Appendix 1

Dear

Thank you for your observations in response to the Section 20 Notice dated 20th November 2016 relating to proposed works to Trellick Tower. I will respond to the issues you have raised in order.

1. **We do not believe that you have sufficient evidence to justify scaffolding the building. Nor indeed do we believe that you are properly prepared for the works you intend to carry out from next month. In a leaseholder meeting on 25 January 2017 your representatives explained that it was necessary to scaffold the building in order to identify with any precision the works that need to be done. We have not been seen any proper analysis of the state of the building or the various approaches available for performing the work justified by the state of the building - nor did we get the impression from this meeting that a sufficient analysis had been performed or its results digested. We find it unsettling that you nevertheless intend to incur significant expenditure by scaffolding next month.**

KCTMO have considered the different methods of access aside from scaffold. The access methods for completing the proposed works at Trellick Tower were reviewed with a number of alternatives explored. All options were considered with reference to:

- Working at Heights Regulations
- HSE Guidance and advice from Health and Safety Specialists
- Wates' Health and Safety Policy and experience of working on high structures

The access methods that were explored included the following:

- System built scaffold
- Mechanical Elevated Working Platforms (MEWP)
- Vertical Cradles
- Abseiling
- Mast Climbers

The above access systems were reviewed from a health and safety perspective and in relation to the following requirements:

- Provision of collective protection
- Protection to wear fall arrest equipment
- Provision for prompt evacuation facility
- Numerous areas can be worked on consecutively
- Ability to undertake refurbishment of large balcony doors – scaffold will provide a safe working platform
- Safe transition of construction debris
- Condensed programme period
- Working restrictions due to high winds

- Mechanical breakdown
- Risk of falling objects

The assessment of the individual access methods has been outlined in the scaffold matrix below and provides an analysis of the activities against the access methods. This has been fundamental in establishing the most suitable access method to safely carry out the proposed works to the fabric of the building and in a timely manner.

SCAFFOLD ACCESS MATRIX					
Access Method	System Scaffold	Mechanical Elevated Working platform	Vertical cradles	Abseiling	Mast Climber
Activity					
Collective Protection	YES	NO	NO	NO	NO
Requirement to wear fall arrest equipment	NO	YES	YES	YES	YES
Prompt evacuation facility	YES	NO	NO	NO	NO
Numerous areas can be worked on consecutively	YES	NO	NO	NO	NO
Refurbishment of large balcony doors - scaffold will provide a working platform	YES	NO	NO	NO	NO
Safe transition of construction debris	YES	NO	NO	NO	NO
Condensed programme period	YES	NO	NO	NO	NO
Working restriction due to high winds	NO	YES	YES	YES	YES
Mechanical breakdown	NO	YES	YES	YES	YES
Risk of falling objects	LOW	INCREASED	INCREASED	INCREASED	INCREASED

The scaffolding requirements and methodology has been set out below:

- The scaffolding access method complies with Health and Safety Executive legislation in providing the most appropriate form of access for the proposed works.

- A system scaffold is to be will be constructed by specialist scaffolding contractors who have the experience in the bespoke nature of this building and proposed works contract.
- The specialist scaffolding contractor will fully design the scaffold structure.
- The scaffolding will be constructed and handed over in a phased process that will enable associated works to commence prior to the full height completion of the structure. This will enable the works to be undertaken in the most condensed time period possible and also enable detailed surveys to be undertaken to before, during and on completion of the works.
- Pull-out tests have been undertaken to agree where scaffold ties will be installed and cause the least disruption to the fabric.
- The main access to the building will be via a twin passenger hoist and the provision for escape routes will be accommodated by two 'Haki' stairs.
- Scaffolding security have been discussed at consultation meetings held for all residents and the proposal is not the alarm the scaffold due the inconvenience of nuisance tripping and alternative have been proposed in terms of 24hr patrol outside working hours and motion sensor lighting as strategic locations. In addition to the above the scaffold setup allows for special guard railings to individual balconies to protect against unauthorized access.

A full system scaffold has been identified as the only feasible way of carrying out these works and meeting the health and safety requirements of operatives and the public.

In preparation for the work to Trellick Tower, KCTMO commissioned a detailed abseil survey of the building to assess its condition and to estimate the scope and cost of the work. This survey was limited to a visual inspection of the building and the precise extent of work will not be fully known until destructive survey of the building is possible from the safe working environment of a system built scaffold.

In addition to the abseil survey, a wide range of detailed surveys have been carried out to define the scope of work. The proposals have been reviewed by our Heritage Consultants with liaison with RBKC Planners, English Heritage and the 20th Century Society. RBKC have confirmed the main scope of works can be undertaken under the previous Listed Building Consent following a formal pre-application planning process..

Consultant surveyors, Baily Garner, carried out a condition survey of the building which assessed the condition of key components including:

- Roofs
- Windows – to individual flats
- Window – to communal areas including the service tower and link bridges
- Concrete
- Timber cladding
- Decorations

This survey included a visual survey and some sample, intrusive surveys to assess the condition and to ensure that the proposed works will preserve the heritage features of the building.

The works will be closely measured and monitored by Baily Garner, and key items will be subject to remeasure when full scaffold access to the building is available and detailed, destructive survey can be carried out in a safe environment. Items that will be subject to remeasure include: window repair, sliding door repairs and concrete repairs and these will be subject to a validation survey to ensure we identify each repair required. This will also assist with providing precise final account statements with the ability to itemize the actual works completed and cost attached to this. Quality will be closely by Wates' dedicated delivery team and Baily Garner will provide a Clerk of Works service for the duration of the works.

In Summary:

- Detailed and comprehensive surveys of the blocks have been carried out in preparation of the works and options considered to ensure that the proposed approach is the most effective way of delivering the necessary works.
- We have considered a wide range of options for access to the building, however, full scaffold is considered to be the only practical way to allow proper co-ordination of the works and to meet health and safety requirements.
- The nature of the works means that the full extent will not be known until destructive work is carried out once scaffold is in place. We will closely monitor the works and elements such as the concrete repairs and window repairs will be subject to remeasure.

2. We do not believe it is reasonable to replace the Crittall windows. Repair and pepper pot replacement as required is the reasonable approach. Replacement will also involve improvement, for which we are not liable.

The Crittall windows in the communal areas of Trellick Tower are in poor condition and are failing in a number of areas, despite repeated attempts at repair. Detailed survey of the windows has been undertaken independently by Baily Garner and advice received from Crittall to help establish the appropriate intervention. We have considered options to repair and redecorate as well as replacement.

Following survey, the following issues have been identified relating to the condition of the windows:

- Weather seals are failing/degraded, or non-existent in some areas.
- Decoration degradation to the casement and frame surfaces with significant decoration delamination and exposure of the metal substrate
- Putty, where used, is cracking and spalling.
- Cracked and broken glazing panes.
- Internal beading and seals not present in areas with cracked and broken panes of glass.
- Units have been screwed shut for Health and Safety reasons

- There is evidence of movement between the framed and the concrete which has resulted in water penetration, causing a slip-hazard in communal areas. Repeated attempts to repair these defects have failed.
- The external and operative systems are in poor condition with evidence of corrosion and degradation

There is significant risk that repair to these elements would require extensive works beyond the current estimate once full access is available and intrusive works are undertaken. There is also significant risk of early, future failure of such repairs with only a 12 month "defects liability" protection for works undertaken. No warranty of guarantee would be provided by the contractor based on the current level of disrepair. The risk of future repair work also carried the risk of further scaffold access and the significant cost that this would entail.

The Crittall windows are around 45 years old and beyond the end of their design life. Repair at this stage would not significantly increase the life of the windows. Following consideration of the detailed survey of the windows they are considered to be beyond economic repair on the following grounds:

- They are in a poor state of repair
- Recent efforts at repair have had limited success and there are areas where repeated water penetration is visible.
- Anticipated repair costs are high and there is risk of costs increasing once full access is achieved and intrusive works are carried out.
- There would be limited warranty for any repair works and significant risk of future failure
- Future failure would result in increased repair and maintenance costs, including the potential cost of scaffolding the building again in the foreseeable future.

The benefit of replacement of these windows with powder coated Crittall windows is that there will be greater cost certainty and reduced future repair and maintenance costs as the windows will be covered by an extended guarantee.

In summary:

Following detailed survey of the windows, analysis of the cost of repair and the risk of future additional repair costs, we consider the Crittall windows to be at the end of their life and beyond economic repair.

3. We believe that the 'Preliminaries' are excessive and therefore not reasonably incurred and so not rechargeable to us.

The preliminaries are costs involved with the contractor arrangements to ensure the works are managed and completed in accordance with the specification. This would include contractor's overheads and running costs to deliver the package of works. Preliminary costs are a key element of the delivery of the works and it is not possible to deliver a contract of this nature without incurring these costs. The preliminary costs have been applied in accordance with the terms of the Capital Works Framework which were tendered under and

OJEU compliant process. Leaseholders were consulted as part of the award of the Framework.
The preliminaries include the cost of the following:

- The contractor's Operational Team
- Declared rates for contractor overheads and profit
- Administration costs / Head Office Management
- The contractors Commercial Team
- Site Set up costs

These costs include the full range of site set up and health and safety requirements required of a contract of this nature.
The preliminary cost also takes into consideration the location and risk associated with works of this nature and to a Grade 2* listed building including the current market conditions.
The preliminary costs have been reviewed through a value for money exercise and it is acknowledged that the cost of the preliminaries offers reasonable value for money, and the scope reflects the complexity of the works requiring expertise in logistics and managing multiple trades and multiple scaffold lifts including the nature of works requiring additional involvement to maintain progress across all work streams.
In Summary:
The preliminary costs are an integral element of the delivery of these works. The costs are tendered rates applied in relation to the Capital Works Framework and leaseholders have been consulted on these costs. These costs are considered reasonable and rechargeable to leaseholders.

4. **We believe the pigeon deterrent to be an improvement for which we are not liable and in any event it is unreasonable.**

In response to requests from residents, we have included a provision for pigeon deterrent measures. At this stage, we have not fully assessed the scale of the issue and the appropriate scope of works. We will do this as part of the detailed design and resident consultation about the works.

We have allowed a budget provision in the contract for pigeon deterrent measures, however, this is a provisional sum at this stage and the actual cost of the work and the amount rechargeable to residents will be assessed when the exact scope is agreed.

Should the view from residents conclude that this is not a requirement will be of value we are happy to consider omitting from the scope of works.

In Summary:

These works are included as optional at this stage and are subject to further, detailed survey, resident consultation and potentially planning permission. Leaseholders will be charged for these works in accordance with their lease once the scope and cost of works is finalized.

5. **We do not accept your figures for concrete repair or external decorations are reasonable and therefore properly chargeable to us.**

The scheme has been priced by way of a competitive mini-tender of each of the main sub-contractor packages – including concrete repair and external decoration.

The packages were opened under a controlled environment with documentation issued and received via electronic submission, which gave a set deadline for return.

The specified scope of work was based on previous abseiling surveys and site surveys from Baily Garner and Wates. The final scope of works will be subject to a re-measure which will be undertaken by the client representative and Wates when scaffold access is available.

Each of the sub-contractor packages has been market tested and evaluated on the basis of price and Baily Garner advise that they offer value for money when compared to current market rates.

In Summary:

The sub contractor packages for main elements including concrete repair and external decoration have been market tested through competitive tenders. The rates are considered to offer reasonable value for money in the current market and the relevant costs are considered to be rechargeable to leaseholders under the terms of their lease(s).

I would confirm that due regard has been given to the issues you have raised in your correspondence dated 30th January 2017. This letter detailed our response to the issues you have raised and we now propose to enter into contract with Wates Construction Ltd in accordance with the works detailed in the Section 20 notice.

We are committed to delivering good quality works to Trellick Tower and to sensitively address some of the important and challenging investment needs of the block. A key element of this will be to work closely with all residents over the duration of the works. I look forward to working with residents to make sure that we meet your requirements over the period of prolonged disruption that is inevitable with works of this nature.