

Monthly Report of the Independent Compensation Panel Chair

June 2018

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

8 June (ICP88)

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-718892). 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 three of the five eligibility criteria were not satisfied.

12 June (ICP89)

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 met with Tideway's Senior Manager, Property to discuss the compensation case process. All discussed the issues and difficulties they face when presented with a complex compensation claim. Tideway's Senior Manager, Property Senior Manager made the Panel aware that Tideway is often accused of obstructing the compensation claim process by requiring evidential information in support of a claim. It was agreed that Tideway's Property Senior Manager would prepare a list of information and evidence that needs to be included with complex compensation claims for the ICP's review; this would then be prepared into an ICP advisory leaflet.

Item 2

The Panel received a second interim claim for compensation for loss of business (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-718910). The Panel agreed a further Interim Payment, subject to conditions.

Item 3

The Panel received a compensation claim for loss of rent (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-718797). The Panel awards compensation for 9 months, as evidenced by the rent being paid for the room that remains occupied. This is, however, subject to Tideway being provided with a copy of the signed tenancy agreement for the room.

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Item 4

The Panel received additional information from a Claimant that the ICP had asked for on 8 May 2018 (ICP#86) in relation to his claim for loss of rent (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-718895). The Panel approved the compensation claim.

Item 5

The Panel considered a claim for loss of rent (ref. 2350-TDWAY-TTTUN-990-ZZ- ZZ-718902). The Panel awarded compensation, as claimed, being the amount by which the rent has been reduced to secure a tenant, over the 2 years of the tenancy agreement.

Item 6

The Panel received a claim for (i) time away during extremely noisy times, (ii) funds vouchers for days out and (iii) lower rent (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-718900). The Panel considers that the Claimant should make full use of the TAP noise mitigation package by keeping the secondary glazing closed in order to take full advantage of the noise reduction that the secondary glazing affords, with ventilation being provided by the mechanical ventilation units. The ICP considers that, by taking these measure, there is no justification for awarding time away or funding vouchers for days out. The claim is, therefore, not approved.

The ICP has no jurisdiction over rent reduction and the Claimant should approach her landlord.

Item 7

The Panel received a claim for (i) temporary alternative office accommodation due to noise and vibration from the Carnwath Road worksite and (ii) reasonable travel costs to and from the temporary office space (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-718904). The Panel requires further information from both the Project and the Claimant in order to determine the claim.

Item 8

The Panel received feedback from a Claimant (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-718901) following the ICP's determination on 8 May (ICP#86). The Panel responded to the queries.

Item 9

The Panel received feedback from a Claimant (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-718899) following the ICP's determination on 8 May (ICP#86). The Panel responded to the queries.

Item 10

The Panel received feedback from a Claimant (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-718898) following the ICP's determination on 8 May (ICP#86). The Panel responded to the queries.

Item 11

The Panel received a special medical case claim for a holiday and window cleaning (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-718896). As the acoustic shed is now not due for completion until October, the Project have asked whether the ICP would consider awarding 2 days respite a week during school holidays until the acoustic shed is completed, in order to include the Autumn half-term school holiday and allow for any further delays.

Respite

The Panel's award on 26 March 2018 was for 2 days respite during the 1-week May school half term holiday plus 12 days respite during the 6-week summer school holidays, making a

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total of 14 days. This has already been claimed and, therefore, the claim for reimbursement for the holiday is not approved.

If the acoustic shed is not completed by the October school half term holiday, 2 further days respite is awarded (on production of receipts and in accordance with Tideway's standard conditions) which is not to be taken before the October school half term holiday.

Window cleaning

Tideway already pays Peabody Homes for two additional window cleanings per year which the Panel considers is sufficient.

Item 12

The Panel received a special medical case claim (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-718905) for (i) blackout blinds, (ii) TAP noise mitigation with HEPA filtration and (iii) respite allowance. The Panel requires up to date medical evidence before we can determine the claim.

Item 13

The Panel received additional medical information from a Claimant (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-718897) that had been requested by the ICP on 25 July 2017 (ICP#67). The Panel requires the prescription history that has not been provided together with any medical update from the GP before we can determine the claim.

Item 14

The Panel received additional medical information from a Claimant (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-718903) that had been requested by the ICP on 13 February 2018 (ICP#80).

The Panel awards temporary rehousing for the Claimant for the duration of the forthcoming impact piling works. The Panel requires copies of the section 61 applications and dispensations for non-piling activities in the foreseeable future from the Project in order for us to be able to determine the claim at our next meeting on 26 June 2018.

Item 15

The Panel received a further special medical case claim from a Claimant for a range of respite measures (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-718905). The Panel awarded the respite, with conditions.

Item 16

The Panel received a further special medical case (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-718893) requesting (i) TAP and (ii) alternative respite. The Panel awarded the claim for respite. The TAP had previously been awarded but there has been inordinate delay in gaining permission from Peabody Homes to put this into effect.

Item 17

The Panel received two queries from a Claimant (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-718908). The Panel responded to the queries.

Other Matters

The construction of the acoustic shed at the Chambers Wharf worksite has been delayed.

Where respite breaks/holidays have been awarded by the ICP for school holidays up to, and including, the 2018 school summer holiday (on the assumption that the acoustic shed at the Chambers Wharf worksite would be completed by the end of the 2018 summer school holiday), such respite breaks/holidays are to be extended to include all school holidays until such time as the acoustic shed at the Chambers Wharf worksite is completed.

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26 June (ICP90)

Purpose

To determine special medical case claims.

Panel Members

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

Decisions of the Panel

Item 1

The Panel received additional medical information from a Claimant (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-718903) in response to the ICP's request on 13 February 2018 (ICP#80).

The Panel is awarding the TAP noise mitigation package (comprising secondary glazing and Titon Sonair mechanical ventilation units incorporating F6 arrestment filters fitted to external walls to remove dust before the air enters the room) in all habitable rooms having line of sight of Tideway's worksite. The mechanical ventilation is awarded to enable the Claimant to keep her windows closed to (i) gain the full noise reduction from the secondary glazing and (ii) ensure rooms are ventilated to reduce the risk of condensation and associated mould that may exacerbate her existing respiratory problems.

The Claimant will be paid £55 for each mechanical ventilator per year, in advance, for the anticipated electricity running costs.

Item 2

The Panel received queries from a Claimant (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-718946) regarding the ICP's decision of 13 March 2018 (ICP#82). The Panel answered the Claimant's queries. There was an omission by the ICP in our last determination, for which we apologise to the Claimant for any concerns or anxiety this has caused.

Item 3

The Panel received emails from a Claimant (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-718936), together with noise information from the Project following the ICP's request for information (ICP#87). The Panel requires a statement from the Claimant's GP that noise from Tideway's construction activities is adversely affecting her health and what might be the basis for this.

Item 4

The Panel received a request from a Claimant to have HEPA filters instead of the TAP noise mitigation package awarded by the ICP on 13 March 2018, ICP#82 (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-718941).

The Panel is firmly of the opinion that the best option for the Claimant is to have the TAP noise mitigation package (comprising secondary glazing and Titon Sonair mechanical ventilation units incorporating F6 arrestment filters fitted to external walls to remove dust before the air enters the room) in all habitable rooms having line of sight of Tideway's worksite rather than free-standing units that merely circulate air within a room through a HEPA filter. This solution would enable the Claimant to keep her windows closed to (i) gain the full noise reduction from the secondary glazing and (ii) ensure rooms are ventilated to reduce the risk of condensation and associated mould that may give rise to respiratory problems.

The Claimant will be paid £55 for each mechanical ventilator per year, in advance, for the anticipated electricity running costs.

Item 5

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The Panel received a special medical case claim (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-718942) for a range of mitigation and respite measures. The Panel requires a visit to the Claimant's flat in order to determine the claim.

Item 6

The Panel received a special medical case claim (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-718943) for a range of mitigation and respite measures. The Panel determined that the reported medical conditions were very unlikely to be exacerbated by dust from Tideway's construction activities owing to her flat being both entirely shielded from the Tideway site by intervening buildings and being some distance away from the site. The claim is, therefore, Not Approved.

Item 7

The Panel received a special medical case claim (ref.2350-TDWAY-TTTUN-990-ZZ- ZZ-718937). The Panel would need more information on the current situation before determining the claim.

Item 8

The Panel received a special medical case claim (ref.2350-TDWAY-TTTUN-990-ZZ- ZZ-718937) for a range of mitigation and respite measures. The Panel would normally award the TAP noise mitigation package in each habitable room but, because of installation difficulties at Jacobs House, temporary rehousing is awarded. This award is to be reviewed by the ICP when the acoustic shed is completed.

Item 9

The Panel received a special medical case claim (ref.2350-TDWAY-TTTUN-990-ZZ- ZZ-718938) for daytime respite. The Panel requires additional information from the Project before we can determine the claim.

Item 10

The Panel received a special medical case claim (ref.2350-TDWAY-TTTUN-990-ZZ- ZZ-718945) for a range of measures. The Panel requires the further information from both the Claimant and the Project in order to determine the claim.

Item 11

The Panel received a special medical case claim (ref.2350-TDWAY-TTTUN-990-ZZ- ZZ-718939) for TAP noise mitigation. The Panel awards the TAP noise mitigation package in all habitable rooms (qualified). The Claimant will be paid £55 for each mechanical ventilator per year, in advance, for the anticipated electricity running costs.

Item 12

The Panel received a query from a Claimant regarding returning home (ref.2350-TDWAY-TTTUN-990-ZZ- ZZ-718939). The Panel extends temporary rehousing until the acoustic shed is completed. It will be for the Claimant to make a decision as to whether to return home at the end of September or not.

Item 13

Urgent medical case

The Panel received a request from a Claimant (ref.2350-TDWAY-TTTUN-990-ZZ- ZZ-718952) in response to the ICP's determination of 12 June 2018 (ICP#89). The Panel agreed with the request.

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Item 14

The Panel were due to receive evidence from the Project to demonstrate, to the ICP's satisfaction, that the principles of best practicable means are being followed and adhered to at the Carnwath Road worksite. The Chair was offered a presentation after the deadline for receipt of papers. The Chair stated that he wanted the evidence in the form of a written report. The Panel ratified the Chair's decision. The offer of temporary night-time rehousing or mobile air conditioning units for each bedroom (ICP#89 refers) is extended until the end of July 2018 for those Claimants previously identified for such measures.

Item 15

Urgent medical case

The Panel received a query from a Claimant (refs. 2350-TDWAY-TTTUN-990-ZZ- ZZ-718907 and 2350-TDWAY-TTTUN-990-ZZ- ZZ-718982) in response to the ICP's determination of 22 May 2018 (ICP#87). The Panel requires a letter from the beneficiaries' GP responding to the following statement and question before we can determine the claim: *[Statement and question redacted]*

Other Matters

1. The Panel is surprised to see that CVB's section 61 application dated 27 April 2018 (ref. 5700-CVBJV-CHAWF-151-TZ-PF-004418-P02) indicates that the reduction in noise during Standard Working Hours at the Chambers Wharf worksite following the completion of the acoustic shed is not predicted to be materially significantly lower than before the acoustic shed is erected, contrary to the predicted large reduction during Extended Working Hours. In making awards for temporary rehousing and various forms of respite until the completion of the acoustic shed, the ICP has assumed that all particularly noisy activities would take place within the acoustic shed; this now does not appear to be the case and we may have to extend the temporary rehousing and respite awards further.

In order to help us understand the situation more fully, we invite CVB and Tideway's Noise & Vibration Advisor to meet with us and give a presentation on the activities that will take place outside the acoustic shed at our next meeting on 10 July 2018.

2. The Panel met with the ICC regarding a case that we had considered.
3. The Panel were interviewed by Sarah Bell (University College London) as part of the community engagement with infrastructure research project funded by the Engineering and Physical Sciences Research Council.