leylandi hedge. Several mature trees have been removed from the site that were in close proximity to the Southern edge of the building.



4 Discussions and Conclusions

- 4.1 The foundation system utilised to support the pavilion is totally unsuitable for a number of reasons and does not even comply with the most basic requirements of the Building Regulations- refer to clause 2E1 and 2E4 of approved Document A. Clause 2E4 clearly states that the minimum depth to the underside of the foundation to avoid frost action should be 450mm. It further states that where shrinkable clay soil is present that the minimum depth of the foundation should be between 0.75m and 1.0m below ground level depending on the shrinkage potential of the clay. The clause further states that deeper foundations may be required to transfer the loads onto satisfactory ground or where trees are present that may influence the ground. It appears that the most basic foundation requirements have been ignored.
- 4.2 The topsoil on which the slabs are founded is not an appropriate bearing stratum. It will potentially suffer from shrinkage as it dries out in the summer months and swell or soften in the winter as the ground gets wetter, both of which will affect the stability of the foundation slabs. Frost action on the topsoil will also affect the stability of the foundations. Furthermore the ground is not adequate to justify the loads potentially imposed on it. We have not been given the loads acting on the foundations but we would estimate a typical perimeter load on the foundations to be around 20 to 25 kN. This would equate to a bearing pressure beneath the slabs of approximately 55 to 70 kN/m². The topsoil is not adequate to support such a load and neither is the peat and soft clays known to exist just below the topsoil. We would estimate an allowable bearing pressure of around 20 kN/m² is more appropriate but settlements on this type of ground from isolated pad foundations, even at such a low bearing pressure, would be beyond tolerable and acceptable limits.
- 4.3 The old concrete slab that has been used to support part of the pavilion is not adequate. It has substantial cracks in places and slopes quite dramatically, indicating that at some point it has failed. The slab may however act as a hard spot as it will distribute the foundation point loads more effectively than the isolated paving slabs - this may result in differential foundation movements which may further exacerbate the movements and damage related to the isolated pads.
- 4.4 No consideration appears to have been given to the effect that the trees that currently exist in close proximity to the building will have on the foundations, or indeed those that were removed. Where buildings are constructed on shrinkable soils and trees are present or have been removed, it is generally accepted normal practise by all Building Control Authorities and Building Designers that the foundations should comply with NHBC Standards, Chapter 4.2 Building Near Trees. This standard specifies minimum depth of foundations relating to tree type, soil shrinkage potential and distance from the building to the tree. Assuming the soils are medium shrinkage, the Leylandi that exist would require a foundation depth at the North end of the building in excess of 2.5 metres. The foundations as constructed will potentially



4 Discussions and Conclusions

- 4.1 The foundation system utilised to support the pavilion is totally unsuitable for a number of reasons and does not even comply with the most basic requirements of the Building Regulations- refer to clause 2E1 and 2E4 of approved Document A. Clause 2E4 clearly states that the minimum depth to the underside of the foundation to avoid frost action should be 450mm. It further states that where shrinkable clay soil is present that the minimum depth of the foundation should be between 0.75m and 1.0m below ground level depending on the shrinkage potential of the clay. The clause further states that deeper foundations may be required to transfer the loads onto satisfactory ground or where trees are present that may influence the ground. It appears that the most basic foundation requirements have been ignored.
- 4.2 The topsoil on which the slabs are founded is not an appropriate bearing stratum. It will potentially suffer from shrinkage as it dries out in the summer months and swell or soften in the winter as the ground gets wetter, both of which will affect the stability of the foundation slabs. Frost action on the topsoil will also affect the stability of the foundations. Furthermore the ground is not adequate to justify the loads potentially imposed on it. We have not been given the loads acting on the foundations but we would estimate a typical perimeter load on the foundations to be around 20 to 25 kN. This would equate to a bearing pressure beneath the slabs of approximately 55 to 70 kN/m². The topsoil is not adequate to support such a load and neither is the peat and soft clays known to exist just below the topsoil. We would estimate an allowable bearing pressure of around 20 kN/m² is more appropriate but settlements on this type of ground from isolated pad foundations, even at such a low bearing pressure, would be beyond tolerable and acceptable limits.
- 4.3 The old concrete slab that has been used to support part of the pavilion is not adequate. It has substantial cracks in places and slopes quite dramatically, indicating that at some point it has failed. The slab may however act as a hard spot as it will distribute the foundation point loads more effectively than the isolated paving slabs - this may result in differential foundation movements which may further exacerbate the movements and damage related to the isolated pads.
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suffer from subsidence caused by tree root action or possibly heave (swell) due to the mature trees being removed.

- 4.5 In view of the very compressible and shrinkable soils that exist on this site and the issue with existing and removed trees, standard spread foundations are not suitable. The pavilion should ideally have been constructed on a piled foundation system.
- 4.6 If remedial works are not carried out then it is likely that the movement of the building that has occurred will be ongoing indefinitely resulting in further damage to the building.



Appendix A – Site Plan

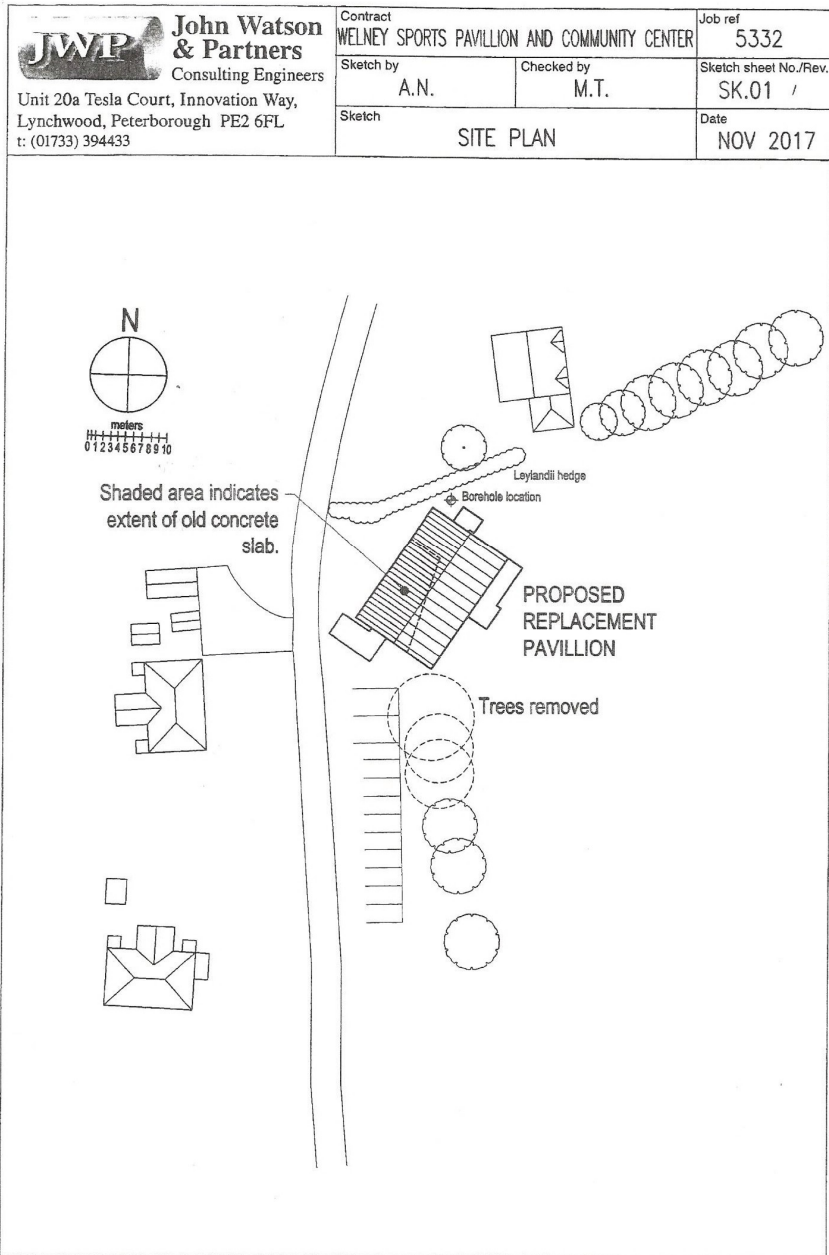


5 Recommendations

- 5.1 To arrest the movement permanently and have confidence that the building is adequately supported it would be necessary to install a new foundation system. The most appropriate foundation solution would be a piled system which would transfer the loads to suitable ground at depth and also take due account of potential ground movement issues relating to the trees.

Signed..........Dated.....6/11/2017.....

For and on behalf of John Watson & Partners Ltd.



Welney Sports Pavilion & Community Centre
 Structural Inspection



Appendix B – Photographs



Plate 1

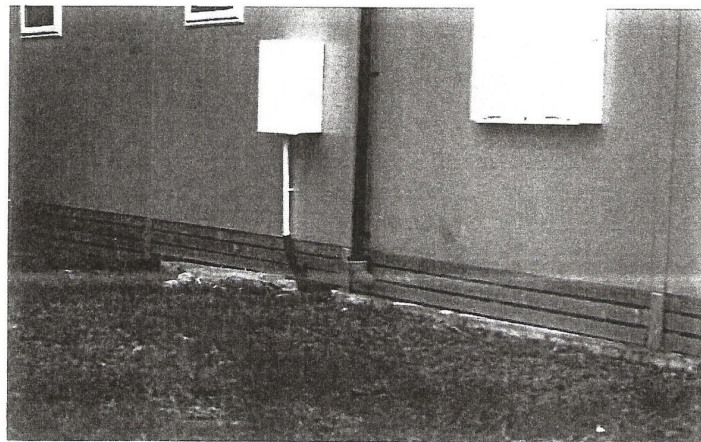


Plate 2

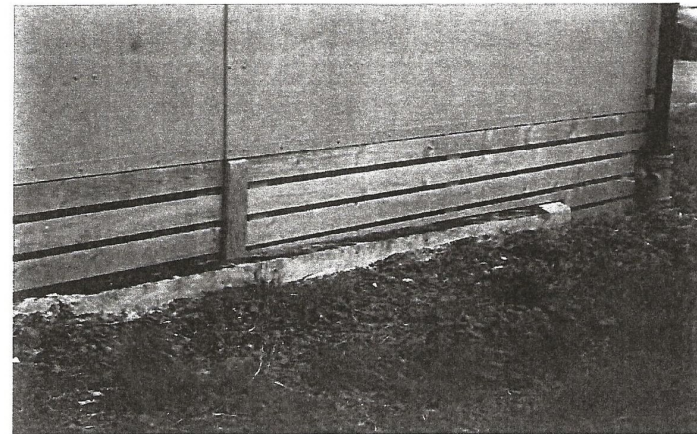


Plate 3

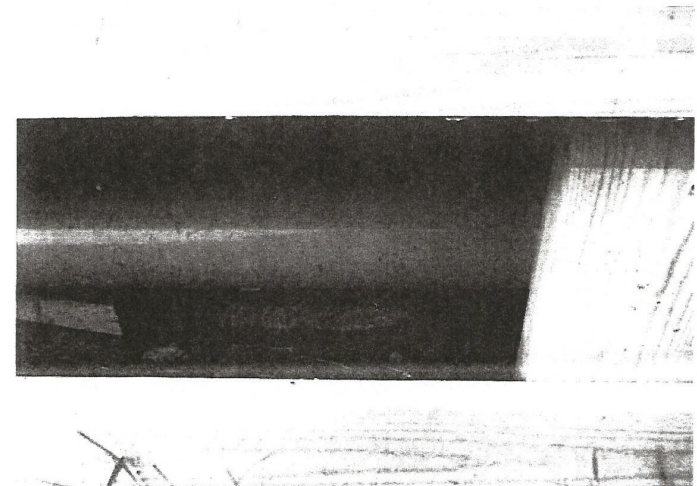


Plate 4



Plate 5

Job Ref: MJT/54332. November 2017



BY EMAIL
Attention of Jennifer Millard
Clerk
Welney Parish Council

Our reference: 2020.053/AGL/HT
20 April 2021

Dear Jennifer

William Marshall Centre, Welney

Thank you for your letter dated 7 April 2021 together with attached emails from your insurers dated 9 February and 31 March 2021.

The letters from insurers have confirmed that due to the issues identified with the building they are not currently permitting the William Marshall centre to be used or made available for public use until remedial works are undertaken.

It is our view that to make the William Marshall Centre safe for public use/insurable the building should be temporarily removed and subsequently rebuilt on piled foundations. Alternatively install piled foundations for the building in an adjacent location and then reconstruct the building from its current location. This proposal would provide a level structure which would not be susceptible to future settlement or tilting (differential settlement) which might occur if a raft foundation option were proposed.

If the building remains on its current slab foundations and if ongoing levelling were undertaken the building would not conform to current Building Regulations, NHBC standards or current codes of practice.

Due to the shallow nature of the slab foundations we believe there to be a significant risk of movement due to seasonal changes which would in turn lead to movement in the structure including doors jamming within their frames and possible trip hazards from out of level floors. As such we believe the proposal to consider ongoing levelling is not a practical proposition due to the health and safety issues.

We have no objection to our report being released via your website or similar for public viewing. We would, however, request that the contents of our more detailed and specific ongoing advice given in our email of 25 October 2020 be added/appended to the end of our report. We would be happy to undertake this on your behalf.

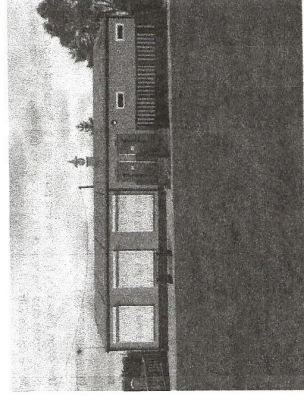
If piled foundations are to be considered then 1-2 deep boreholes will be required to establish the required piled depth and in turn costs. We would suggest obtaining a quotation for a deep boreholes should be the next course of action.

Yours faithfully

TONY LOVELL, BSc, CEng, MStructE, FGS, MIMgt
DIRECTOR
ACL CONSULTING LTD



Purely Visual Inspection & Site Investigation



The William Marshall Centre
Hurn Drive, Welney, Wisbech,
Cambridgeshire PE14 9SD

Our reference: 2020.053/AGL/HT Date of inspection: 13 October 2020
Our client: Welney Playing Field
Charity

Registered Office: Wilton House, 1105 Lincoln Road, Wilton, Peterborough PE4 6AX
Telephone: 01753 769160 email: info@agl-consulting.co.uk
Online: www.agl-consulting.co.uk
Registered Number: 5875840. VAT Number: 892 5546 02



1.00 Introduction

1.01 We were contacted by Nichola Cowell, Clerk to Welney Parish Council with respect to this building on 31 July 2020. Nichola made us aware of issues with movement in the building constructed five years ago from jacks supporting a concrete slab and paving slabs. We understand there were issues with uneven floors and doors jamming within their frames thought to be associated with inadequate foundations.

1.02 We undertook from our conversation that no below ground investigation was undertaken prior to construction on site and it was our recommendation that we undertake a basic site investigation by way of 2 No. hand auger holes to a depth of 3.0m to allow us to comment on the "as built" foundation construction.

1.03 Arrangements were made for us to view the building from the interior and exterior on 13 October 2020 when we also undertook 3 No. hand auger holes, the positions of which are marked on the attached plan together with a visual survey of the building.

2.00 Exterior Inspection – Under Gable

2.01 The community centre (approximately 18m x 12m) is a large single storey prefabricated construction with a shallow pitched roof. The structure is supported from a series of 203 x 133 universal beam sections which run approximately 12.0m from front to rear at 1.8m and alternative 1.2m centres.

2.02 The steel beams which provide support to the prefabricated structure were viewed from the sides of the building by the removal of the gable side boarding and two vertical sections of the roof boarding. One vertical section lies between the beams and two vertical sections lie between the beams and the roof boarding.

2.03 The beams are then supported on the underside by simple adjustable jacks with a single ball on a threaded rod supporting a 'U' head which in turn supports the bottom flange. A grid of these adjustable supports is apparent across the underside and were seen to be approximately 600mm from the front across the elevations and at approximately 2.6m to 3.0m centres.

3.00 Exterior Inspection – South Elevation Paving Slabs

3.01 The elevation contains three large shutter windows and two entrance doors to the playing field. There were no indications of structural movement at the time of our visit and both door openings onto a raised decking area were seen to be square within their frames.

3.02 To assess whether any risk of settlement was apparent a 1.0m long split level was placed on the underside of the front face of the car park. This was found to be level. The first section of the building adjacent to the car park to be level. The second section was noted to slope by 5mm from top left to bottom right. The remaining section we measured (adjacent to the steps) was seen to have a fall of 3mm in a 1.0m length (see attached plan showing slope).

East Elevation (adjacent to Paving Slabs)

3.03 The first section of elevation adjacent to the front facing south elevation was seen to be reasonably level. The section immediately adjacent to the steps up to the raised landing was noted to slope down from left to right by 3mm in a 1.0m length. Similarly, the rear section of the elevation also slopes down by 3mm in a 1.0m length.

West Gable (Adjacent to Car Park)

3.04 The short section of wall to the rear of the building slopes from top right to bottom left i.e. to the rear by 2mm within a 1.0m length.

North Elevation (Rear)

3.05 Measurements for the level of the six sections which make up the length of the building were undertaken on the bottom dip to the walls. Working along the elevation away from the car park from west to east the slope over a 1.0m length in each section were measured to be zero, zero, 5mm, 5mm, 5mm, and 3mm.

3.06 These simple measurements taken by spirit level suggest an overall fall in the building over its length of 18m (west to east) and on the east elevation (south to north) and as such there is a general fall down to the rear corner. That is the area of the men's WC. These values are shown on the attached plan 03.

4.00 Interior Inspection

4.01 The doors (two sets) from the car park were both noted to be square within their frames and the rear door adjacent to the men's WC was similarly noted to be square within its frame.

4.02 Internal doors generally were noted to be square, however, we did note that the door from the hall into the kitchen area had been adjusted at the top.

4.03 No significant signs of distortions were observed generally within the interior of the building. However, we were able to note distortions within the floor with slopes over a 1.0m length of 7mm being recorded in the kitchen, 10mm in the main hall adjacent to a corridor entrance and 10mm within the corridor itself adjacent to the hall entrance.

4.04 Between the internal hall door to the corridor and the exit door on the east elevation we were able to measure a fall of 5-7mm in three positions and noted some distortion in the floor on the junction between the fabricated units.

6.00 Below Ground Investigations

6.01 Borehole 1

Undertaken on the rear north-east corner confirmed approximately 300mm of topsoil below the grass over a firm silty green/grey clay. The approximate capacity of this clay is determined in the attached calculations at the end of page 2 as 170kN/m². This clay extended to a depth of 600mm where a very loose dry black peat was encountered and confirmed to a depth of 1.0m. Below 1.0m a very soft grey clay was confirmed to a depth of 3.3m.

6.02 Borehole 2

This was undertaken on the edge of the paved area on the south-east corner of the building. Below the grass, topsoil was again confirmed to a depth of approximately 300mm and as seen in Borehole 1, a firm silty green/grey clay was encountered having a similar bearing capacity to that seen in Borehole 1. The clay was seen to be slightly drier and stiffer just above firm moist black peat encountered at 800mm below ground level and confirmed to a depth of 1.2m. Below 1.2m a very soft grey clay was seen to a depth of 3.3m.

6.03 Borehole 3

This was undertaken in the grass on the front south-west corner of the building. Topsoil was confirmed to a depth of 350mm over a firm clay becoming stiff just above the moist black peat level encountered at 800mm below ground level. Peat was confirmed to a depth of 1.3m and very soft clay confirmed to a depth of 3.3m.

6.04 Although not reflected within the pilcon vane readings used to assess the strength of the very soft clay at depth, the clay in Borehole 1 was by far the softest followed by Borehole 2 and then again Borehole 3.

7.00 Foundation Treatures

7.01 With reference to the attached calculation set an assessment has been made for the foundation slabs measuring 600mm x 600mm on plan. For bases to the front and rear, which carry roof and floor loads together with external loads, the bearing capacity of the soil is assessed as being in excess of the ultimate load of slabs is in the order of 67kN/m². A pressure below a typical internal slab foundation is in the order of 48kN/m².

8.00 Discussion, Conclusions & Recommendations

8.01 From our purely visual inspection of the building and in particular measurements taken using a split level it is clear that the building is distorting and in our view this is wholly due to settlement of the foundation bases particularly on the east elevation and greatest on the north-east corner.

4.05 Within the immediately adjacent men's toilet area we were able to measure a fall of 7mm and within both changing rooms we were able to measure a fall of 9mm, all three of which were in an easterly direction, confirming our measurements taken on the exterior that there is a general fall to the rear north-east corner.

4.06 To clearly establish the direction of fall and the extent of movement we would suggest a level survey is required but is beyond the scope of this visual survey.

5.00 As Built Foundations

5.01 As previously mentioned the prefabricated building is supported on a series of beams indicated in blue on the attached drawing 02 - foundation plan. The supporting beams were measured to be 203 x 133 universal beam sections and the layout is shown on the foundation plan at alternative centres of 1.8m and 2.4m. These beams are then supported from screw jacks in five positions along the length of each beam. The base of the screw jacks were measured to be 203 x 200mm on plan.

5.02 To approximately two thirds of the plan area of the building the screw jacks are supported by a concrete block laid over 2 No. paving slabs which were measured to be 600mm x 600mm and are 50mm thick. The slabs appear to have been laid directly on the grass below the building.

5.03 The whole of the north-west corner (approximately one third of the building plan area) the jacks are supported from what appear to be an existing slab for a previous building. Where measured (adjacent to the entrance from the car park side) the thickness is in the order of 180mm and it was noted that the slab slopes down from north to south.

5.04 From our inspection undertaken by the removal of boards on the north, south and east elevations the original main slab labelled as 'Slab 2' runs diagonally across the building and there is a further smaller slab (Slab 1) situated in the north-west corner.

5.05 On the other side of Slab 2 there is what appears to be a path (measured to be 900mm wide) and again this is used as a support with concrete block laid over the path to distribute the load from the jacks. All of the above is indicated on the foundation plan enclosed.

5.06 In order to determine the ground conditions across the site three boreholes were undertaken on the north-east corner, south-east corner and south-west corner. The borehole locations are shown on Drawing 01 Borehole Location Plan.

8.02 With respect to movement on the foundations, there are a number of likely causes. On the north and west elevations ground surrounding the building is protected by a tarmac surface compared with slabs to the south and a mixture of slabs/grass on the east elevation. All the foundations throughout are at or close to ground level and therefore susceptible to seasonal change, becoming saturated during wet weather and drying out during the summer months.

8.03 All of the paving slab foundations appear to have been laid directly on the grass over topsoil and there are no indications that topsoil has been removed or that the slab foundations are not adequately protected from lateral movement. Initial settlement on the topsoil compared with existing slabs on the north-west corner.

8.04 Ground immediately below the topsoil has relatively good bearing capacity (estimated to be in the order of 170kN/m²) which will help distribution of the load from the foundation slabs into the peat below.

8.05 Peat is considered to be a very poor material on which to found any building and is subject to both oxidation and being compressed. In the rear north-east corner the peat is only 600mm below ground level. In the front south-west corner the depth to the top of the peat is 800mm and in the front south-west corner 600mm below ground level.

8.06 Although the peat thickness is similar throughout, the peat is shallower in the north-east corner. As mentioned previously the very soft clay below the peat was noted to be significantly softer in this corner compared to Boreholes 2 & 3 to the front.

8.07 The use of paving slabs as a foundation to a permanent building bearing at ground level onto topsoil does not comply with any good practice. Unfortunately these foundations will always be susceptible to both seasonal change (due to their anisotropic nature) and differential settlement due to both variation in the depth of peat and foundations on paving slabs compared with a pre-existing slab base.

8.08 Normal practice, given the ground conditions, would be:

1. Construction from a stiffened reinforced concrete raft slab bearing on the stiff clay.
2. Construction from a reinforced and stiffened raft slab constructed from a compacted hardcore bed on a geotextile material over the over soft grey clay following removal of the peat.
3. Piled foundations.

8.09 With Option 1 there is a risk that the building overall might settle slightly towards the north-east corner but the slab would be sufficiently stiff to prevent distortions in the building.

8.10 Option 2 has the disadvantage that the compacted hardcore bed over very soft grey clay is likely to encounter construction issues and may not be a practical proposition.

8.11 Option 3, piled foundations are likely to be excessively deep and costly. If this is considered then a deep borehole would be required to establish the required pile depth and in turn costs.

8.12 Given the current construction the options would be limited to undertaking periodic levelling of the existing bases from the existing slabs or dismantling of the existing construction in its entirety and rebuilding from one of the above three foundation options.

8.13 If levelling of the bases is considered as a viable option, settlement on the peat is likely to be a long-term issue therefore possibly controllable by adjustments over the long term. However, any significant seasonal changes may well render this alternative as unacceptable in the instance that doors jamb within frames between the seasons and the health & safety consequences.

8.14 If levelling is to be considered it would be our recommendation that consideration be given to undertaking a level survey of the building to clearly establish the extent and direction of movement.

(100/100)

Tony Lovell, BSc, CEng, MInstCE, FGS
Director
AGI CONSULTING LTD

Trial Pit log sheet				BH_2	
Client	Whorey Playing Field Charity	Date of Investigation	Reference 2020 053		
Location of Investigation	William Marshall Centre, Hart Drive, Whorey, PE14 0SD	Drain	Date 10/10/2020		
Equipment and methods	Hand Auger	Checked	Date 18/10/2020		
Borehole location	Front Right Hand Corner, Site Site Plan	Sheet 1 of 1			
Description	Sample	Legend	Sample	Moisture Content (%)	Field Observations
Ground Level					
TOPSOIL					
FIRM GREEN / GREY CLAY					
FIRM MOIST BLACK PEAT					
VERY SOFT CLAY					

Client: Welney Playing Field Charity
Job Number: 2020053
Work undertaken: Purely Visual Inspection & Limited Ground Investigations
The William Marshall Centre, Hum Drove, Welney, Wisbech

In accordance with our professional indemnity insurance cover we state the following:

General The purpose of this report was limited to an opinion on the general condition of the building. We have only reported upon those defects that may materially affect the stability of the building and provided that these defects are reasonably detectable at the time of our inspection. What we have used all reasonable skill and care in preparing this report, it should be appreciated that we cannot offer any guarantee that the property will be free from future defects or that existing ones will not suffer from further deterioration.

Unexposed Parts Internal inspection was made within the limits of ready accessibility. Unexposed parts may contain problems and you would need to make special arrangements for these areas to be investigated (where practically possible) if you require confirmation about their condition. No access was gained to the undercroft.

Foundations

As to the general ground conditions, these cannot be determined with complete certainty. Where borehole are excavated the founding soil relates only to the point of excavation and does not necessarily guarantee a continuation of the same conditions throughout the not inspected areas of the site. Whilst such excavations will usually provide a reasonable indication. However, more detailed investigations could be carried out if we were so instructed.

Foil & Surface Water Drains
No inspection was made.

Disclosure to a Third Party
This report may not be relied upon by a third party for any purpose without the written consent of this practice. Furthermore, this report has been prepared and issued specifically for the benefit of the addressee and no responsibility will be extended to any third party for the whole or any part of its contents.

Statutory Requirements
 Enclosures with local or statutory authorities have not been carried out. Whilst attention may be drawn to any apparent breaches or statutory requirements relative to the building or site, the absence of any such comment does not imply compliance with such requirements.

Contamination
The property and site have not been tested for any form of contamination, pollution or any other environmental impairment and we are unable to make any comment in this regard. However, such matters are an important consideration and may well affect the value of the property/site and any prospects for future development. Specific environmental audits can be arranged with appropriate specialists in this field.

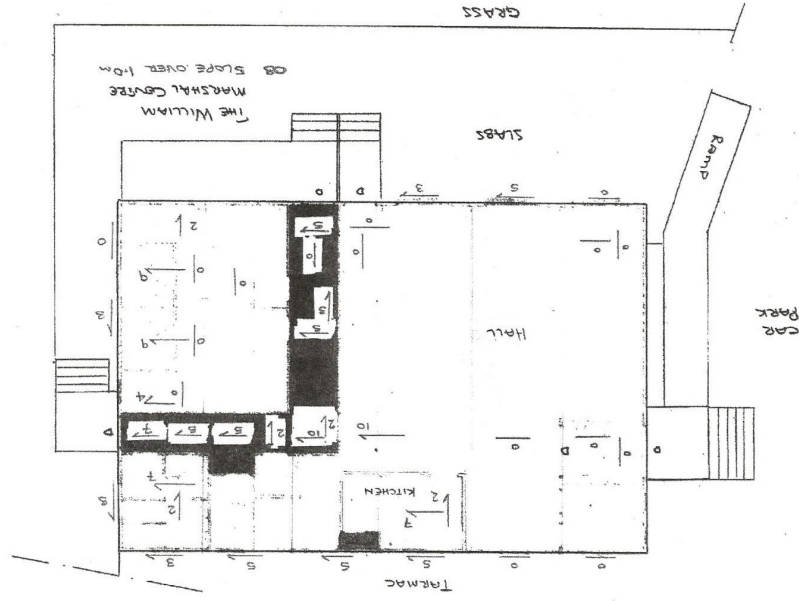
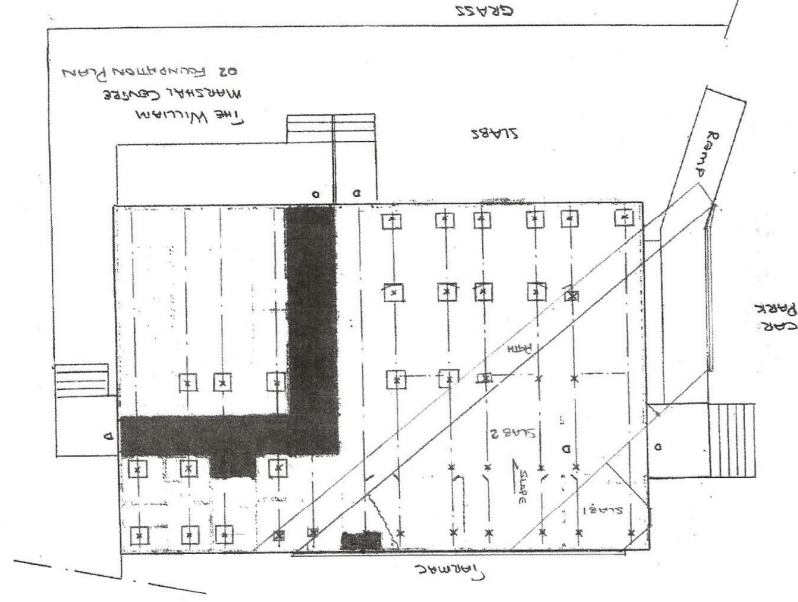
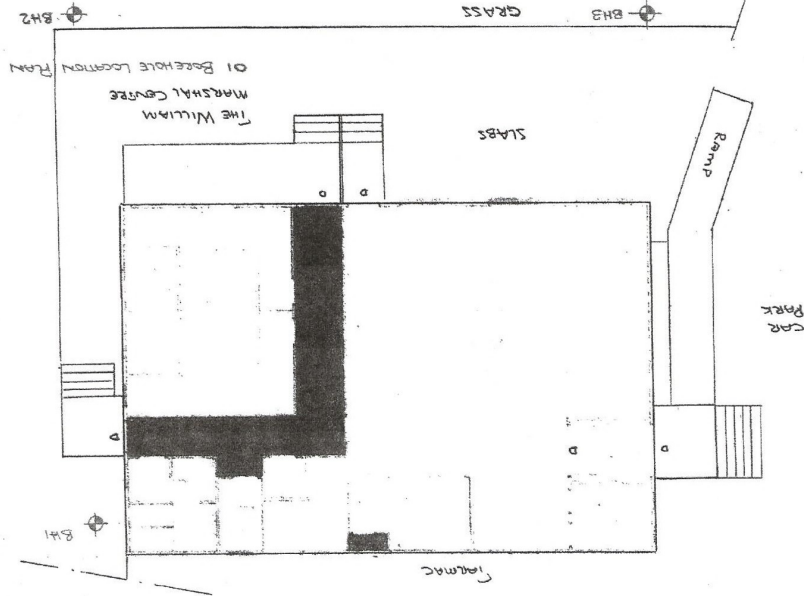
Trial Pit log sheet

BH_3

Client Wainey Playing Field Charity			Date of investigation 19.10.2020		Reference 2020 053	
Location of investigation William Marshall Centre, Burn Drive, Wainey, PE14 0SG			Region WJ		17.10.2020	
Equipment and methods Hand Auger			Classified TL		Date 19.10.2020	
Borehole location Front Left Hand Side, See Site Plan			Sheet 1 of 1			
Description	Sample Interval (mm)	Depth (mm)	Moisture (%)		Field Observations	
			Field	Lab		
Ground Level		0.00				
TOPSOIL		360				
FIRM - STIFF GREEN GREY CLAY			53	550		
			92	800		
FIRM MOIST BLACK PEAT		850				
		1300	12	1300		
VERY SOFT CLAY			14	1450		
			16	1900		
		3300				

SOME RESISTANCE TO
 AUGER AT DEPTH
 POSSIBLY BECOMING
 SOFT TO FIRM

* - Pilon Vane Test
 M - Madinash Probe (Blows/100mm)



Trial Pit log sheet										BH_1	
Client		Weinay Playing Field Charity			Date of investigation		Reference				
Location of investigation		William Marshall Centre, Ham Drive, Weinay, PE14 5DG			Location		2020 083				
Equipment and methods		Hand Auger			Operator		17 10 2020				
Borehole location		Rear Corner, See Site Plan			Drawn		DJB				
Description		Layer			Depth (mm)		19 10 2020				
Ground Level		0.00			+ 52 560		Sheet 1 of 1				
TOPSOIL		300			+ 19 1100		Field Observations				
SILTY GREEN GREY CLAY WITH BROWN SANDING		600			+ 17 1350		VERY SOFT AT DEPTH WITH NO RESISTANCE TO THE AUGER				
VERY LOOSE DRY BLACK PEAT		1000			+ 3300		VERY SOFT CLAY CONFIRMED TO 3.3M				
VERY SOFT GREY CLAY											
U - Undisturbed Sample		W - Water Sample			+ - Pilon Vane Test						
D - Disturbed Sample		R - Root Sample			M - Mackintosh Probe (Blows/100mm)						

Fwd: William Marshall Centre Welney

John Loveday <john@demsports.com>

Wed 04/11/2020 10:55

To: Vija Pratley <vijapratley@hotmail.com>

Subject: William Marshall Centre Welney

Good morning Mr Lovell.

Thank you for the report you have forwarded regarding the William Marshall Centre in Welney. I have some questions for you from the trustees of Welney Playing Field Charity. I look forward to hearing your response.

- i. You have given us three options that would be normal practice as regards types of foundations. Do you think that paving slabs on grass would be considered as acceptable practice for this building.

No we do not believe paving slabs laid directly on the grass is acceptable. For a temporary structure it would be considered adequate to excavate the topsoil, to lay a bed of compacted hardcore and to then provide an unreinforced slab base in situations where seasonal movement is not detrimental to the building (a temporary structure is considered to have a design life of not more than two years).

- ii. We are concerned about your statement that the current foundation situation is not "good practice" yet it is one of your recommendations that we maintain the current situation and introduce a levelling maintenance programme. How sustainable is this proposal

We did not intend that a programme of levelling be considered as a recommendation but rather an option given the current situation. As you suggest this may not be a sustainable proposal and as stated any significant seasonal changes may well render this alternative as unacceptable.

- iii. You also mention health and safety issues, what do you consider these to be?

Again as discussed within the "Discussion, Conclusions & Recommendations" there would be health and safety consequences if doors jamb within their frames particularly with respect to fire exits. Any movement between units will form trip hazards

- iv. Does this building conform to building regulations in its current condition.

With reference to building regulations Part A – Structure, Section II – E – Foundations of plain concrete – are written around the use of strip foundations for masonry structures. The same rules are applied to steel and timber framed structures on strip or pad foundations. In clay soils as that confirmed at Welney, the depth to the underside of the foundations should not be less than 750mm or greater such that they are taken to a depth where anticipated ground movements will not impair stability of any part of the building. The foundations provided do not comply with the Building Regulations due to the construction at or around ground level. Guidance is also provided within the NHBC Standards where a similar minimum foundation depth of 0.75m is recommended for clays with a low volume change potential increasing to 1.0m where there is a high volume change potential. In the absence of testing the required foundation depth in a clay soil for an unreinforced foundation is 1.0m to both Building Regulations and NHBC Standards.

- v. The public safety issue is basically that of people getting trapped due to sticking doors should there be a need for emergency egress, or the simple stress this might cause. I cannot see that there is any likelihood of structural failure if jacks are kept adjusted, can you confirm this.

We would confirm our view that there is little likelihood of structural failure if the jacks are kept adjusted. The issue, as we see it, is maintaining the buildings level over the shorter term i.e. seasonal change movements as opposed to long term settlements.

- vi. It would have been helpful to be told the appropriate regulations for this kind of construction and to what extent the building is at variance with them. Can you advise us?

As mentioned above the unreinforced concrete foundations have insufficient depth and do not comply with

- Building regulations part A – section 2E.
- NHBC Standards, Chapter 4.4 – Foundation Depth
- Eurocode 7 – Geotechnical Design - BS EN 1997 – 1 – 2004 is not specific with respect to required foundation depths other than stating under 6.4 Design & Construction Considerations – "when choosing the depth of a spread foundation the following shall be considered – reaching an adequate bearing strata, the depth above which shrinkage and swelling of clay soils due to seasonal weather changes.
- BS 8004:2015 + A1 :2020 remains a current standard for foundation design and makes the same recommendations for foundation depth on a clay soil. (see extract below).

- vii. There are several references to the floor sloping in various directions, but no indication as to whether they are within acceptable limits, or indeed should exist at all.

The references to sloping floors were provided to give an indication of the extent and direction of movement which is then linked to doors becoming out of square. BS 5606 Guide to Accuracy in Building does not provide any guidance in respect of slope to timber floors and only makes reference to acceptable deviations in concrete floors. The NHBC provide tolerances of 3mm deviation per 1.0m for floors up to 6.0m across. There are a number of locations within the building where the difference in level exceeded 3mm in 1.0m and locally, as measured, the slope in the floor would be considered unacceptable.

- viii. There is mention of seasonal movements, but I have no idea whether repeated flexing of the structure is good or bad in the longer term. Will the building become less stable in time and thus require more urgent and regular adjustments?

Seasonal movements are caused by dry summers and wet winters the extremes of which are becoming more common. It is likely that the magnitude of movements will increase with time but it is unlikely that more regular adjustments will be required.

- ix. The MOE of an average mild steel at room temp. is 25,000 n/mm². I would be very interested to know if there is any calculation of the wind resistance and its relationship to ground conditions?

We do not understand this question. In this case we do not believe wind pressures on the building will have any significant effect on the foundations. Wind pressures impose relatively short-term loads to the foundations.

Many thanks.
Nichola Cowell

: Liz Parlett

Sent: Tuesday, August 22, 2017 1:25 PM

To: Chris Neill

Cc: grahamrainbird@btinternet.com ; Paul Edmunds ; Ganeey Bombata ; Kathryn Lind ; ken@neoils.com ; Mathew Barker ; Peter Gardiner

Subject: Meeting on 24 August 2017 re William Marshall Centre

Chris

It is rather unfortunate that you could not be at the meeting on Thursday to answer some of the questions our Parishioners have regarding the construction of the William Marshall Centre.

I have previously explained that a commitment in my diary of three months standing cannot be cancelled much though I would have been delighted to attend.

In view of this could you please put into writing, as agreed by you at the final inspection meeting, clarification on the following issues.

1. Why the decision was made to use slabs on the foundation and that, as you stated, unless there are major floodings in Welney; the foundation is good for decades to come. Also that if there is any shift due to the foundation (without any major floodings) MRC will make good any damage done. A minimum height of 500mm was stipulated as a Planning Condition and as recommended by the Geoff Beel Consultancy; 'Flood resilient measures to be incorporated, Finished Floor Level to be 500mm above ground level.' the foundations used of jack & slabs is an excellent way of achieving additional height when needed as in this instance. These foundations are approved by Assent Building Control who are an entirely independent organisation and, of course, you hold the Building Control Certificate.

2. (a) The reasoning why the roof finish is not metro tile; (b) An alteration to the final bill indicating what we actually had installed instead of the metro tile finish; and (c) a note stating that MRC has not charged us extra for the roof.

The Rhepnol roof finish was selected due to the Parish Council requirement for solar panels to be fitted by an outside contractor. Metro tiles, despite being cheaper, were not thought to be suitable for a solar panel installation.

The Rhepnol roof did cost more (see attached invoice) but MRC absorbed the additional cost of £620.42 + VAT. Since we were able to fit the roof in our factory, MRC was able to deduct a scaffolding charge of £1642.00 + VAT which would have been necessary for a roof installation to be undertaken on site from the Parish Council account.

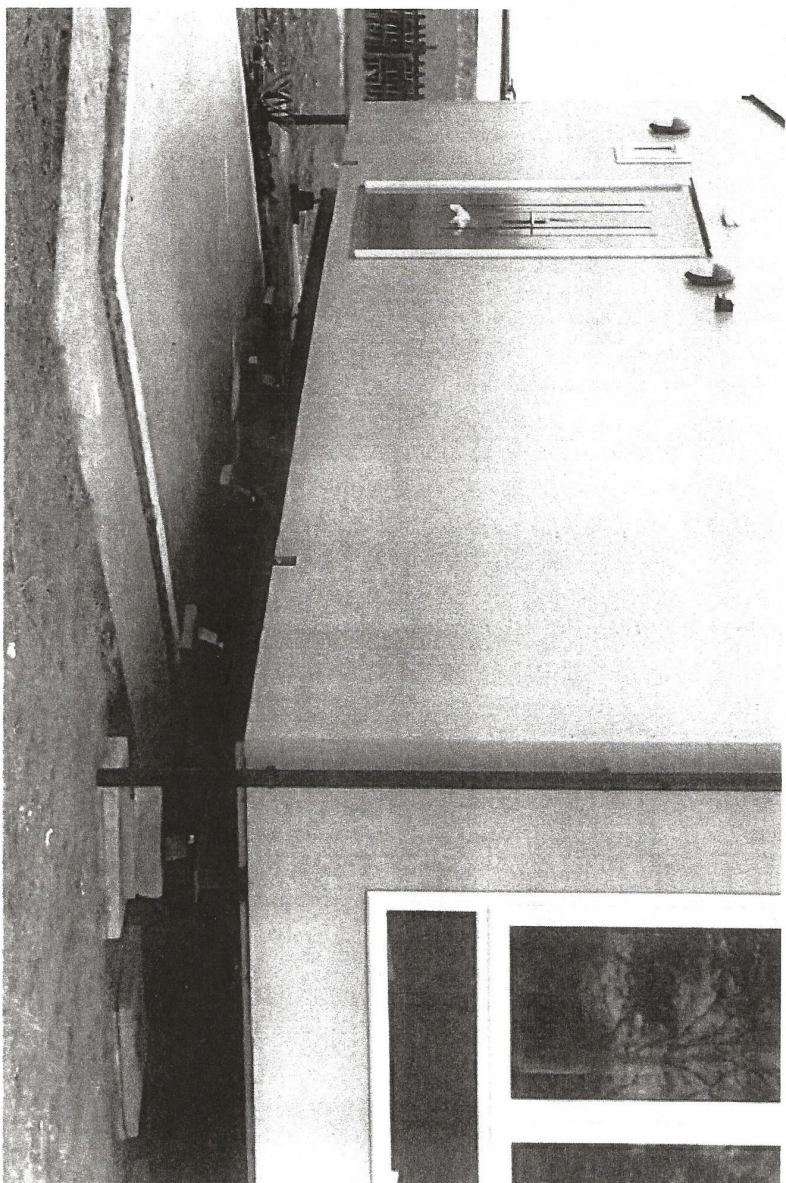
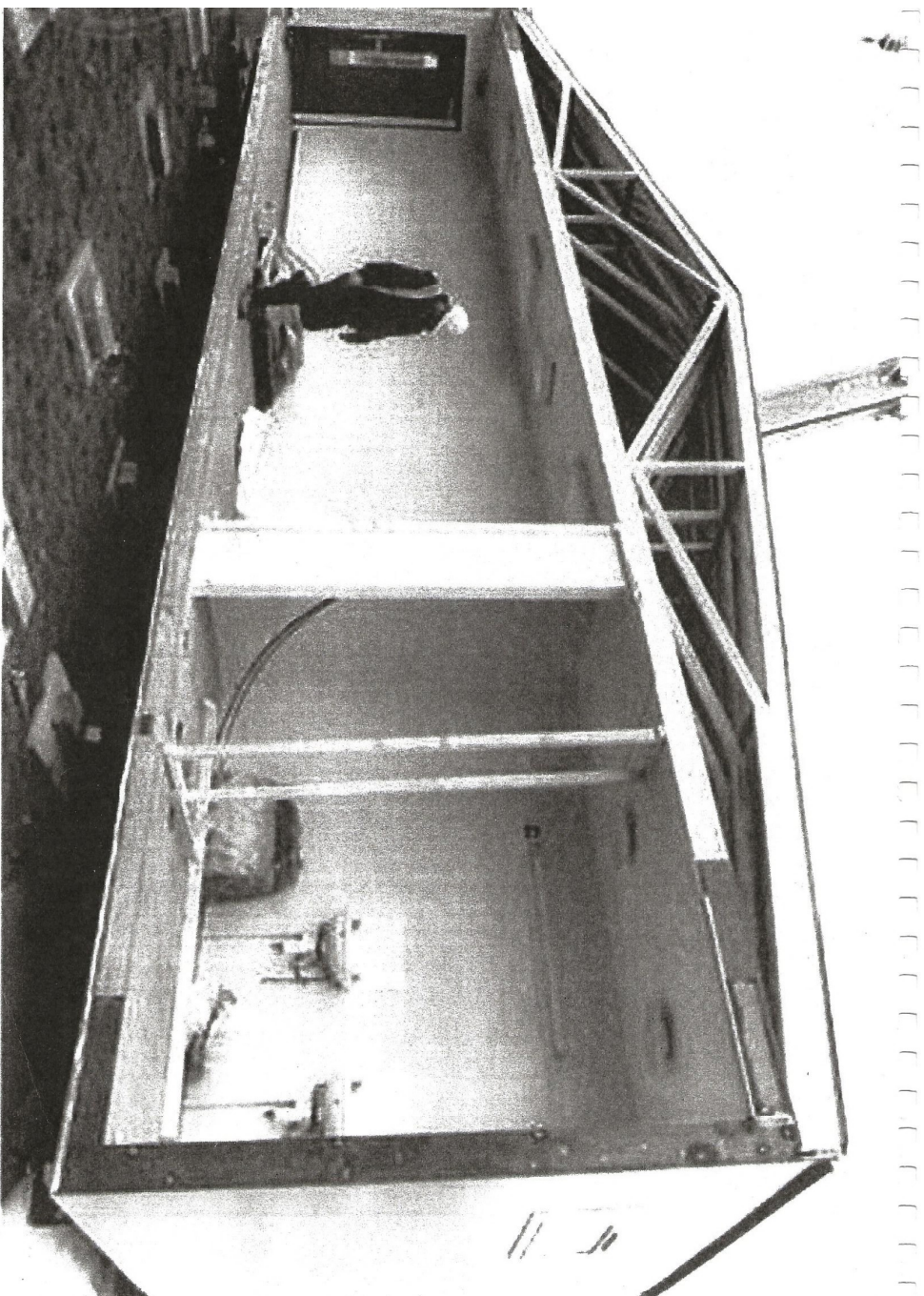
Your Parishioners should be made aware that MRC held our quoted prices for over 12 months; items such as the Clock Tower and the Fire Alarm System were supplied and fitted at cost. Ken Goodger will confirm that MRC supplied and fitted a number of items within the building entirely free of charge.

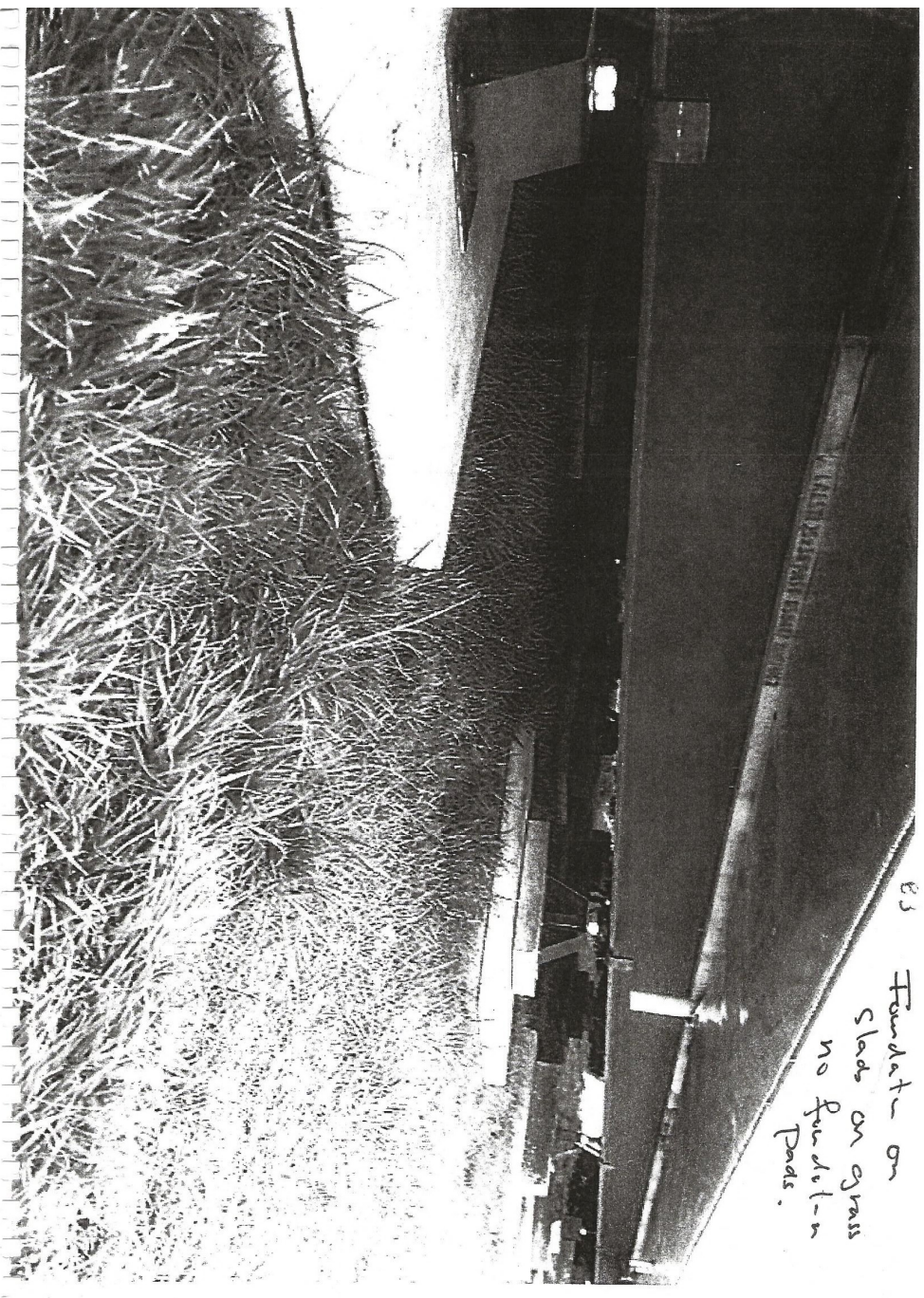
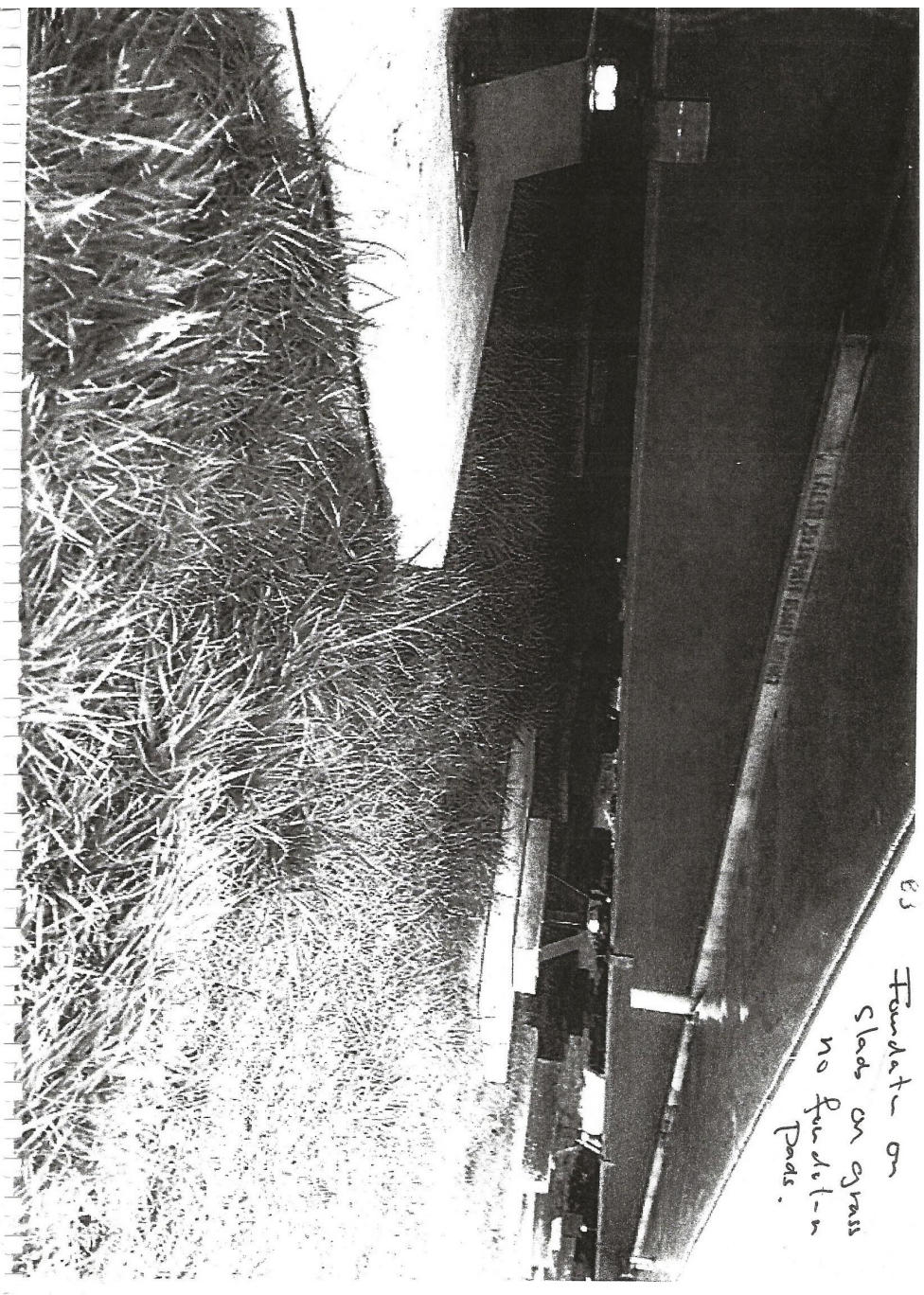
Also, your Parishioners should understand that without the help and assistance of Ken Goodger, the project was at one time in real danger of failing.

Lastly, MRC were so pleased to learn from Peter Gardiner that the William Marshall Centre already needs an extension.

We assume that the building is a success for the whole community.

Your expedited response, so that we can have some answers for our Parishioners on Thursday, would be appreciated







This report has been compiled by three former parish councillors.