

# AM10

## Notice of administrator's progress report



Companies House

FRIDAY



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A08

30/06/2017

#295

COMPANIES HOUSE

### 1 Company details

Company number 0 4 3 6 8 0 1 8

Company name in full New Earth Solutions Group Limited

→ Filling in this form  
Please complete in typescript or in  
bold black capitals.

### 2 Administrator's name

Full forename(s) Sarah

Surname Bell

### 3 Administrator's address

Building name/number Duff & Phelps

Street The Chancery

58 Spring Gardens

Post town Manchester

County/Region

Postcode M 2 1 E W

Country

### 4 Administrator's name ①

Full forename(s) Philip

Surname Duffy

① Other administrator  
Use this section to tell us about  
another administrator.

### 5 Administrator's address ②

Building name/number Duff & Phelps

Street The Chancery

58 Spring Gardens

Post town Manchester

County/Region

Postcode M 2 1 E W

Country

② Other administrator  
Use this section to tell us about  
another administrator.

AM10

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**6** Period of progress report

From date	d	0	d	7	m	1	m	2	y	2	y	0	y	1	y	6
To date	d	0	d	6	m	0	m	6	y	2	y	0	y	1	y	7

**7** Progress report

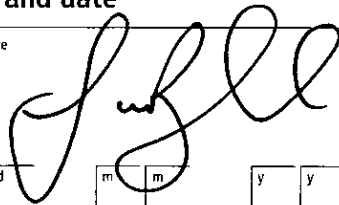
☒ I attach a copy of the progress report

**8** Sign and date

Administrator's  
signature

Signature

X



X

Signature date

d		d		m		m		y		y		y		y	
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# AM10

## Notice of administrator's progress report



### Presenter information

You do not have to give any contact information, but if you do it will help Companies House if there is a query on the form. The contact information you give will be visible to searchers of the public record.

Contact name

Company name

Address

Post town

County/Region

Postcode

Country

DX

Telephone



### Checklist

**We may return forms completed incorrectly or with information missing.**

**Please make sure you have remembered the following:**

- ☐ The company name and number match the information held on the public Register.
- ☐ You have attached the required documents.
- ☐ You have signed the form.



### Important information

**All information on this form will appear on the public record.**



### Where to send

**You may return this form to any Companies House address, however for expediency we advise you to return it to the address below:**

The Registrar of Companies, Companies House,  
Crown Way, Cardiff, Wales, CF14 3UZ.  
DX 33050 Cardiff.



### Further information

For further information please see the guidance notes on the website at [www.gov.uk/companieshouse](http://www.gov.uk/companieshouse) or email [enquiries@companieshouse.gov.uk](mailto:enquiries@companieshouse.gov.uk)

**This form is available in an alternative format. Please visit the forms page on the website at [www.gov.uk/companieshouse](http://www.gov.uk/companieshouse)**

29 June 2017

# **Progress Report to Creditors**

**New Earth Solutions Group  
Limited and New Earth  
Solutions Facilities Management  
Limited**

**(Both In Administration)**

**(Together “the Group”)**

Joint Administrators’ Progress Report to Creditors  
For the period from 7 December 2016 to 6 June 2017

**Duff & Phelps Ltd.  
The Chancery  
58 Spring Gardens  
Manchester  
M2 1EW**

## Definitions

Word or Phrase	Definition
the Act	The Insolvency Act 2016 (as amended)
the Appointment Date	7 June 2016, being the date of appointment of the Joint Administrators for both NESG and NESFM
the Banking Group or Senior Lenders	Norddeutsche Landesbank Girozentrale and the Co-operative Bank plc, who were the Group's secured funders
Category 2 Disbursements	The Joint Administrators' internal costs and expenses in dealing with the Administration
Co-op	The Co-operative Bank plc, a secured creditor of the Group
the Group	New Earth Solutions Group Limited and New Earth Facilities Management Limited (Both in Administration) (Company Numbers: 04368018 and 06248036 respectively)
DBEIS	The Department for Business, Energy and Industrial Strategy
the Directors	Gerben Nijland, the sole director of New Earth Solution Facilities Management Limited and Peter Mills, the joint director of New Earth Solutions Group Limited
Duff & Phelps	Duff & Phelps Ltd., The Chancery, 58 Spring Gardens, Manchester, M2 1EW
HMRC	H.M. Revenue and Customs
the Joint Administrators	Sarah Bell and Philip Duffy of Duff & Phelps
NatWest	The National Westminster Bank
NERR	New Earth Recycling & Renewables (Infrastructure) plc
NESFM	New Earth Solution Facilities Management Limited (In Administration)
NESG	New Earth Solutions Group Limited (In Administration)
Nord LB	Norddeutsche Landesbank Girozentral
the Notice	Form AM23 notice to move from Administration to Dissolution
Prescribed Part	Pursuant to Section 176A of the Act, where a floating charge is created after 15 September 2003 a designated amount of a company's net property (floating charge assets less costs of realisation) shall be made available to non-preferential creditors
the Previous Progress Report	The Joint Administrators' Progress Report dated 4 January 2017 for the period from 7 June 2016 to 6 December 2016

the Propcos	<p>The subsidiary companies of NESFM which operate the Waste Treatment Facility sites are:</p> <ul style="list-style-type: none"> <li>- New Earth Solutions (Canford) Limited</li> <li>- New Earth Solutions (Kent) Limited</li> <li>- New Earth Solutions (Gloucestershire) Limited</li> <li>- New Earth Solutions (Leicestershire) Limited</li> <li>- New Earth Solutions (West) Limited</li> </ul>
the Proposals	The Joint Administrators' Report to Creditors and Statement of Proposals dated 5 July 2016
the Purchaser	DM Opco Limited, the purchaser of the business and assets of the Group
The Reporting Period	7 December 2016 to 6 June 2017
the Rules	The Insolvency Rules 1986 (as amended)
The Secured Creditors	<p>The secured creditors listed on Companies House comprising of:</p> <p>National Westminster Bank plc  Norddeutsche Landesbank Girozentrale  British Waterway Board / Canals and River Trust  Lombard North Central plc  New Earth Recycling and Renewables plc</p> <p>Responsible for approving the Joint Administrators remuneration resolutions</p>
SIP 9	Statement of Insolvency Practice 9 – Industry best practice for Insolvency Practitioners in relation to disclosure of remuneration and disbursements
SIP 16	Statement of Insolvency Practice 16 – Industry best practice for Insolvency Practitioners in relation to the requirement to disclosure of information with respect to a 'Pre-packaged' sale of business and/or assets of the Group
SOA	Statement of Affairs, documentation to be supplied by the Director outlining the Group's financial position as at the Appointment Date
TUPE	The Transfer of Undertaking (Protection of Employment) Regulations 2006

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7. Pre-Administration Costs
8. Joint Administrators' Costs and Expenses
9. Extension of the Administration and Conclusion
10. Next Report

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1. Statutory Information
2. Joint Administrators' Receipts and Payments Accounts
3. Analysis of Time Charged and Expenses Incurred
4. Statement of Creditors' Rights

<b>Names of Joint Administrators:</b>	Sarah Bell Philip Duffy
<b>Date of Appointment:</b>	7 June 2016
<b>Date of Report:</b>	29 June 2017
<b>Appointed By:</b>	The Directors 35 Black Moor Road Ebblake Industrial Estate Verwood Dorset BH31 6AT
<b>NESG Court Reference:</b>	High Court of Justice Chancery Division No. 2885 of 2016
<b>NESFM Court Reference:</b>	High Court of Justice Chancery Division No. 2886 of 2016



## **1. Introduction**

- 1.1 The Joint Administrators were appointed on the Appointment Date by the Directors pursuant to Paragraph 22 of Schedule B1 to the Act.
- 1.2 In accordance with Paragraph 100(2) of Schedule B1 to the Act, the functions of the Joint Administrators are being exercised by either of the Joint Administrators.
- 1.3 *The purpose of this report is to provide creditors with details of the progress of the Administrations in the Reporting Period.*
- 1.4 This report should be read in conjunction with the Proposals and the Previous Progress Report.
- 1.5 Statutory information on the Group is attached at Appendix 1.

## **2. Joint Administrators' Report and Statement of Proposals**

- 2.1 In accordance with Paragraph 52(1) of Schedule B1 to the Act, a creditors' meeting was not required for the Group as both will have insufficient property to enable a distribution to be made to non-preferential creditors, other than by way of the Prescribed Part in NESG only.
- 2.2 No meetings were convened and in accordance with Rule 2.33(5) of the Rules, the Proposals were deemed to have been approved by creditors on 19 July 2016.
- 2.3 As previously advised, the Joint Administrators must perform their functions with the purpose of achieving one of the following hierarchical objectives:
- Rescuing the company as a going concern; or
  - Achieving a better result for the company's creditors as a whole than would be likely if the company were wound up (without first being in Administration); or
  - Realising property in order to make a distribution to one or more secured or preferential creditors.
- 2.4 In accordance with Paragraph 49(2) of Schedule B1 to the Act, the Joint Administrators note the following:
- The first objective will not be achieved as there are insufficient funds and assets available to enable either company within the Group to be rescued as a going concern.
  - The Joint Administrators are pursuing the second objective and it is likely that a better result for the Group's creditors as a whole will be achieved than if the Group were wound up without first being in Administration, for the reasons set out in the Previous Progress Report.
  - The Joint Administrators have met the third objective as distributions have been paid to Co-op in both NESG and NEFM.

## **3. Progress of the Administrations**

- 3.1 The manner in which the affairs and business of the Group have been managed in the Reporting Period and will continue to be managed and financed are set out overleaf.

## **Asset Realisations**

### **Sale Consideration/Cash at Bank**

- 3.2 As stated in the Previous Progress Report, the cash at bank totalling £1,466,519, was included as part of the sale consideration paid by the Purchaser. Upon completion, the Joint Administrators received £1,455,643 which left a balance of £10,877 that was retained by NatWest to cover any ongoing charges arising.
- 3.3 The sum of £10,877 has been received in the Reporting Period by NESG from the Purchaser in respect of this outstanding balance.

### **Bank Interest**

- 3.4 Gross bank interest of £1,046 has been received in the Reporting Period in respect of NESG.
- 3.5 There have been no realisations in the Reporting Period in respect of NESFM.

## **4. Investigations**

- 4.1 The Joint Administrators have complied with their statutory obligation to file a report with DBEIS regarding the conduct of the Directors of the Group that served in the three years prior to the Appointment Date. The content of this report is confidential.

## **5. Dividend Prospects / Prescribed Part**

### **Secured Creditors**

#### **Norddeutsche Landesbank Gironzentrale and The Co-Operative Bank plc**

- 5.1 In consideration for the monies advanced in respect of the Group's ongoing working capital facility, both NESG and NESFM granted Nord LB, as security trustee for both Nord LB and Co-op, debentures dated 29 May 2015 and 19 September 2011, which confer fixed and floating charges over the assets of the Group.
- 5.2 On 9 June 2016, Co-op and Nord LB entered into an agreement whereby Co-op purchased all right and title to Nord LB's security against the Group and therefore became the sole Senior Lender to the Group.
- 5.3 As at the Appointment Date, the Group's indebtedness to Co-op was approximately £41.8 million subject to accruing interest and charges.
- 5.4 Immediately following the completion of the sale to the Purchaser, fixed and floating charge distributions were made to the Co-op under its security totalling £536,602 and £4,271,291 respectively.
- 5.5 In addition, the Purchaser had repaid c£35 million to Co-op in respect of NESFM's indebtedness.
- 5.6 It is anticipated that there will be insufficient realisations to repay Co-op in full under its security.

#### **The National Westminster Bank**

- 5.7 In the ordinary course of business, a number of NESG's customers requested specific performance bonds alongside the Group's usual warranties and contractual terms, which were

guaranteed by NatWest. As a result of these requests, NatWest agreed to guarantee these bonds on behalf of NESG, which are subject to specific registered charges which confer fixed charge security over the guaranteed cash bonds.

- 5.8 It is anticipated that, as part of the sale to the Purchaser, these bonds will be transferred and therefore NatWest will hold no security over NESG. However, as at the date of this report the Joint Administrators are yet to receive confirmation of any transfer, therefore NatWest still holds valid security.

#### **The British Waterway Board**

- 5.9 The British Waterway Board, now known as The Canal and River Trust, has registered security over NESG by way of a deed in respect of a rent deposit held for the sum of £33,063 as Landlord of the site operated under one of the Propcos at Sharpness. The Propco is the contracting party.
- 5.10 Having reviewed the relevant documentation, it has come to light that NESG entered into the rent deposit as a surety, providing a guarantee that it will remedy any breach by the contracting party. Based on these agreements, NESG has not granted any specific security and therefore this charge appears to have been erroneously registered at Companies House.

#### **New Earth Recycling & Renewables (Infrastructure) Plc**

- 5.11 As previously stated, the Group was historically funded via quasi-equity from NERR. NERR provided the Group with funding for ongoing trade as well as capital improvements. The funds were provided to NESFM under a debenture created on 19 September 2011.
- 5.12 As at the Appointment Date, NESFM's indebtedness to NERR totalled in excess of £39 million. As NERR's security is subordinated to the Co-op's debt, there is no prospect of any distribution being made to NERR under its security.
- 5.13 On 9 June 2016, Sarah Sanders and Alex Adam of Deloitte LLP were appointed Joint Liquidators provisionally of NERR by the High Court of Justice of the Isle of Man.
- 5.14 The Joint Administrators will continue to liaise with the Joint Liquidators provisionally of NERR in respect of the progress of the Administration.

#### **Preferential Creditors**

- 5.15 As previously reported, following the business and assets of the Group to the Purchaser, the Group's employees were transferred pursuant to TUPE to the Purchaser.
- 5.16 In light of the above, no preferential claims are anticipated in the Administration.

#### **Prescribed Part**

- 5.17 Pursuant to Section 176A of the Act, where a floating charge is created after 15 September 2003 a Prescribed Part of a company's net property shall be made available to non-preferential creditors.

5.18 The Prescribed Part is calculated as a percentage of net property, is as follows:

Net property less than £10,000: 50% unless the Joint Administrator considers that the costs of making a distribution to the non-preferential creditors would be disproportionate to the benefits

Net property greater than £10,000: 50% up to £10,000 plus 20% thereafter to a maximum of £600,000.

5.19 NESG granted a floating charge to Co-op on 29 May 2015 and the Prescribed Part provisions will therefore apply.

5.20 As previously reported, the Prescribed Part fund set aside for non-preferential creditors of NESG is the maximum £600,000.

5.21 A first and final dividend to non-preferential creditors has been declared and paid within the Reporting Period. The quantum of the dividend totals £545,000, which equates to 1.5 pence in the pound.

5.22 The Prescribed Part provisions will not apply in NESFM as it is anticipated there will be no net property after discharging the costs of the Administration. NESFM has received a distribution of £57,807 from the NESG Prescribed Part distribution however, as this was received outside of the Reporting Period it is not reflected in the Receipts and Payments Account at Appendix 2.

#### **Non-Preferential Creditors**

5.23 As stated in the Previous Progress Report, the Joint Administrators were advised that NESFM had no trade and expense creditors and, to date, no claims have been received.

5.24 According to the NESG SOA, non-preferential creditors totalled £9,169,521 however, claims received by the Joint Administrators total £36,289,363.

5.25 It is not anticipated that there will be any return to the non-preferential creditors of NESG, other than by virtue of the Prescribed Part in NESG.

5.26 There will be insufficient funds available in NESFM to enable a distribution to non-preferential creditors.

#### **6. Joint Administrators' Receipts and Payments Accounts**

6.1 The Joint Administrators Receipts and Payments Accounts for the Reporting Period are shown in Appendix 2.

6.2 As at the end of the Reporting Period there was a cash balance of £137,986 in NESG.

6.3 As stated above, the distribution of £57,807 received by NESFM was received outside of the Reporting Period it is not reflected in the Receipts and Payments Account.

#### **7. Pre-Administration Costs**

7.1 On 19 August 2016, amounts in respect of Pre-Administration costs (plus VAT) were approved by the Secured Creditors, to be paid as an expense of the Administration of NESG.

Name of Recipient	Brief Description of Services Provided	Total Amount Approved
Duff & Phelps	Completing the marketing and sale process, providing assistance with preparation of the appointment documents, planning for the Company to be placed into Administration	£393,970 plus disbursements of £1,331
Lambert Smith Hampton	Preparation of formal valuation of the Group's business and assets including attendance at all trading sites	£20,722
Hurst & Company Accountants LLP	Accountants: Provision of advice regarding taxation issues regarding the Group	£10,535
Michelmores LLP	Solicitors: Preparation of documentation relating to the Joint Administrators' appointment on behalf of the Director(s) and ad hoc legal advice for the Director(s)	£5,121
DLA Piper UK LLP	Solicitors: Assist with placing the Company into Administration, preparation of the Sale and Purchase Agreement and other ad hoc legal matters	£5,000
Ansarada Pty Limited	Provision of Data Room as part of AMA process	£500

7.2 These costs were drawn in full as set out in the Previous Progress Report, with the exception of the costs incurred by Duff & Phelps and DLA Piper LLP.

7.3 The Joint Administrators' pre-appointment costs in the sum of £344,424 have been drawn in the Report Period, together with disbursements in the sum of £1,331.

7.4 Pre-appointment legal fees in the sum of £182 have been paid to Michelmores LLP.

7.5 The pre-appointment legal fees due to DLA Piper have been paid outside of the Reporting Period and therefore are not reflected in the Receipts and Payments Account at Appendix 2.

## 8. Joint Administrators' Costs and Expenses

8.1 The Joint Administrators' basis of remuneration was approved by Secured Creditors on the basis of time properly given by them and their staff in attending to matters arising in the Administration. The Secured Creditors also approved the Joint Administrators' Fee Estimates in the sums of £225,350 and £176,210 for NESG and NESFM, for the 12 month period from the Appointment Date until 6 June 2017.

8.2 The time costs charged in the Reporting Period are as analysed at Appendix 3.

8.3 Time costs incurred in the Reporting Period in respect of NESG total £47,340, representing 204 hours at an average hourly rate of £232. This time is in respect of both the post-Administration time and also specifically relating to the Prescribed Part.

8.4 Time costs incurred in the Reporting Period in respect of NESFM total £7,270, representing 27 hours at an average hourly rate of £270.

- 8.5 In accordance with SIP 9, the Joint Administrators have provided creditors with additional information regarding the major areas of time incurred during the Reporting Period recorded overleaf:

**NESG**

- Time costs of £33,367 have been incurred under an additional code created to deal with the Prescribed Part distribution to non-preferential creditors, representing 149 hours at an average rate of £225. This includes time spent in the detailed review of non-preferential creditors, adjudication of claims and declaration of the non-preferential dividend. Additional time has been incurred outside of the Reporting Period in respect of dealing with the Prescribed Part adjudication of claims and distribution thereof.
- Time costs of £3,391 have been incurred in respect of Statutory Matters. This represents time incurred in initial reporting to creditors, preparation of the Previous Progress Report and dealing with all the Joint Administrators' other statutory duties.
- Time costs of £2,508 have been incurred in respect of Cashiering & Accounting. This represents time incurred in respect of the receipt of funds, the utilisation of funds held in the payment of outstanding costs within the Administration and ensuring accounts are fully reconciled.
- Time costs of £2,441 have been incurred in respect of Strategy, Planning and Control. This represents time incurred in respect of updating and maintaining the strategy for the Administration and the ongoing review of statutory requirements within the Administration.
- Time costs of £2,075 have been incurred in respect of Tax Compliance/Planning. This represents time incurred in liaising with the instructed accountants regarding the completion of tax returns and submission of tax returns.

**NESFM**

- Time costs of £3,420 have been incurred in respect of Statutory Matters. This represents time incurred in initial reporting to creditors, preparation of the Previous Progress Report and dealing with all the Joint Administrators' other statutory duties.
  - Time costs of £2,013 have been incurred in respect of Tax Compliance/Planning. This represents time incurred in liaising with the instructed accountants regarding the completion of tax returns and submission of tax returns.
  - Time costs of £968 have been incurred in respect of Strategy, Planning and Control. This represents time incurred in respect of updating and maintaining the strategy for the Administration and the ongoing review of statutory requirements within the Administration.
- 8.6 Post-Appointment fees have been drawn to date in relation to NESG in the sum of £25,468 plus VAT in respect of the Joint Administrators time costs. These fees are detailed in the NESG Receipts and Payments Account at Appendix 2. No fees have been drawn at this stage in respect of NESFM.
- 8.7 The Joint Administrators' have not incurred any disbursements in the Reporting Period.
- 8.8 The Joint Administrators have incurred expenses in dealing with the Administration of the Group and these are detailed in Appendix 3.

- 
- 8.9 A Statement of Creditors' Rights concerning the Joint Administrators' fees is enclosed at Appendix 4.

**9. Extension of the Administration and Conclusion**

- 9.1 An Administration automatically comes to an end after one year, unless an extension is granted by the Court or with the Secured Creditors' consent.
- 9.2 The Joint Administrators requested that the Secured Creditors consent to the extension of the duration of the Administrations for a period of 12 months, from 6 June 2017 to 6 June 2018.
- 9.3 The Secured Creditors duly consented to the extension of the Administration by way of deemed consent and therefore the revised end of the Administrations are now 6 June 2018.
- 9.4 The extension of the Administrations have been necessary following the requirement for the Joint Administrators to include a provision for a significant non-preferential claim submitted during the dividend process of NESG. This claim is currently the largest claim submitted within the Administration, however, it has not yet been possible to conclude the position in respect of this claim and therefore the extension will be required to conclude the adjudication of this claim.
- 9.5 The Administration of NESFM has also been extended as a result of this claim, to enable the receipt of any future dividend funds from NESG, albeit a further dividend is deemed unlikely.

**Conclusion**

- 9.6 Following the completion of the distribution exercise detailed above, it is anticipated that the Notice will be submitted to the Registrar of Companies pursuant to Paragraph 84 of Schedule B1 to the Act.
- 9.7 Following registration of the Notice by the Registrar of Companies, the Joint Administrators appointment will cease to have effect, and they will be discharged from liability in each Administration.
- 9.8 At the end of three months beginning with the date of the requisite notice being registered by the Registrar of Companies each company will be dissolved.

**10. Next Report**

- 10.1 The Joint Administrators are required to provide a progress report within one month of every 6 months. The next report will be issued no later than 6 January 2018.
- 10.2 If you have any queries or require any further information, please contact my colleague Andrew Ward of this office.



**Sarah Bell**  
Joint Administrator

The affairs, business and property of the Group are being managed by the Joint Administrators, Sarah Bell and Philip Duffy, who act as agents for the Group and without personal liability. Both are licensed by the Insolvency Practitioners Association.

## **Appendix 1**

### **Statutory Information**



## Statutory Information

### New Earth Solutions Group Limited

Date of Incorporation	6 February 2002
Registered Number	04368018
Company Directors	Peter Mills and Gerben Nijland
Company Secretary	Quayseco Limited
Shareholders	<p>Peter Gillatt - 1639 A Ordinary shares</p> <p>Michael Jones - 1389 A Ordinary shares; 17818 Ordinary Shares</p> <p>Peter Mills - 889 A Ordinary shares; 4998 Ordinary Shares</p> <p>New Earth Solutions Group Trustee Limited - 7950 A Ordinary shares</p> <p>Securities Services Nominees Limited - 5250 A Ordinary shares; 218627 B Ordinary shares; 641136 Ordinary Shares</p> <p>Scott Edmundson - 10000 A Ordinary (unpaid) shares</p> <p>Peter Golden - 5000 A Ordinary (unpaid) shares</p> <p>Mark Harradine - 1000 A Ordinary (unpaid) shares</p> <p>Graham Lockyer - 750 A Ordinary (unpaid) shares</p> <p>Tadeusz Ozimski - 350 A Ordinary (unpaid) shares</p> <p>Lee Price - 350 A Ordinary (unpaid) shares</p> <p>Nathan Ross - 1250 A Ordinary (unpaid) shares</p> <p>Adam Shore - 3000 A Ordinary (unpaid) shares</p> <p>Bruce Toase - 1000 A Ordinary (unpaid) shares</p> <p>Sara Whittle - 350 A Ordinary (unpaid) shares</p>

B4 Sales Limited - 11123 B Ordinary shares

Robert Asquith - 5785 Ordinary shares

Amy Bleszynski - 1040 Ordinary Shares

Tadeusz Bleszynski - 17740 Ordinary Shares

Colin Brown - 145 Ordinary Shares

Christopher Cox - 20914 Ordinary Shares

Jonathan Fryett - 21189 Ordinary Shares

Peter Gillatt - 2000 Ordinary Shares

Mark Incledon - 7715 Ordinary Shares

Lucy Steward - 1040 Ordinary Shares

**Trading Address**

35 Black Moor Road  
Ebblake Industrial Estate  
Verwood  
Dorset  
BH31 6AT

**Registered Office**

**Current:**  
C/o Duff & Phelps  
The Chancery  
58 Spring Gardens  
Manchester  
M2 1EW

**Former:**  
35 Black Moor Road  
Ebblake Industrial Estate  
Verwood  
Dorset  
BH31 6AT

**Any Other Trading Names**

New Earth

## Statutory Information

### New Earth Solutions Facilities Management Limited

<b>Date of Incorporation</b>	15 May 2007
<b>Registered Number</b>	06248036
<b>Company Director</b>	Gerben Nijland
<b>Company Secretary</b>	Quayseco Limited
<b>Shareholders</b>	<p>New Earth Recycling and Renewables (Infrastructure) plc 1478 Class C Non-Voting shares</p> <p>NES Management Services LLP 186 Ordinary B shares</p> <p>New Earth Recycling and Renewables (Infrastructure) plc 186 Ordinary B shares</p>
<b>Trading Address</b>	<p>35 Black Moor Road Ebblake Industrial Estate Verwood Dorset BH31 6AT</p>
<b>Registered Office</b>	<p><b>Current:</b> C/o Duff &amp; Phelps The Chancery 58 Spring Gardens Manchester M2 1EW</p> <p><b>Former:</b> 35 Black Moor Road Ebblake Industrial Estate Verwood Dorset BH31 6AT</p>
<b>Any Other Trading Names</b>	N/A

## **Appendix 2**

### **Joint Administrators' Receipts and Payments Accounts**

**New Earth Solutions Group Limited**  
**(In Administration)**  
**Joint Administrators' Summary of Receipts & Payments**

Statement of Affairs £	From 07/12/2016 To 06/06/2017 £	From 07/06/2016 To 06/06/2017 £
<b>SECURED ASSETS</b>		
Goodwill	NIL	536,599.00
Business Intellectual Property	NIL	1.00
Customer List & Contracts	NIL	1.00
Information Technology	NIL	1.00
	NIL	536,602.00
<b>SECURED CREDITORS</b>		
The Co-Operative Bank Plc	NIL	536,602.00
	NIL	(536,602.00)
<b>ASSET REALISATIONS</b>		
Cash at Bank	10,876.00	1,466,519.43
Work in Progress	NIL	1.00
Benefit of Bond Monies	NIL	499,500.00
Equipment & Vehicles	NIL	3,195,000.00
Stock	NIL	1.00
Debtors	NIL	205,529.00
Misc Refund	NIL	88.60
Bank Interest Gross	1,045.65	1,258.80
	11,921.65	5,367,897.83
<b>COST OF REALISATIONS</b>		
Pre-Admin Legal Fees	181.83	5,302.33
Pre-Admin Valuer's Fee	NIL	20,721.56
Post-Appointment Accountants' Fees	2,700.00	4,650.00
Administrators' Pre-Admin Fees	344,424.00	344,424.00
Administrators' Pre-Admin Disburseme	1,331.26	1,331.26
Joint Administrators' Remuneration	25,468.45	25,468.45
Data Room	NIL	500.00
Pre-Admin Accountants Fees	NIL	10,535.00
Corporation Tax charges	251.76	251.76
Storage Costs	15.00	46.29
Statutory Advertising	84.60	169.20
Bank Charges	11.43	31.28
	(374,468.33)	(413,431.13)
<b>FLOATING CHARGE CREDITORS</b>		
The Co-Operative Bank Plc	NIL	4,271,291.00
	NIL	(4,271,291.00)
<b>UNSECURED CREDITORS</b>		
Trade & Expense Creditors	545,000.00	545,000.00
	(545,000.00)	(545,000.00)
	<b>(907,546.68)</b>	<b>138,175.70</b>

REPRESENTED BY

VAT Receivable	190.00
Floating/main current account	82,985.70
Dividend account	55,000.00
	<hr/>
	<b>138,175.70</b>
	<hr/>

**New Earth Solutions Facilities Management Limited**  
**(In Administration)**  
**Joint Administrators' Summary of Receipts & Payments**

Statement of Affairs £	From 07/12/2016 To 06/06/2017 £	From 07/06/2016 To 06/06/2017 £
SECURED ASSETS		
Shares in Five Propco's	NIL	5.00
	NIL	5.00
SECURED CREDITORS		
Co-operative Bank Plc	NIL	5.00
	NIL	(5.00)
	NIL	NIL
REPRESENTED BY		NIL

### **Appendix 3**

#### **Analysis of Time Charged and Expenses Incurred**



## ANALYSIS OF TIME COSTS FOR THE PERIOD 07/12/2016 to 06/06/2017

ADM-Admin. - Post Appt.

Classification of Work Function	Partner	Manager	Hours Senior	Assistant	Support	Total Hours	Time Cost	Avg Hourly Rate
<b>Administration and Planning</b>								
Case review and Case Diary management	0.00	0.80	0.00	0.25	0.00	1.05	394.75	375.95
Cashiering & accounting	0.00	0.90	4.00	4.20	0.00	9.10	2,507.50	275.55
IPS set up & maintenance	0.00	0.00	0.00	0.20	0.00	0.20	36.00	180.00
Statutory matters (Meetings & Reports & Notices)	1.80	1.20	1.00	8.15	0.00	12.15	3,390.50	279.05
Strategy planning & control	0.00	2.60	0.00	6.70	0.00	9.30	2,440.50	262.42
Tax Compliance/Planning	0.00	1.40	0.00	7.30	0.00	8.70	2,075.25	238.53
<b>Creditors</b>								
Communications with Creditors/Employees	0.00	1.40	0.00	7.75	0.00	9.15	1,527.25	166.91
Secured Creditors	0.00	0.00	0.00	0.70	0.00	0.70	126.00	180.00
<b>Investigations</b>								
CDDA & reports & Communication	0.00	0.60	0.00	1.00	0.00	1.60	432.00	270.00
<b>Realisation of Assets</b>								
Freehold and Leasehold Property	0.00	0.50	0.00	0.00	0.00	0.50	210.00	420.00
Other Intangible Assets	0.00	0.00	0.00	1.25	0.00	1.25	293.75	235.00
Other Tangible Assets	0.00	0.00	0.00	0.60	0.00	0.60	108.00	180.00
Pre-Appointment Tax Reclaims	0.00	0.30	0.00	0.00	0.00	0.30	126.00	420.00
Sale of business	0.00	0.30	0.00	1.00	0.00	1.30	306.00	235.38
<b>Total Hours:</b>	<b>1.80</b>	<b>10.00</b>	<b>5.00</b>	<b>39.10</b>	<b>0.00</b>	<b>55.90</b>		<b>249.97</b>
<b>Total Fees Claimed:</b>	<b>954.00</b>	<b>4,200.00</b>	<b>1,642.00</b>	<b>7,177.50</b>	<b>0.00</b>		<b>13,973.50</b>	

## Category 1 Disbursements:

None

## Category 2 Disbursements:

None

## ANALYSIS OF TIME COSTS FOR THE PERIOD 07/12/2016 to 06/06/2017

PPD-Prescribed Part

Classification of Work Function	Partner	Manager	Hours Senior	Assistant	Support	Total Hours	Time Cost	Avg Hourly Rate
<b>Administration and Planning</b>								
Cashiering & accounting	0.00	1.00	0.00	0.00	0.00	1.00	420.00	420.00
Strategy planning & control	5.40	1.50	0.00	19.40	0.00	26.30	7,398.50	281.31
<b>Creditors</b>								
Communications with Creditors/Employees	0.00	12.30	0.00	40.55	0.00	52.85	11,783.25	222.96
Non Pref Creditor claims adjudication and dist'n	0.00	1.90	0.00	47.40	0.00	49.30	9,080.00	184.18
Non Pref Creditors/Employee claims handling	2.20	1.80	0.00	11.65	0.00	15.65	3,856.75	246.44
Pref claims adjudication and distribution	0.00	0.90	0.00	2.50	0.00	3.40	828.00	243.53
<b>Total Hours:</b>	<b>7.60</b>	<b>19.40</b>	<b>0.00</b>	<b>121.50</b>	<b>0.00</b>	<b>148.50</b>		<b>224.69</b>
<b>Total Fees Claimed:</b>	<b>4,028.00</b>	<b>8,148.00</b>	<b>0.00</b>	<b>21,190.50</b>	<b>0.00</b>		<b>33,366.50</b>	

## Category 1 Disbursements:

None

## Category 2 Disbursements:

None

**66278 NEW EARTH SOLUTIONS FACILITIES MANAGEMENT**

**ANALYSIS OF TIME COSTS FOR THE PERIOD 07/12/2016 to 06/06/2017**

ADM-Admin. - Post Appt.

Classification of Work Function	Partner	Manager	Hours Senior	Assistant	Support	Total Hours	Time Cost	Avg Hourly Rate
<b>Administration and Planning</b>								
Case review and Case Diary management	0.00	0.50	0.00	0.25	0.00	0.75	268.75	358.33
Cashiering & accounting	0.00	0.30	0.00	0.10	0.00	0.40	145.00	362.50
IPS set up & maintenance	0.00	0.00	0.00	0.20	0.00	0.20	36.00	180.00
Statutory matters (Meetings & Reports & Notices)	1.80	1.20	0.60	9.00	0.00	12.60	3,419.75	271.41
Strategy planning & control	0.00	0.40	0.00	3.80	0.00	4.20	967.50	230.36
Tax Compliance/Planning	0.00	2.00	0.00	5.75	0.00	7.75	2,012.50	259.68
<b>Creditors</b>								
Communications with Creditors/Employees	0.00	0.30	0.00	0.00	0.00	0.30	126.00	420.00
<b>Investigations</b>								
CDDA & reports & Communication	0.00	0.20	0.00	0.00	0.00	0.20	84.00	420.00
<b>Realisation of Assets</b>								
Pre-Appointment Tax Reclaims	0.00	0.30	0.00	0.00	0.00	0.30	126.00	420.00
Sale of business	0.00	0.20	0.00	0.00	0.00	0.20	84.00	420.00
<b>Total Hours:</b>	<b>1.80</b>	<b>5.40</b>	<b>0.60</b>	<b>19.10</b>	<b>0.00</b>	<b>26.90</b>		<b>270.24</b>
<b>Total Fees Claimed:</b>	<b>954.00</b>	<b>2,268.00</b>	<b>171.00</b>	<b>3,876.50</b>	<b>0.00</b>		<b>7,269.50</b>	

**Category 1 Disbursements:**

None

**Category 2 Disbursements:**

None

**New Earth Solutions Group Limited (In Administration)  
Joint Administrators' Expenses**

Company	Activity	Fee Basis	Reporting Period	
			Incurred (£)	Amount Paid (£)
Hurst Accountants	Accountancy Fees: Preparation of Corporation Tax Returns	Fixed Fee	2,700.00	2,700.00
HM Revenue & Customs	Corporation Tax Charges	As incurred	251.76	251.76
Courts Advertising	Statutory Advertising	Fixed Fee	84.60	84.60
Total Data Management	Storage Costs of Books and Records	Fixed Fee	15.00	15.00
Barclays Bank Plc	Bank Charges	As incurred	11.43	11.43
<b>TOTAL</b>			<b><u>3,062.79</u></b>	<b><u>3,062.79</u></b>

The Joint Administrators' choice of professional advisors was based on their perception of the experience and ability of the respective firms/individuals to perform their work, the complexity and nature of the assignment and the basis of their fee.

## **Appendix 4**

### **Statement of Creditors' Rights**

*Rule numbers refer to Insolvency (England & Wales) Rules 2016 (as amended)*

*Section numbers refer to Insolvency Act 1986*

*'Office-holder' is the current Administrator or Liquidator as applicable*

### **Information for creditors on remuneration and disbursements of Administrators**

Information regarding the fees and disbursements of Administrators, including details of the Duff & Phelps' disbursements policy and hourly charge out rates for each grade of staff that may undertake work on this case, is in a document called "A Creditors' Guide to Administrators' Fees". This can be viewed and downloaded from the Joint Administrators' website at <http://www.duffandphelps.com/uk-restructuring/creditor-guides> (click on the document 'Administration (appointment from 1 October 2015)'). Should you require a copy, please contact this office.

### **Creditors have the right to request information from the office-holder under Rule 18.9**

A secured creditor, a non-preferential creditor with the concurrence of at least 5% in value of the non-preferential creditors (including the creditor in question) or any non-preferential creditor with the permission of the Court may make a written request to the office-holder for further information concerning remuneration or expenses. Such a request must be made within 21 days of receipt of this report and a response will be provided within 14 days of receipt of the request.

Creditors have recourse to Court, application to be made within 21 days of the office-holder giving reasons for not providing all the information requested or the expiry of the 14 days within which an office-holder must respond to a request.

### **Creditors have the right to challenge the office-holder's remuneration and expenses under rule 18.34**

A secured creditor, a non-preferential creditor with the concurrence of at least 10% in value of the non-preferential creditors (including that creditor) or any non-preferential creditor with the permission of the Court, may make an application to Court on the grounds that the remuneration charged or expenses incurred are excessive and/or that the basis fixed for the office-holder's remuneration is inappropriate. The application to court must be made no later than eight weeks after receipt of the Progress Report where the charging of the remuneration or the incurring of expenses in question occurs.