

Monthly Report of the Independent Compensation Panel Chair

February 2017

The Independent Compensation Panel (the 'Panel') met on Five occasions in January 2017.

2 February (ICP54)

Purpose

To determine a compensation claim for a special medical case.

Panel Members

I was joined by two Chartered Surveyors and a Medical Specialist.

Decision of the Panel

The Panel approved the claim, in part.

10 February (ICP53, Part 2)

Purpose

To determine the technical argument for a compensation claim due to light intrusion

Panel Members

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

Decisions of the Panel

Following a visit to the Claimant's premises to assess the light intrusion, the Panel:

1. Approved the claim for black-out blinds for the bedrooms as per the quotation submitted to the Panel.
2. Required that a further site lighting audit be undertaken by a third party and action taken to negate the effects of glare and overspill from all site lighting on all residential properties. A report to be submitted to the ICP Administrator by Monday 6 March 2017 detailing the audit findings and remedial measures that have been taken.

14 February (ICP55)

Purpose

To consider a compensation claim following an email from the Claimant.

Panel Members

I was joined by a two Chartered Surveyors.

Decisions of the Panel

The Panel approved the claim, in part.

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14 February (ICP56)

Purpose

To determine a compensation claim for loss of business.

Panel Members

I was joined by a two Chartered Surveyors.

Decisions of the Panel

The Panel determined that no loss had been suffered to date. The Claimant to come back to the Panel with a claim for actual loss to the company's business during prescribed works that the Panel considered would impact on his business.

24 February (ICP57)

Purpose

To determine a number of claims and other matters.

Panel Members

I was joined by a Medical Specialist, a Noise & Vibration Specialist (items 3-6) and Compensation Specialist (items 1-5).

Decisions of the Panel

Item 1

The Panel noted, with dissatisfaction, that the reports requested on 20 December 2016 and, again, on 26 January 2017 had not been provided. The Panel provided dates when the reports are to received.

Item 2

The Panel discussed the general case of payment of additional electricity costs associated with the use of air conditioning equipment in premises that have been provided with (or are waiting to be provided with) the noise mitigation package as part of a Trigger Action Plan (but without the mechanical ventilators) following a query by a resident during a site visit by the Panel on 7 February 2017 to determine light intrusion.

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The Panel determined that:

1. The additional electricity costs associated with the use of air conditioning equipment in premises that have been provided with (or are waiting to be provided with) the noise mitigation package as part of a Trigger Action Plan, but without the mechanical ventilator(s), are to be paid by way of a payment in advance per annum.
2. The Chair will gather information on the extra electricity units used by the resident since noise and dust from the Chambers Wharf site meant that windows had to be closed and the air conditioning turned on, compared with the previous 2 years.
3. The matter is to be further discussed at the next meeting of the Panel on 14 March 2017.

Item 3

The Panel received representation from the Project regarding the current non-availability of data requested by the Panel to help it determine a medical special case claim due to programme slippage.

The Panel determined that the claim will still be considered at its next meeting (14 March 2017) owing to the urgency of the case.

Item 4

The Panel considered a representation from a business claimant dated 16 February 2017 following the Panel's feedback to the Project at the last Panel meeting.

The Panel acknowledged that some losses could be anticipated in advance whilst certain aspects of the investigative works take place owing to the nature of the business and, hence, should be reimbursed.

Item 5

The Panel considered a claim for black-out blinds.

The Panel, being mindful that it be considering a report detailing the findings of a further site lighting audit and the remedial action taken at our next meeting on 14 March 2017, determined that the Claimant is to provide photographs taken from within both bedrooms and the lounge when it is dark with the vertical blinds both drawn back and completely closed evidencing the light intrusion. The Panel will not determine the claim before the site lighting audit report has been considered.

Item 5

The Panel received a request from the ICC to consider whether an appellant is eligible for noise mitigation measures in light of the findings of a noise report.

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The Panel determined that:

1. The Project should pay for serviced office accommodation during the remainder of the impact piling works and any additional costs be incurred in using the accommodation (e.g. travel expenses) to be reimbursed in full.
2. Monitoring is to take place at the appellant's property to determine whether the contractor is compliant with their section 61 consent(s) between 07.00 – 08.00 hours, Monday to Saturday.