

Monthly Report of the Independent Compensation Panel Chair

July 2018

The Independent Compensation Panel (the 'Panel') met on three occasions in June 2018.

5 July (ICP91)

Purpose

To determine an exceptional hardship claim.

Panel Members

I was joined by two Exceptional Hardship Specialists.

Decisions of the Panel

The Panel received an application for compensation under the Project's Exceptional Hardship Procedure (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-718988). The Panel considered the claim against the Exceptional Hardship Procedure's five eligibility criteria. The claim for compensation was Not Approved on the grounds that two of the five eligibility criteria were not satisfied.

10 July (ICP92)

Purpose

To determine special medical case and compensation claims.

Panel Members

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

Decisions of the Panel

Item 1

The Panel received further information from a Claimant (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-718997) that the ICP had requested on 13 February 2018 (ICP#80) in relation to his compensation claim.

Given the lack of accounts information for 2017 (other than summary figures) and no response to the request for further information, the ICP struggled to come to a decision in this case.

The Panel is aware that the Project is considering a statutory s10 claim and this should be fully explored. Should the Claimant still wish to pursue a claim under Tideway's *Non-statutory offsite mitigation and compensation policy*, the abovementioned information is required before the matter is referred back to us.

Item 2

The Panel received a second compensation claim for loss of rent (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-719005) for the period 3 June 2018 to 31 August 2018. The Panel Approved the claim for loss of rent for the period 3 June 2018 to 31 August 2018.

Item 3

The Panel received an email from a Claimant in relation to his claim for loss of rent (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-718998) following the ICP's decision of 12 June 2018 (ICP#89). The Panel responded to the contents of the email.

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Item 4

The Panel received a further compensation claim for loss of rent for the period 01 January 2018 to 31 December 2018 (ref. 2350-TDWAY-TTTUN-990-ZZ- ZZ-719001).

The Panel wishes the Claimant and his agent to note that the visual and other environmental amenities of the area surrounding the Chambers Wharf construction site will change towards the end of 2018 with the erection of the acoustic shed.

Item 5

The Panel received a compensation claim for loss of rent (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-719007). The is minded to make an award at the next meeting on 14 August 2018, subject to certain information being provided.

Item 6

The Panel received a compensation claim for alternative meeting rooms (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-718999). The Panel wishes to visit the Claimant's offices in order to assess the claim. The Panel requires the latest s61 Application(s), Dispensation(s) and Variation(s).

Item 7

The Panel received a claim for TAP noise mitigation in all habitable rooms facing the Lots Road Pumping Station worksite (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-719006) who are concerned about the impact of noise from Tideway's construction activities.

The Panel notes that, at present, noise from construction activities is not predicted to exceed 64L_{Aeq} during core hours and that this noise level is significantly below the ambient noise levels for the area. The s61 application however only identifies noise level predictions through to the end of June 2018 and the Panel would wish to see the new s61 noise level predictions going forward from July 2018 in order to determine whether noise mitigation should be provided at this property.

Item 8

The Panel received a claim for temporary alternative office accommodation for herself when she works from home (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-719000). Based on evidence/information provided, the Panel does Not Approve the claim for temporary alternative office accommodation.

Item 9

The Panel received a claim for temporary alternative office accommodation for herself and reimbursement for some expenditure (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-719003). The Panel wishes to understand the reasons for the apparent disparity in the claim. The Panel Approves the full reimbursement of the expenditure claimed.

Item 10

The Panel received a claim for forms of respite (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-718904). On the basis of the evidence provided, the Panel does not consider that there is a special case for awarding the respite requested. The Panel invites the Claimant to submit any medical reason(s) why her children and/or herself are adversely impacted by Tideway's activities such that she/they should be considered special medical case(s).

Item 11

The Panel received an email from the Project concerning the ICP's award on 26 June 2018 of temporary rehousing (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-719013) as she is concerned she may lose her Peabody Homes' flat if she moves out. The Claimant considers that taking some time away during the school holidays would be helpful to herself and her family.

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1. The Panel requests that the Project writes to Peabody Homes stating that the ICP considers that the Claimant is a special case requiring rehousing until the acoustic shed is completed due to her being a night shift worker as Peabody Homes will not agree to the installation of TAP noise mitigation at Jacobs House. Therefore, subject to the Claimant continuing to pay the rent, we request that her flat be left for her to reoccupy on completion of the acoustic shed
2. Given that the requisite assurance from Peabody Homes above will take a while (or may not be forthcoming at all), the Panel awarded respite during the 2018 summer and autumn school holidays.

Item 12

The Panel received a special medical case claim for respite periods and noise mitigation (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-718996). The Panel wishes further information before we can determine the claim.

Item 13

The Panel received a special medical case claim (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-719002) for various matters. The Panel determined the five elements of the claim.

Item 14

The Panel discussed their visit to assess dust within a Claimant's flat on 3 July 2018 at 16.00 hours. The property is a long way back from Tideway's worksite and has a limited view of the construction site such that noise and dust should not be a major issue.

During the ICP's recent visit to the property we were able to assess qualitatively the extent to which noise and dust was affecting the property and to consider whether there are likely to be adverse health impacts upon the Claimant and her children. It is the ICP's view that, at this present moment in time, noise and dust should not affect the health of the family and note, that when the acoustic shed is completed, noise and dust impacts will be substantially contained. Additionally, the extent to which dust from construction activities is resulting in increased soiling on the windows and within the property was not apparent. Accordingly, the claim is Not Approved.

However, the ICP is mindful that the Claimant's is expecting a child and if she feels that when the child is born either she or the child is impacted by the construction activities then she should make a further claim to the ICP and we will consider the case as a matter of urgency.

Note: The Project should confirm that the windows of the Claimant's property are scheduled for cleaning under the enhanced window cleaning arrangements for the building.

Item 15

The Panel received the following email from a Claimant, dated 3 July 2018: *We are unable to host a visit from the panel on 26th July. Please advise of some alternative dates.* The Panel sits on 14 August and 28 August. A visit between approximately 15.00 and 16.00 hours is offered on these dates.

Item 16

The Panel received an email from the Project concerning the ICP's award on 26 June 2018 of TAP noise mitigation (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-719013) as mechanical ventilation cannot be installed at Free Trade Wharf. Given the circumstances with the Free Trade Wharf building that the Panel was not aware of, we are awarding the following in lieu of mechanical ventilation:

1. Tideway to fund two free standing air purifiers with HEPA filtration (one for the lounge and one for the bedroom) and to fund replacement HEPA filters every 6 months. This

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is on receipt and in accordance with Tideway's standard terms. Tideway to pay £55 per unit for the anticipated electricity running costs.

2. One day respite break a week until 30 September 2018 (up to £30 per day, on production of receipts and in accordance with Tideway's conditions).

The secondary glazing is to be installed as awarded.

Item 17

The Panel reviewed the temporary rehousing and respite awards for residents living close to the Carnwath Road river wall strengthening works at the request of the Project. The river wall works have been completed and there is now a period of inactivity whilst awaiting the reinstatement of the footpath by the London Borough of Hammersmith & Fulham. The Project is asked to provide information on the duration of the footpath reinstatement works, what is involved and the likely start date.

26 July (ICP93)

Purpose

To determine special medical case and compensation claims.

Panel Members

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

Decisions of the Panel

Item 1

The Panel received a special medical case claim (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-719060). The Panel regrets that the claim did not come to us whilst the river wall works were on-going in order that the family may have benefitted from some respite at that time.

In recognition of the stress the family has experienced relating to the river wall works, we are awarding a respite break of one week during the school summer holiday or alternatively during the autumn half term.

In addition, temporary rehousing is awarded for the Claimant and her children throughout the riverside footpath reinstatement works as and when these works occur.

Item 2

The Panel received a special medical case claim (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-719064) for an air purifier or temporary rehousing. The Panel is surprised that the Claimant did not submit a claim to us before, given the letter from their General Practitioner dated summer 2017.

We consider that it is highly unlikely that the Claimant's child is impacted by dust from the Tideway works, having regard to the location of the Claimant's flat. But, as the child's health is seriously compromised and in accordance with the precautionary principle, Tideway is to fund two free standing air purifiers with HEPA filtration (one for the lounge and one for Finley's bedroom) and to fund replacement HEPA filters every 6 months. This is on receipt and in accordance with Tideway's standard terms. Tideway to pay £55 per unit for the anticipated electricity running costs.

The Panel further recommends that the Claimant's child should live in a less polluted area where he would not be exposed to elevated levels of nitrogen dioxide and/or PM_{2.5}/PM₁₀ (particulate matter). This is not a matter for Tideway but something the Claimant may wish to pursue with her landlord.

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Item 3

The Panel received further information from the Project in relation to a special medical case claim (ref. 2350-TDWAY-TTTUN-990-ZZ- ZZ-719059). The Panel has carried out a review of recent measured noise levels from the noise monitor closest to the claimant's property and note that the TAP noise mitigation package has been installed. The Panel considers that noise within the property from the construction site activities are such that we do not consider that noise should result in significant disturbance to this claimant. The Panel notes that on a recent visit to the site and its immediate environs that noise was not at an elevated level and that the property benefitted from significant noise shielding provided by a high noise barrier and the office block. Thus, respite payments are not awarded.

Item 4

The Panel received a special medical case request to extend an award (ref. 2350-TDWAY-TTTUN-990-ZZ- ZZ-719063). The Panel deferred determining the claim until our next meeting on 14 August 2018, when we will receive the presentation from the Project requested by the ICP on 26 June 2018 (ICP#90) to better understand what activities will take place outside the acoustic shed.

Item 5

The Panel received a further special medical case claim (ref. 2350-TDWAY-TTTUN-990-ZZ- ZZ-719057) requesting respite breaks during the summer school holidays (an extension to an existing award). The Panel awards respite breaks for all school holidays (including half-term holidays) until the Tideway works at Chambers Wharf are completed (in accordance with Tideway's conditions and on production of receipts).

Item 6

The Panel received a special medical case claim (ref. 2350-TDWAY-TTTUN-990-ZZ- ZZ-719058). On receipt of the claim, the ICP Chair wrote to the Claimant requesting further information. The information requested has not been received. The Panel wishes to know why the Claimant did not respond to the Chair's timely request. The Panel requires information from the Claimant and the Project before we can determine the claim.

Item 7

The Panel received the further information requested from a Claimant by the ICP on 26 June 2018 (ICP#90) (ref. 2350-TDWAY-TTTUN-990-ZZ- ZZ-719062). Following the Panel's request for specific information from the Claimant's GP, the letter submitted makes no mention of the impact of Tideway's works on her health. No medical grounds have been presented to warrant the award of a mechanical ventilator with HEPA filter. The respite requested would not contribute to the rest recommended by her GP in relation to her back pain. Therefore, payments for respite are not approved.

Item 8

The Panel received a special medical case claim (ref.2350-TDWAY-TTTUN-990-ZZ- ZZ-719061). The Panel requires further information from both the Claimant and the Project before we can determine the claim.

Item 9

The Panel received a special medical case claim (ref.2350-TDWAY-TTTUN-990-ZZ- ZZ-719073). The Panel Approves the temporary respite requested. The Panel wishes to visit 16 Chambers Street on 14 August 2018 to assess the impact of dust on the Claimant's business.

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Item 10

The Panel received a special medical case claim (ref.2350-TDWAY-TTTUN-990-ZZ- ZZ-718978). The Panel Approves temporary rehousing for the Claimant and his wife until the TAP noise mitigation package is installed (which the Project advises normally takes 6-8 weeks), in accordance with a graduated approach. The respite period may be extended on application to the ICP should the installation be delayed beyond the anticipated 6-8 week period by circumstances not directly within the Claimant's control. Once the TAP noise mitigation measures are in place, should disturbance not cease, the ICP will consider a further request for temporary rehousing.

Item 11

The Panel received a report on Best Practicable Means (BPM) employed at the Carnwath Road worksite that had been requested on 8 May 2018 (ICP#86).

Initial comments

The report had been prepared by the Tideway Mitigation and Compensation Lead for the Carnwath Road Site. The report consisted of a number of standalone documents which included a contents page which referenced a number of documents, some of which are generic.

Usefully recent issues raised and how they have been resolved by the site team have been included in the document bundle. The log of issues and comments in relation to BPM identify how a number of environmental issues have been resolved although it would have been appropriate to see when the issue was raised and a date as to when it was closed out. The issues log almost certainly identifies that better communication with the public is required with respect to particular noisy events and the contractors and Tideway should consider how this might be achieved.

A site audit carried out by Anderson Acoustics commencing on the 19 February 2018 has been included within the documents. What the report identifies is that specific activities related to the acoustic shed were observed and presumably noise measurements were carried out. The auditors name is missing from the environmental audit and there is no place on the form for matters requiring action and by when. We would have expected to see a number of site audit reports by the contractor, and /or their consultants and Tideway (and, certainly, more recent ones) and would have envisaged that full acoustic and environmental site audits would be carried out on a regular basis e.g. monthly; we would like to see these.

A vehicle booking management system has been included with a schedule, however the Panel notes that timings of arrival and departure appear to have been rounded to the nearest 5 minute or 10 minute period. There do not appear to be any deliveries into the site before 08.00hrs which is in accordance with the site instructions. It would be useful to understand the extent to which the contractors ensure that vehicles are not queuing outside of the site with engines running.

The Panel understands that there is a full complaints register and it would be useful if we could have sight of that document for review before we sign off our BPM requirements.

The Panel wishes to reiterate that BPM is not just complying with what is set out in a CEMP or a s61; Tideway and its contractors should be about looking for further opportunities to improve the overall environmental performance of the individual construction sites.

The matters underlined and comments made need addressing before the ICP can sign this matter off.

Item 12

The Panel met with Allen Summerskill to discuss some matters that he wished to raise.

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Item 13

The Panel visited a Claimant in relation to their compensation claim for alternative meeting rooms (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-718999); ICP#92 refers.

Other Matters

The Panel requires Jim Avant (Delivery Manager East) to attend the next meeting of the ICP (14 August 2018) to explain the following inactions:

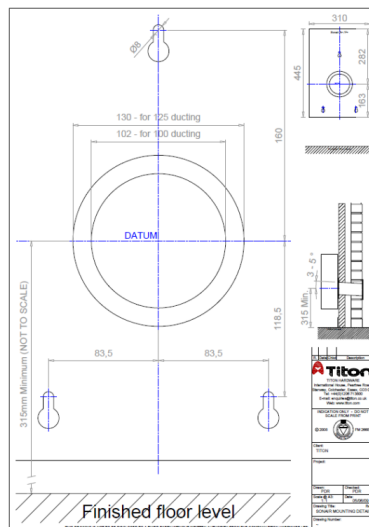
Leeward Court

On 26 March 2018 (ICP#83), the Panel recorded the following:

The Panel's decisions of 13 March (ICP#82) reproduced in plain text below remain outstanding. The text in red, are the Panel's comments following receipt of the drawings ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-717933.

Ventilation

1. The Panel requires (i) as-built drawings to show all position of the rainwater downpipes (*Rooms 8-11 has not been provided*) and (ii) information from the Project to understand why this may affect the Sonair penetration through the structure. *The Drawing provided to the Panel from Stephen Scanlon (CVB), did not show the entire floor plan.*
2. Rooms 1 & 11 – it is stated that the Sonair penetration is not suitable in these rooms. Have alternative elevations been considered? There is no reason why the Sonair units need to be on the same elevation as windows provided with secondary glazing required by the TAP (provided they still serve the mitigated room).
3. Rooms 5 & 8 – it is stated that the Sonair penetration is not suitable in these rooms. The floor plan indicates an area of brick/blockwork on one side of the balcony. The Panel wishes to understand why this masonry area is not suitable for the Sonair penetration works? *We have included below a PDF of the Titon Sonair mounting instructions showing the size of the internal unit and the necessary 130mm diameter penetration through the structure. The Panel wishes to understand if the contractor has taken any check dimensions on site and why a competent Contractor would not be able to avoid the RWPs?*



4. Room 10 still requires further deliberation, *as the Panel has not been provided with any further details.*

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5. *The Panel requires a phased programme of the TAP mitigation works where Sonair penetration works have been shown to be feasible to ensure that the TAP mitigation works now progress in a timely manner.*
6. *The Panel requires evidence that the Local Planning Authority has stated that Planning Permission is required for the Sonair penetration works.*

Balcony screening

7. *The Panel understands from Stephen Scanlon that a structural survey has been undertaken of the balconies to determine their load-bearing capacity; the Panel requires the survey report.*

General

8. *The Panel requires the latest section 61, Dispensation and Variation applications to better understand the potential noise impacts on Leeward Court residents.*
9. *Latest 6-month look ahead.*

We first considered the draft TAP 11 months ago and yet there are many questions that remain satisfactorily unanswered regarding balcony screening and mechanical means of ventilation. The Chair is to escalate within Tideway.

The ICP has not received any response, despite referral to a member of Tideway's Executive.

Jacobs House

On 13 March 2018 (ICP#82), the Panel made the following comment when determining Lois Marfleet's claim:

The Panel would find it helpful to have information on the structure of the attenuated ventilation panel and a view on the possibility of installing a HEPA ventilator into the 'door' of the ventilation area, thereby negating the need to puncture the external cladding.

On 10 April 2018 (ICP#84), the Panel made the following comment when determining Lois Marfleet's claim:

The Panel note that to date we have still not received any information from the Project in relation to installing the HEPA ventilator into the 'door' of the ventilation area.