

Monthly Report of the Independent Compensation Panel Chair

May 2017

The Independent Compensation Panel (the 'Panel') met on two occasions in May 2017 and undertook one site visit.

9 May (ICP62)

Purpose

To determine a draft Trigger Action Plan, compensation claims and medical special case claims.

Panel Members

I was joined by a Medical Specialist, a Noise & Vibration Specialist Compensation Specialists and a Building Surveyor for different items, as appropriate.

Decisions of the Panel

Item 1

The Panel received a request from FLO to comment on the effect of the changes of clauses in the new Licence Agreement between a tenant and the owner of a houseboat moored at Nine Elms Pier on the mitigation compensation payable (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-714743).

The new Licence Agreement was effective from 1 February 2017.

The Panel reminded itself of the decisions it had made relating to mitigation compensation for all Nine Elms Pier houseboat tenants on 10 January 2017 (ICP#50) and 24 January 2017 (ICP#51).

The Panel determined that the compensation approved by the Panel on 10 January 2017 (ICP#50) in Schedule 1 stands.

Item 2

The Panel received documentation from FLO regarding the change in circumstances of two tenants of a houseboat moored at Nine Elms Pier, (ref.2350-TDWAY-TTTUN-990-ZZ-ZZ-714745).

The Panel determined that the compensation approved by the Panel on 10 January 2017 (ICP#50) in Schedule 1 stands.

Item 3

The Panel received a compensation claim for loss of rent (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-714747).

Whilst the Panel accepts that there may, in principle, be a claim for loss of rent, the Panel needs a quantified claim. The Panel will need to see evidence of efforts made to market the flat, viewings, feedback from prospective tenants etc.

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It is noted that the property qualifies for a TAP but the Claimant has not taken up this option. Any compensation would assume that the noise mitigation package is accepted.

Item 4

The Panel received a special medical case claim (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-714738).

Whilst the medical case is approved, in principle, further information is required which is to accompany a quantified claim for alternative office accommodation.

Item 5

The Panel received a claim to replace her carpet on medical grounds (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-714739).

The Panel does not consider that the replacement of the carpet is the appropriate solution and the claim is Not Approved. The Panel considers that professional cleaning of the carpet could assist.

Item 6

The Panel received a claim for local respite (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-714742), following the Panel's determination on 4 April 2017 of her earlier claim for a respite holiday (ICP#60).

The Panel agreed the local form of respite proposed as being suitable having regard to the medical conditions of the Claimant's mother and brother.

Item 7

The Panel received a claim for an alternative glazing system to the TAP noise mitigation package and wanting an independent survey of the cracks within her property (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-714741): the Minutes of the Panel's meetings of 26 January 2017 (ICP#53, Part 1) and 20 March 2017 (ICP#59) refer.

The Panel dismissed the claim for an alternative glazing system. The Panel reaffirmed its determination in relation to the crack survey on 20 March 2017 (ICP#59),

Item 8

The Panel received a special medical case claim for the installation of the TAP noise mitigation package in the bedrooms on the non-eligible façade (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-714744).

The Panel Approved the TAP noise mitigation package in one bedroom only, on medical grounds. Given the Project's current initiative with the Chambers Wharf community, it may be expedient to install the TAP noise mitigation package in all of the bedrooms.

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Item 9

The Panel received a draft Trigger Action Plan for the Tattershall Castle from FLO for approval (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-714746). Given the specific nature of the proposals, Panel members did not have the necessary maritime engineering/architectural expertise to determine the TAP. Further, more information is required as to why there is no longer any need to provide noise mitigation for users of the lower deck, as was originally provide for in the Trigger Action Plan approved by the Panel on 11 November 2015 (ICP#8).

In order to determine the TAP, the Panel requested additional information.

23 May (ICP63)

Purpose

To determine draft Trigger Action Plans, compensation claims and medical special case claims.

Panel Members

I was joined by a Medical Specialist, a Noise & Vibration Specialist Compensation Specialists and a Building Surveyor for different items, as appropriate. A Structural Engineer also contributed by email for item 3

Decisions of the Panel

Item 1

The Panel received a *Building Services Strategy Report* for Leeward Court, 7-17 Yeoman Street prepared by Bryden Wood (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-716391) as a result of the Panel's rejection of the Leeward Court Trigger Action Plan (ICP#61).

Prior to the receipt of the report, the Panel had requested a visit to Leeward Court to better understand constraints to both providing mechanical ventilation to the apartments and acoustic screening to their balconies. This meeting of the Panel commenced with a site visit to Leeward Court to view the location, the construction and orientation of the building and to inspect two apartments internally. We were accompanied by representatives of the Project, CVB and Bryden Wood. Owing to numbers, the Chair and two non-ICP members elected not to inspect the flats internally.

In light of our visit and subsequent discussions, the Panel determined that the TAP for Leeward Court (ref. 2000-TDWAY-EARPS-990-ZZ-OL-100000) be Approved, subject to additional provisions.

Item 2

The Panel considered additional information from a claimant (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-716393) that it had requested at its meeting on 9 May 2017 (ICP#62).

The Panel invites the Claimant to submit a quantified claim for suitable and appropriate alternative office accommodation.

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Item 3

The Panel received information from FLO (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-716399) in response to the Panel's rejection of the draft Tattershall Castle TAP at its meeting on 9 May 2017 (ICP#62). In addition, the Panel received a review of the structural engineering content of the draft TAP from Pick Everard that it had commissioned (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-716398).

The Panel commented on acoustic descriptors used by FLO. The Panel Approved the mitigation package, subject to FLO obtaining agreement from Pick Everard, the Panel's consulting engineers, with their answers to the queries raised in Pick Everard's review (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-716398).

Item 4

The Panel received the additional information from a Claimant (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-716392) that it had requested at its meeting on 9 May 2017 (ICP#62).

The Panel determined the compensation payable.

Other work

I continued to prepare my draft Annual Report ready for circulation to Annual Reporting Group members for comment on 1 June 2017.