

## January 2018

The Independent Compensation Panel (the 'Panel') met on two occasions in January 2018.

### 16 January (ICP78)

#### *Purpose*

To determine medical special case and compensation claims.

#### *Panel Members*

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

#### *Decisions of the Panel*

##### Item 1

The Panel received the additional information it had requested at its meeting on 19 December 2017 (ICP#77) in relation to a compensation claim (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-717684). The Panel needs to visit the Claimant's property during the summer months in order to assess the thermal comfort within the flat before we can determine the claim.

##### Item 2

The Panel considered the claim for a replacement garden shed (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-717602) and responded to the ICC's suggested actions following an appeal against the health-related claims determined by the ICP on 19 December 2017 (ICP#77).

The Panel determine that the replacement garden shed was a matter for Tideway's contractor and not the ICP. The Panel agreed to visit the Claimant's property (at her request) to better understand (i) the use of the kitchen and (ii) whether there would be any impact from not acoustically treating the hallway window on the acoustic environment of the lounge or bedrooms.

##### Item 3

The Panel received the additional information it had requested at its meeting on 19 December 2017 (ICP#77) in relation to a compensation claim (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-717689).

The Panel determined the following in relation to the itemised parts of the claim:

#### *Financial compensation*

In order to consider a claim for financial compensation, the Panel requires a quantified claim with evidence of expenses incurred and losses suffered.

#### *Solutions to block out noise and keep flat cool with windows closed*

As the noise levels with the acoustic shed in place are predicted to be below 66 dB  $L_{Aeq,T}$ , the predicted noise levels from site operations are not such as to require off-site noise mitigation in the form of secondary glazing and mechanical ventilation.

#### *Tinnitus*

Further information is required from the Claimant's specialist he was referred to regarding the tinnitus.

#### *Minimising noise from the construction site*

Should the Claimant have issues concerning noise arising from the site, he is advised to contact Tideway's 24-hour Helpdesk on 08000 30 80 80.

Payments for daily respite awarded by the Panel on 28 November 2017 pending receipt of requisite acoustic information from the Project (and extended on 12 December 2017) are to cease from the date of these Minutes on the basis of the noise determination above.

Item 4

The Panel received a special medical case claim for respite (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-717685). The Panel considers that it would be the norm for residents not to want to open their windows during the spring and Easter school holidays but to want to open their windows during the late May half term and summer school holidays when the weather is warmer. Therefore, the Panel is awarding 2 days respite per week for the Claimant and her children during the late May and summer school holidays until such time as the acoustic shed is erected. Expenditure is not to exceed £30 per person per day and is to be evidenced by receipts.

Item 5

The Panel received a compensation claim (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-717688 and 2350-TDWAY-TTTUN-990-ZZ-ZZ-717710). The Panel requires further information from both the Claimant and the Project before we can consider the claim.

Item 6

The Panel received an email trail regarding a Claimant's request for temporary rehousing whilst she is recuperating from a planned operation (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-717686). The Panel ratified the temporary rehousing award until such time as the river wall works are completed. In relation to the Claimant's claim for financial compensation, the Panel invites her to submit a quantified claim, evidenced with receipts.

Item 7

The Panel received an email trail regarding its award of mechanical ventilation with HEPA filtration on 19 December 2017 (ICP#77) to a Claimant (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-717693). The Panel ratified the award for the three freestanding air purifiers fitted with HEPA filters. The units, the replacement of the HEPA filters and the electricity costs of £55 per unit (in line with the electricity costs awarded for mechanical ventilators) are to be funded by the Project, subject to suitability and cost.

## **23 January (ICP78)**

*Purpose*

To determine special medical case claims and TAPs.

*Panel Members*

I was joined by a Medical Specialist, a Noise & Vibration Specialist and a Building Surveyor, as appropriate, for the matters being considered.

*Decisions of the Panel*

Item 1

The ICP visited the Carnwath Road construction site and, in particular, accessed the acoustic shed to view the shaft construction and construction equipment being utilised at that time. The ICP noted that it was very noisy within the shed, although immediately to the north of the acoustic shed there was a marked perceptible reduction in construction noise levels. The ICP noted that the large door at the eastern end of the acoustic shed is kept open and that is clearly an area where noise from plant and machinery will break-out of the acoustic shed. The ICP understand that the s61 consent allows for the door to remain open at specific

times of the day. On the outside of the shed there are large signs reminding personnel to keep noise to a minimum.

The ICP Noise & Vibration Specialist (NVS) has spoken with the contractor's noise consultant in order to understand how noise predictions have been carried out for this site and, in particular, how the acoustic shed has been included in the noise calculation procedures. The NVS is satisfied that the noise prediction methodology which has been utilised should ensure that noise levels at the Piper Building and other sensitive receptors in the vicinity of the works will remain below those trigger action values identified in the *Non-statutory Off-site mitigation and compensation policy*. Needless to say, compliance can be checked against the on-going noise monitoring data.

Whilst, not part of the ICP's role, as mentioned previously, we noted that noise levels within the acoustic shed may well be above the First Action Level within the Control of Noise at Work Regulations 2005 and we would wish to encourage the contractors to ensure that their responsibilities under the Regulations are appropriately discharged.

#### Item 2

The Chair and Medical Specialist visited a Claimant's property in accordance with the following determination (ICP#78, item 2):

*The Panel agreed to visit the claimant's property to better understand (i) the use of the kitchen and (ii) whether there would be any impact from not acoustically treating the hallway window on the acoustic environment of the lounge or bedrooms.*

and subsequently discussed their findings with the Noise Specialist at this ICP meeting. It is to be noted that the Claimant did not want the Noise Specialist to visit.

The Panel determined the following in relation to the stated purpose of the visit:

1. The kitchen is used for dining purposes. As the ICP considers a kitchen/diner to be a habitable room, the Claimant's kitchen/diner qualifies for TAP noise mitigation measures.
2. The internal layout of the ground and first floor is such that the acoustic environment of the lounge or bedrooms would not be compromised by not acoustically treating (i) the glazed ground floor rear door and side panel and (ii) the first floor hallway window.

#### Item 3

The Panel received the noise information it had requested at its meeting on 19 December 2017 (ICP#77) in relation to a compensation claim (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-717718). The Panel determined that noise mitigation to the Claimant's property was not warranted as the noise trigger levels in Table 4.1 of the *Non-statutory Off-site mitigation and compensation policy* are not predicted to be exceeded with the acoustic shed in place.

#### Item 4

Panel received a draft TAP for York Gardens Library and Community Centre, York Gardens, 34 Lavender Road, London SW11 2UG (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-717719) within document ref.2350-TDWAY-TTTUN-990-ZZ-ZZ-717727). It would appear that neither the building owners or tenant have responded to FLO's TAP mitigation offer dated 20 December 2017, although the Panel notes that the deadline of 3 January 2018 for responses does not reasonably allow for the Christmas and New Year holiday period. The Panel **Approved** the TAP, subject to Conditions.

Item 5

The Panel recorded the issue of a TAP Decision Sheet for Flats 1,2 and 3 Station House, 17 Lots Road, London SW10 0QH, dated 3 January 2018 (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-717681).

Item 6

*Urgent case*

The Panel received a request to extend the awarded respite accommodation from a Claimant (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-716734). There is a health justification for further extension of her temporary rehousing. The Panel determined that temporary rehousing be extended until 30 September 2018. The case to return to the ICP for further review at its meeting on 10 July 2018.

Other matters

The Chair notes that there are outstanding actions from FLO in relation to the Conditions imposed by the ICP on the Camelford House TAPs on 16 October 2017 and 19 December 2017 and requests that the information be provided to the ICP without further delay.