

## INDEPENDENT COMPENSATION PANEL

### MEETING #306 MINUTES

<b>Purpose:</b>	To determine claims in relation to building damage
<b>Date and time:</b>	Tuesday 19 February 2026 – 0900hrs to 1000hrs
<b>Location:</b>	Video Conference
<b>Panel Members:</b>	Graham Parry (Chair) Chris Bates and Andy Gotts (Building Surveyors)
<b>Abbreviations:</b>	‘Panel’ means the Independent Compensation Panel ‘Project’ means Tideway ‘ICC’ means the Independent Complaints Commissioner for the Project ‘Non-Stat Policy’ means the Non-Statutory Off-site mitigation and compensation policy
<b>Document Number:</b>	2350-TDWAY-TTTUN-990-ZZ-ZZ-741540

Item 1	Notes for the record
<b>Applicant Reference</b>	The Panel considered the information contained in pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-741469 plus the additional information requested contained in pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-741473
<b>Relevant Tideway site</b>	Falconbrook Pumping Station
<b>Decision</b>	<b>AWARDED</b>
<b>Details of the award</b>	<p>The ICP have received a claim in respect of settlement damage in respect of the claimant’s property.</p> <p>The Panel received the following documents which have informed the review of the claim:</p> <ul style="list-style-type: none"> <li>• 4623-FLOJV-FALPS-180-XZ-RG-100036-P01 Pre-Construction Condition Report dated September 2019 prepared by CPM Surveys Ltd</li> <li>• 4411-FLOJV-FALPS-180-XZ-RG-100003-P01 Post-Construction Condition Report dated 18th October 2024 prepared by OTB Engineering Ltd</li> <li>• Reviewed Case Form completed by (Claimant) dated 27 January 2026</li> <li>• Appendix 1 to the Case Review Form including a letter from Fraction Consulting Ltd dated 19 January 2026</li> </ul>

- Appendix 2 to the Case Review Form including marked-up extracts from 4623-FLOJV-FALPS-180-XZ-RG-100036-P01 and from 4411-FLOJV-FALPS-180-XZ-RG-100003

- Technical Review of Settlement Impact at FALPS Connection Tunnel 4411-FLOJV-FALPS-180-XZ-RG-100005 by Ferrovial Construction Laing O'Rourke (FLO JV) dated 19th November 2025 including Technical Memo by OTB Engineering (OTBe) of same date as Appendix A

### **Background to Claim**

The building is a 7-storey structure with 6 No, floors above ground with a mix of commercial and residential units and 1 No, basement level providing residential parking. The above ground structure of the building comprises of a reinforced concrete frame, a reinforced concrete core containing the stairwells and lift shafts, and panel walls. Below ground the structure comprises of reinforced concrete retaining walls, columns and a base slab. The composition of the foundations is unknown; it is reasonable to assume that the foundations extend at least 5m below ground level given the inclusion of a basement level; however, it is likely that the structure has been formed on piles extending into the London Clay Formation.

A Connection Tunnel was constructed between 20th August 2020 and 15th January 2021, to connect the Falconbrook Pumping Station (FALPS) to the main Tideway Tunnel under the River Thames. The building is the closest structure, within the building complex footprint, to the FALPS Connection Tunnel with the tunnel axis having a minimum offset of 6.5m from the North-East elevation of the building. The property sits at an approximate offset of between 10m and 22m from the axis of the Connection Tunnel. The crown of the tunnel has been formed approximately 37.25m below the ground surface level, within the vicinity of the building.

The claimant has been the owner of the property since July 2001. The owner has reported damage in the flat which in their opinion occurred/worsened during the period that the Thames Tideway works were carried out and this is summarised as follows:

- *Cracks in the walls in the Living Area in three locations.*
- *Wider vertical cracking extending across two tiles in the Bathroom above the door head to the right-hand side.*
- *Ceiling angle cracking in the Bathroom above the shower/bath position, which has widened.*
- *A diagonal crack in the wall, originating at the top right corner of window and fine crack/opening between wardrobe and wall in Bedroom 1.*

### **Review of Claim Documentation**

#### ***Pre-Construction Condition Report***

The Pre-Construction Condition Report dated September 2019 prepared by CPM Surveys Ltd includes an internal survey of the property and states “No significant defects were observed.” Any defects recorded in the report are described within the Executive Summary as “*thermal/shrinkage related*”

*cracking typically associated with most properties of this age and construction*". The Executive Summary within the pre-construction report also notes that *"the apartment appears to have been fairly recently decorated"*. However, we note that owner of the property advises that the property was redecorated in 2015-2016 and that there was no cracking prior to the redecoration. This is at least three years prior to the Pre-Construction Survey. The pre-construction report photographically recorded two defects and provided written descriptions of a number of other relatively minor defects within the property.

### **Post-Construction Condition Report**

The Post-Construction Condition Report was prepared by OTBe and issued on the 18th of October 2024.

The internal survey of the property and the building in its entirety was carried out on the 13<sup>th</sup> of August 2024. The survey of the building identified multiple defects within the external façade and internal communal areas. The primary defects identified within the internal communal areas were cracking to the plaster around doorframes. Observed defects around doorframes could not be directly compared to the pre-construction findings as the communal areas within the building were not fully covered by the initial pre-construction surveys.

The post-construction survey of the property identified multiple fine cracks within the plaster and around fixtures such as fitted wardrobes, shelves and window openings. The list of findings, with photo references in brackets, was as follows:

- *Fine crack/opening between shelves and wall within the living room (FALPS-PC-OTB-420) – this defect was not identified in the Pre-Construction Condition Report*
- *Fine vertical crack within wall behind television within the living room (FALPS-PC-OTB-421) – this defect was not identified in the Pre-Construction Condition Report*
- *Fine vertical crack at corner between walls within the living room (FALPS-PC-OTB-422) – this defect was not identified in the Pre-Construction Condition Report*
- *Opening of joint in window sill and window frame within bedroom 1 (FALPS-PC-OTB-414) – this defect was also identified in a photograph in the Pre-Construction Condition Report*
- *Diagonal crack originating at top right corner of window within bedroom 1 (FALPS-PC-OTB-417) – this defect was not identified in the Pre-Construction Condition Report*
- *Fine crack/opening between wardrobe and wall within bedroom 1 (FALPS-PC-OTB-418) this defect was also identified in the Pre-Construction Condition Report and was described as "Very slight/intermittent cracking only at wardrobe construction/plaster junctions"*

— *Fine crack/opening between wardrobe and wall/ceiling within bedroom 2 (FALPS-PC-OTB-419) – this defect was not identified in the Pre-Construction Condition Report*

— *Fine crack at ceiling angle above the shower within the bathroom (FALPS-PC-OTB-415) – this defect was also identified in a photograph in the Pre-Construction Condition Report, but the width of the crack appears to have increased from what was described as “very slight ceiling angle cracking”*

— *Vertical cracks in wall tiles within the bathroom (FALPS-PC-OTB-416) – this defect was also identified in the Pre-Construction Condition Report, but the width and extent of the cracking appears to have increased from what was described as “Very faint cracking to individual tile only above the door head right-hand side”*

The Post-Construction Report for the property concluded that the overall condition of the property was in line with the findings of the Pre-Construction Report (4623-FLOJV-FALPS-180-XZ-RG-100036) and states:

*“From the observations made within this report and within Appendix J, there appears to be no significant change in the condition of the apartment. The only significant defect observed during the post-condition survey that isn’t shown or described within the pre-condition report is the diagonal crack at the top right corner of the window within Bedroom 1 (FALPS-PC-OTB-417). Due to there being no photographic or written records of the defect within the precondition report it is difficult to determine if the defect has occurred or worsened since the pre-condition survey.”*

In the Panel’s opinion, the occurrence of this latter defect (“diagonal crack at the top right corner of the window within Bedroom 1”) following the Pre-Construction Condition Survey suggests that it has been caused by the Thames Tideway construction works, as it is the Panel’s consideration that the defect would be easy to identify by the survey company if it had existed at the time of the Pre-Construction Survey. Furthermore, the owner of the property also states this crack was not present at the time of the Pre-Construction Report.

**Technical Memo by OTB Engineering (OTBe)**

The Technical Memo by OTB Engineering (OTBe) dated 19th November 2025 states *“Within the post-construction condition report of [the property], 5 No. defects were identified that could not be directly compared to records within the pre-construction condition report. It is noted however, that the pre-construction condition report comments on an additional approximately 15 No. defects ranging from hairline to fine across the apartment. The description of the magnitude and severity of these pre-construction defects is consistent with the post construction defects observed.”* This last comment is disputed by the Claimant.

OTBe go on to state *“All defects reported within the pre- and post-construction condition reports for [the property] fall within the range of hairline to fine cracks, indicative of crack widths of between 0.1mm and 1mm. Hairline and fine cracks within plaster finishes are commonly attributed to material shrinkage in response to temperature, humidity changes and natural building movements.”* The Panel does not agree that the diagonal crack originating at

	<p>top right corner of window within bedroom 1 (FALPS-PC-OTB-417) is a fine or hairline crack.</p> <p>OTBe state <i>“The additional defects photographed within [the property] are comparable with the pre-condition defects observed throughout [the building] and are consistent with thermal or shrinkage effects within the plaster, having been re-exposed through the décor over the 5-year timeframe between surveys.”</i> This certainly does not apply to the diagonal crack originating at top right corner of window within bedroom 1 (FALPS-PC-OTB-417). Also given that the building has been occupied since at least 2001, we would have expected cracks due to thermal or shrinkage effects to appear within the first eighteen years of occupancy (i.e. at the time of the Pre-Construction Condition Survey in 2019).</p> <p>OTBe state <i>“It is likely that these defects were concealed following the refurbishment of the flat prior to the pre-condition survey as reported in the Pre-Condition Survey Report”.</i></p> <p>The Panel note that the owner of the property advises that the property was redecorated in 2015-2016 and that there was no cracking prior to the redecoration. This is at least three years prior to the Pre-Construction Survey and we would expect any cracks concealed by a fresh paint/redecoration finish to be visible three years after decoration.</p> <p>OTBe also state <i>“Although the defects are consistent with natural thermal and shrinkage within the plaster and walls, the possibility of external factors contributing to the increase in number of defects cannot be definitively ruled out. As-such the actual structural response to volume loss induced ground movements from tunnelling activities associated with the FALPS Connection Tunnel requires further evaluation.”</i></p> <p><i>“The Monitoring Review Report, produced by FLO JV and issued on the 26th of April 2023 summarises predicted and monitored ground movements for the construction activities at the FALPS site and connection tunnel. Prior to construction commencing at FALPS, the predicted ground movements resulting from tunnelling activities were calculated within the Phase 2 and Phase 3A Ground Movement reports, and shown within the Monitoring Review Report. These reports provide a maximum settlement of 5mm above the axis of the connection tunnel close to the FALPS site. The settlement contours provided within the Monitoring Review Report show [the building] falling within the 2.5mm settlement contour. It is unclear from the Monitoring Review Report if allowance has been made, within the calculations, for the localised enlargements of the tunnel to accommodate the passing points.”</i></p> <p><i>“The structural and ground movements, monitored during and following construction, are within the range of settlement that would be anticipated for a tunnel of this size and construction. Differential settlement across [the building] has been measured at approximately 2mm through both structural monitoring using Building Research Establishments (BRE’s) and ground monitoring using Precise Levelling Points (PLP’s).”</i></p> <p><i>“Within the vicinity of [the building] and adjacent to [the property] there are 2 No. BRE’s and 3 No. PLP’s that provide an overview of the ground and structural movements resulting from the excavation of the FALPS Connection Tunnel. These movements have been summarised in Table 4” of OTBe’s Report “and the anticipated damage category that would be expected for the measured differential movements have been calculated as “0 Negligible”.”</i></p> <p><i>“The Monitoring Review Report shows that along the length of the Connection Tunnel the monitored settlement is broadly in line with the predicted ground movements, with localised increases in settlement around the sites of the enlargement of the tunnel to provide the passing bays.”</i></p>
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A summary of the ground movements and associated settlement contours above the FALPS Connection Tunnel is provided in Figure 6 of the OTBe report. *“The settlement contours represent the monitored maximum ground movements as of 4th November 2022, following all underground construction works within the Connection Tunnel. The contours of Figure 6 show localised increases in settlement around the locations of the tunnel enlargements, as well as localised increases within open areas of grass or vegetation such as within the centre of [the building complex] (outside the zone of influence of the tunnel), and the park area between [the building] and Vicentia Court. In general, the settlement contours, shown in Figure 6, align with the predicted settlement contours shown previously in Figure 4.”*

The Panel note that it is OTBe’s opinion that the settlement of the ground and foundations of the building complex is in line with the anticipated and acceptable settlement limits. OTBe agree differential settlement across the building based on monitored settlement readings is recorded to be approximately 2.5mm. The resulting calculated damage category due to angular distortion of the structural frame is described as 0-Negligible. It is OTBe’s opinion that *“the reinforced concrete framed structure of [the building complex] should be able to accommodate these minor differential movements with negligible damage to the superficial elements of the building”*. We would agree that the reinforced concrete structure should be able to accommodate the differential settlement recorded and indeed there is no evidence of cracking or movement of the concrete frame. The cracks recorded in the Post Construction Condition survey have been found in painted plaster wall finishes or tiles, which are brittle materials, which are less able to accommodate movement due to settlement.

OTBe advise that *“A review of the seasonal movements concluded that it is not likely that seasonal variations in ground movements could have contributed to excessive differential movements; therefore, the observed movement is reasoned to be attributed to tunnelling induced volume loss.”* The Panel agrees with this statement.

OTBe conclude *“On review and consideration of all the information available, in our opinion there is no evidence to suggest the claimed defects are attributed to tunnelling induced ground movements in response to the FLOJV Tideway works; instead, the cracking to the plaster finishes are consistent with cyclical thermal and shrinkage effects within the plaster finishes typically of buildings of this age and form of construction.”* The Panel does not agree with this statement, for the reasons previously stated above.

**Conclusion**

Having undertaken a thorough review of the documents listed the Panel is of the opinion that the following defects are likely to have been caused or exacerbated by the construction works associated with the Thames Tideway project:

- *Fine crack/opening between shelves and wall within the living room (FALPS-PC-OTB-420) – this defect was not identified in the Pre-Construction Condition Report*
  
- *Fine vertical crack within wall behind television within the living room (FALPS-PC-OTB-421) – this defect was not identified in the Pre-Construction Condition Report*

	<ul style="list-style-type: none"> <li>• <i>Fine vertical crack at corner between walls within the living room (FALPS-PC-OTB-422) – this defect was not identified in the Pre-Construction Condition Report</i></li> <li>• <i>Diagonal crack originating at top right corner of window within bedroom 1 (FALPS-PC-OTB-417) – this defect was not identified in the Pre-Construction Condition Report</i></li> <li>• <i>Fine crack/opening between wardrobe and wall within bedroom 1 (FALPS-PC-OTB-418) this defect was also identified in the Pre-Construction Condition Report and was described as “Very slight/intermittent cracking only at wardrobe construction/plaster junctions”</i></li> <li>• <i>Fine crack at ceiling angle above the shower within the bathroom (FALPS-PC-OTB-415) – this defect was also identified in a photograph in the Pre-Construction Condition Report, but the width of the crack appears to have increased from what was described as “very slight ceiling angle cracking”</i></li> <li>• <i>Vertical cracks in wall tiles within the bathroom (FALPS-PC-OTB-416) – this defect was also identified in the Pre-Construction Condition Report, but the width and extent of the cracking appear to have increased from what was described as “Very faint cracking to individual tile only above the door head right-hand side”</i></li> </ul> <p><b>Based on the above considerations, the Panel confirms that the Claimant should be compensated for the cost of redecoration of the walls in the living room, bedroom 1 and the bathroom, including replacement of damaged tiles in the bathroom. The claimant will need to liaise with the Tideway Mitigation Team to identify the appropriate mechanism for organising the works within an agreed cost.</b></p> <p><b><u>All awards are subject to Tideway’s Guidelines for Implementation of ICP decisions.</u></b></p> <p><b><u><a href="https://www.tideway.london/media/4138/guidelines-for-implementation-of-icp-decisions-feb-2020.pdf">https://www.tideway.london/media/4138/guidelines-for-implementation-of-icp-decisions-feb-2020.pdf</a></u></b></p>
<p><b>Further information required/actions arising</b></p>	<p><b>None</b></p>
<p><b>Information/action requested from Tideway</b></p>	<p><b>None</b></p>

I confirm that these minutes are an accurate record of the proceedings of the meeting.

Signed *Graham A Parry*  
**Graham Parry**  
 Chair, Independent Compensation Panel

Date 03 March 2026