

Monthly Report of the Independent Compensation Panel Chair

May 2016

The Independent Compensation Panel (the 'Panel') met on four occasions in May 2016.

10 May (am)

Purpose

To (i) reconsider a medical case ref: **2350-TDWAY-CHAWF-990-ZZ-OL-100001** following the receipt of additional information sought at ICP#20 and (ii) consider a medical case ref: **2350-TDWAY-CHAWF-990-ZZ-OL-100005**.

Panel Members

I was joined by a Medical Specialist and a Noise & Vibration Specialist.

Decisions of the Panel

Case 2350-TDWAY-CHAWF-990-ZZ-OL-100001

The ICP re-affirmed the special case within Section 7 of the Project's Non-Statutory Off-site mitigation and compensation policy (on medical grounds). The Panel approved the respite sought by the subject's uncle, i.e. holiday for the subject, the child sibling, the adult sibling, the subject's father and his father's partner until the secondary glazing package is installed.

Case 2350-TDWAY-CHAWF-990-ZZ-OL-100005

The Panel confirmed its view given via the Chair's email to the Project dated 22 April 2016 that nursing assistance for the subject's mother would be appropriate and this should be provided ASAP to ease the burden she currently faces. The Panel noted, however, that on 15 March 2016 the Project suggested (i) that a suitably qualified paediatric nurse may be the appropriate assistance together with (ii) two serviced apartments, one of which was closer to the subject's home and sibling's school.

10 May (am)

Purpose

To consider a residential special case for noise insulation ref: **2350-TDWAY-CHAWF-990-ZZ-OL-100002**.

Panel Members

I was joined by a Building Surveyor and a Noise & Vibration Specialist.

Decisions of the Panel

Following the receipt of two reports, the Panel considered that the internal noise levels within the living room would be acceptable for its use as a home office in line with the recommendations in BS8233:2014 '*Guidance on sound insulation and noise reduction for buildings*'. The ICP noted that, even if the worst case noise prediction of $70L_{Aeq}$ was utilised, then the internal noise level would be $38L_{Aeq}$ which remains within the range for an executive office. Accordingly, the claim was dismissed.

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10 May (pm)

Purpose

To consider three compensation cases: a medical case referred by ICP#20, supported by additional information (**2350-TDWAY-CHAWF-990-ZZ-OL-100003**) and two claims for loss of rental income (**2350-TDWAY-CHAWF-990-ZZ-OL-100004** and **2350-TDWAY-CHAWF-990-ZZ-OL-100000**). In addition, the Project sought a view on two papers.

Panel Members

I was joined by two Chartered Surveyors

Decisions of the Panel

Case 2350-TDWAY-CHAWF-990-ZZ-OL-100003

The Panel determined that the revised claim was not unreasonable but would recommend that the Project secures agreement that the claimant will not occupy the flat (or allow the flat to be occupied by others) for more than one night per week for the duration of the period for which she is being compensated.

Case 2350-TDWAY-CHAWF-990-ZZ-OL-100004

The Panel was not persuaded by the arguments of the claimant and dismissed the claim.

Case 2350-TDWAY-CHAWF-990-ZZ-OL-100000

The Panel was of the view that the claimant had not mitigated her losses.

The Trigger Action Plan (TAP) noise mitigation package that has been offered will help to minimise the effects of noise from construction works in the living room and bedrooms and includes a commitment to properly reinstate and remedy any damage should the claimant not wish to retain the package.

With the noise mitigation package in place, the Panel considered that it should be possible to rent out the flat and, had that package already been in place, the Panel was not convinced that the flat could not be rented out in July.

If after reasonable efforts to secure the lettings the claimant suffers a loss and makes a claim, the Panel will consider it at a subsequent meeting.

Paper 1 - Houseboat TAP compensation clarification

The Panel approved the wording of the basis for compensation for those owner occupiers at Nine Elms Pier (NEP) with a three month rolling licence as proposed in clause 1c of document **2350-TDWAY-KRTST-990-ZZ-PF-100001-P01** with the additional wording:

“However it does not need to be the same size nor enjoy a river view as the occupants are not losing their ability to access and use the space on NEP and their houseboat.”

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Paper 2 - Transfer of loss of rent compensation agreements

The Panel will prepare a separate paper outlining an alternative proposal to the Project's paper proposing a principle of loss of rental income agreements being transferable to a new investor owner on the sale of a property ref: **2350-TDWAY-KRTST-990-ZZ-CB-100006-P01**.

26 May (pm)

Purpose

To consider the principle of loss of rental income agreements being transferable to a new investor owner on the sale of a property ref: **2350-TDWAY-KRTST-990-ZZ-CB-100006-P0**

Panel Members

I was joined by two Chartered Surveyors

Decisions of the Panel

- 1) The ICP confirms that any loss of rent agreements entered into with property owners would not be transferable on sale of the property.
- 2) New owners would not be eligible to apply for compensation.
- 3) The ICP cannot confirm that the scope of the policy as currently written does not include compensation for loss of capital value of properties sold by investors during construction.

Other Work

I finalised the first draft of my Annual Report and circulated it to all specialists who had sat on a Panel for comment. Having taken on board any comments, I circulated it to members of the Tideway Forum Reporting Group for comments.

I had a short meeting prior to ICP#24 on May 25 with representatives from FLO who explained the approach they were taking on implementing insulation packages etc.

Other Matters

The Panel continued to receive late papers from the Project for its meetings, with one technical report arriving at 15.00 on the day prior to the morning of the Panel sitting.

This is unacceptable and late reports will not be received in future unless there are demonstrable extenuating circumstances. The item will either go ahead without the paper or may be removed from the agenda.