

## INDEPENDENT COMPENSATION PANEL

### MEETING #83 MINUTES [EDITED]

<b>Purpose:</b>	To determine special medical case claims, Trigger Action Plans and an exceptional hardship claim.
<b>Date and time:</b>	Tuesday 26 March 2018 – 09.00 to 16.15
<b>Location:</b>	Tideway, Cottons Centre, Cottons Lane, London SE1 2QG
<b>Panel Members:</b>	John Wade [Chair] Jo King [Exceptional Hardship Specialist] for item 1 Laurelie Walter [Exceptional Hardship Specialist] for item 1 Stephen Stansfeld [Medical Specialist] for items 2 to 9 Graham Parry [Noise & Vibration Specialist] for items 2 to 11 Alan Doherty [Building Surveyor] for items 10 and 11
<b>Abbreviations:</b>	'Panel' means the Independent Compensation Panel 'Project' means Tideway 'TAP' means Trigger Action Plan
<b>Document Number:</b>	2350-TDWAY-TTTUN-990-ZZ-ZZ-717938

Item	Notes for the record
1	The Panel received an application for compensation under the Project's Exceptional Hardship Procedure (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-717898).  The Panel considered the claim against the Exceptional Hardship Procedure's five eligibility criteria.

<b>Decision:</b>	The claim for compensation was <b>Not Approved</b> on the grounds that three of the five eligibility criteria were not satisfied.  Should the claim for exceptional hardship be resubmitted, the information listed under Criteria 3 and 5 above is to be included and regard should be had to the Panel's comment concerning the need to demonstrate, as the occupiers, a substantial adverse effect of the Tideway construction activities upon the premises.
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Item	Notes for the record
2	The Panel received a special medical case claim for various forms of respite (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-717929).

<b>Decision:</b>	The Panel <b>Approved</b> the claim, subject to Conditions.
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Item	Notes for the record
3	<p>The Panel received a special medical case claim for holiday respite (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-717916).</p> <p>On 13 June 2017 (ICP#64), the ICP determined as follows:</p> <p><i>In respect of future holidays, claimants should seek approval in principle from the Panel in advance of any holidays. In considering any such requests, the Panel will have regard to whether the proposals are reasonable, proportionate and provide suitable respite at an appropriate time, taking account of the programme of works in the area. If approved, a quantified claim should be submitted to the Panel for consideration subsequently.</i></p>

<b>Decision:</b>	The Panel <b>Approved</b> holiday respite, in principle. The Panel invites the Claimant to submit a quantified claim for approval before the holiday is booked.
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Item	Notes for the record
4	The Panel received a claim (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-717915) for alternative respite to that awarded by the ICP on 16 January 2018 (ICP#78).

<b>Decision:</b>	The Panel <b>Approved</b> the alternatives proposed, subject to Conditions.
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Item	Notes for the record
5	The Panel received a special medical case claim (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-717917).

<b>Decision:</b>	<p>The Panel determined the following:</p> <ol style="list-style-type: none"> <li>1. Night-time respite at a hotel for the Claimant, her husband and child for the period of the forthcoming river dredging works (as, if the upgraded glazing/ventilation aspects of the claim were awarded, it</li> </ol>
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	<p>would be unlikely that they would be installed prior to the recommencement of dredging works).</p> <ol style="list-style-type: none"> <li>2. The Project to provide predicted daytime and night-time noise levels at the Claimant's property (i.e. excluding river dredging) using data interpolated from the current s61 application to assist the ICP in determining the non-river dredging aspects of the claim.</li> <li>3. No photographic evidence of light intrusion was included within the claim documentation; the Claimant should, therefore, apply for blackout blinds using the alternative local claim process that has been agreed with the ICP.</li> </ol>
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Item	Notes for the record
6	<p>The Panel received a claim from a local residents group requesting respite on behalf of some local residents (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-717925).</p> <p>Paragraph 7.2.1 of Tideway's <i>Non-Statutory Off-site mitigation and compensation policy</i> states:</p> <p style="padding-left: 40px;"><i>The Undertaker shall consider the individual circumstances of each potential beneficiary, having regard to the vulnerability of any affected persons residing or using eligible properties and beneficiaries who may have special circumstances (specifically night shift workers, vulnerable persons who are housebound and those with a medical condition that it is proven could be exacerbated by exposure to noise or vibration). Where such individuals are known to the Undertaker, then the Undertaker shall contact them directly through the relevant engagement plans. Individuals who have not raised any issues previously are encouraged to contact the Undertaker directly or contact the IAS for help and advice. On the basis of the predicted or measured noise levels, the ICP shall consider whether there is a case for noise insulation or temporary rehousing and such provision may be made accordingly. Any disputes shall be passed to the ICP for resolution.</i></p> <p>The ICP, therefore, can only consider claims from individuals as their particular circumstances [whether it be a vulnerability due to particular medical condition(s), for example] are <b>the</b> major material consideration when determining whether some mitigation or respite should be awarded.</p>

<p><b>Decision:</b></p>	<p>The Panel did <b>Not Approve</b> the block claim as medical special case claims need to be made by individuals. The ICP invites the named residents in the block claim to submit individual medical special case claims to the ICP for respite during the forthcoming river dredging works.</p> <p><u>Information required from the Project</u></p> <p>The ICP wishes to be advised by the Project of the mitigation measures that it intends putting in place to minimise the environmental impacts on residents during the 24/7 shaft concrete base plug pour that will take place over a continuous 3-day period.</p>
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Item	Notes for the record
7	<p>The Panel received a special medical case claim (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-717918).</p> <p>The Panel determined the following at its meeting of 25 July 2017 (ICP#67):</p> <p style="padding-left: 40px;"><i>The Panel determined that the noise mitigation package (with HEPA filters) should be installed in all habitable rooms.</i></p> <p>and the following at its meeting of 22 August 2017 (ICP#69):</p> <p style="padding-left: 40px;"><i>The Panel determined that no request for respite will be considered until the noise mitigation and HEPA filter have been installed and evidence being provided that there is ongoing exacerbation of depression by the Tideway works.</i></p> <p>The requisite survey for the noise mitigation is booked for April 2018.</p>

<p><b>Decision:</b></p>	<p>The Panel has not been provided with any medical information that would lead us to grant the claim for respite and overturn our decision of 22 August 2017 not to consider a claim for respite <u>until the noise mitigation and HEPA filter have been installed and evidence being provided that there is ongoing exacerbation of depression by the Tideway works.</u> In coming to this decision, we had regard to the fact that the noise mitigation with HEPA filters was awarded 8 months ago and the necessary survey is yet to be carried out.</p>
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Item	Notes for the record
8	<p>The Panel received an email from the Claimant in relation to his claim (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-717928).</p> <p>The Panel determined the following at its meeting of 13 March 2018 (ICP#82):</p> <p style="padding-left: 40px;"><i>The Panel requires current section 61 noise predictions and with the acoustic shed in place at the resident's property to inform our decision.</i></p> <p>The Project has not been able to provide the Panel with the section 61 noise predictions with the acoustic shed in place; we have, therefore, had regard to the current s61 noise predictions.</p>

<p><b>Decision:</b></p>	<p>The Panel <b>Approved</b> the claim in full. In reaching our decision, the Panel had regard to the nature of the resident's shift work, the potential for sleep disturbance with reference to the s61 predicted daytime noise levels and the potential adverse health effects that may result.</p>
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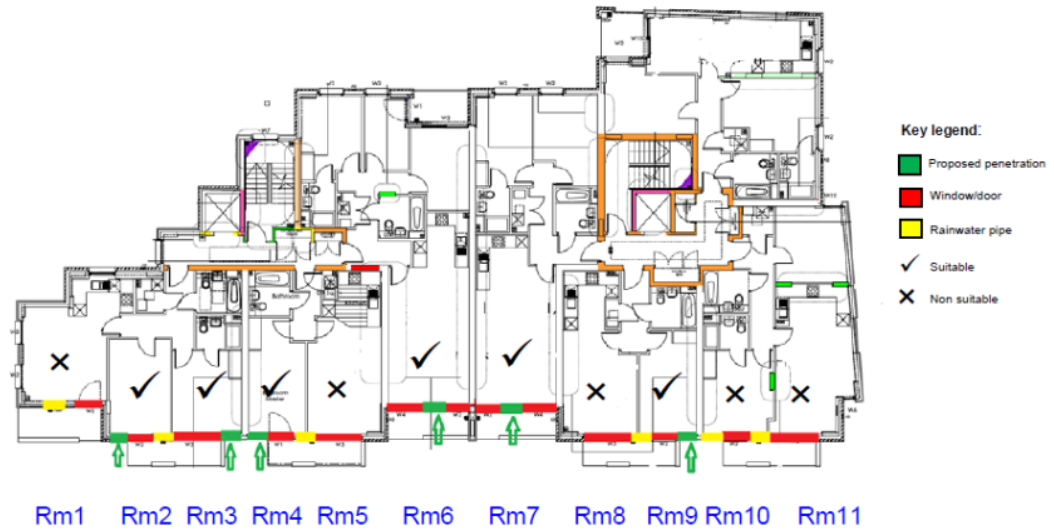
Item	Notes for the record
9	<p><i>Urgent case</i></p> <p>No urgent case was submitted to the Panel after the cut-off date for receipt of claims.</p>

Item	Notes for the record
10	The Panel received a draft revised updated and consolidating Trigger Action Plan for <b>York Gardens Library and Community Centre</b> (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-717952) following the ICP's conditional approval on 23 January 2018 (ICP#79).

<b>Decision:</b>	<p>The Trigger Action Plan was <b>Approved</b>, <u>subject to the following Conditions:</u></p> <ol style="list-style-type: none"> <li>1. The measures in response to the ICP's comments following early sight of the mitigation offer received on 21 December 2018 presented in Section 3 of the TAP document 2350-TDWAY-TTTUN-990-ZZ-ZZ-717719 are implemented in full.</li> <li>2. The landlord and tenant being provided with a programme of the works.</li> <li>3. The proposed means of mechanical ventilation is to be fully compliant with <i>CIBSE Guide B: Heating, Ventilation, Air Conditioning and Refrigeration</i>.</li> <li>4. The Panel, the landlord and tenant are to be provided with the number of air changes per hour for all the different types of rooms to demonstrate that the ventilation system will be fit for purpose.</li> <li>5. The extract fans EF-GF-001 and EF-GF-003 are to discharge to the external air.</li> <li>6. All mechanical ventilation units are to have an acoustical specification equivalent to that required by the Noise Insulation Regulations 1975.</li> <li>7. The ICP would wish to be assured that there would be no noise sources at height which could impinge upon the roof of the building which might otherwise compromise the noise mitigation package.</li> <li>8. An asbestos refurbishment and demolition survey is to be undertaken in all areas where construction work is to take place to provide the mitigation described in the TAP. Any identified risks are to be mitigated in line with the Control of Asbestos Regulations 2012 before the commencement of works described in the TAP.</li> </ol>
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Item	Notes for the record
11	<p>The Panel received some as-construction drawings of <b>Leeward Court</b> (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-717933), comprising Burgin Mechanical drawing Nr 46430-M007, RMA Architects drawing Nr 1467_3009, RMA Architects drawing Nr 1467_3019, and RMA Architects drawing Nr 1467_3020). No other information requested at our last meeting has been provided.</p> <p>The floor plan provided is reproduced below with room numbers added in <b>blue</b> for ease of reference.</p>

Figure 2.3 – Titon Sonair Penetration Proposed Location

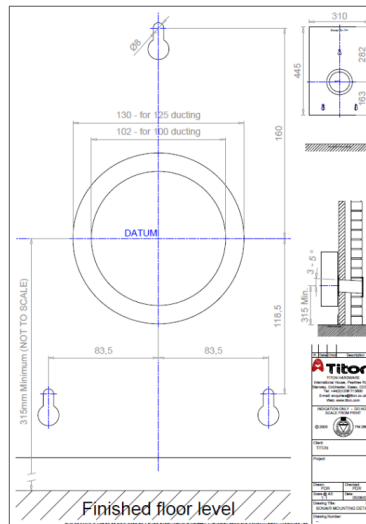


**Decision:**

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 any further details.
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.

I confirm that these minutes are an accurate record of the proceedings of the meeting.

Signed *John Wade*

Date 29 March 2018

**John Wade**  
*Chair, Independent Compensation Panel*