

November 2017

The Independent Compensation Panel (the ‘Panel’) met on two occasions and undertook one visit to a Claimant’s property in November 2017.

14 November (ICP74)

Purpose

To determine medical special case and compensation claims.

Panel Members

I was joined by a Medical Specialist, a Noise & Vibration Specialist and Compensation Specialists, as appropriate, for the cases being considered.

Decisions of the Panel

Item 1

The Panel received a compensation claim for loss of rental income from a houseboat owner investor (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-717221). There is a duty on any claimant to mitigate losses and the Panel does not consider that the applicants in this case have complied with that duty. The Panel did **Not Approve** the claim as the Panel does not consider that the applicants have attempted to mitigate their losses.

Item 2

The Panel received a request for clarification from the Claimant on the determination of the ICP on 19 September 2017 (ICP#71) concerning the claim for surveyor’s fees (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-717238). The Panel reaffirmed its determination as being a reasonable sum for the work necessary.

Item 3

The Panel received additional information from a Claimant that it had requested at its meeting on 19 September 2017 (ICP#71) (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-717225). The Panel **Approved** the rental loss compensation claim.

Item 4

The Panel received a compensation claim (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-717226) following the Panel’s meeting on 24 October 2017 (ICP#73).Item 5

The Panel received a special medical case claim (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-717090). The Panel **Approved** the claim.

Item 5

The Panel received a compensation claim for legal fees (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-717224); the Minutes of ICP#65, 27 June 2017 refers. The Panel **Approved** the legal fees claim.

Item 6

The Panel received a representation from a Claimant (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-717219) for alternative mitigation/compensation to that approved by the Panel on 8 August 2017 (ICP#68). The Panel **Approved** the claim, subject to conditions.

Item 7

The Panel received information from the Project on predicted noise levels at a Claimant’s property (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-717223) that it had requested on 24 October 2017 (ICP#73). The Panel **Approved** the claim.

Item 8

The Panel received a special medical case claim for respite (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-717220). The Panel **Approved** the claim, in principle, but is unclear what the Claimant wishes. We request that the Project discusses the options with the Claimant so that we can agree specific respite at some future date.

Item 9

The Panel received a report from the Noise & Vibration Specialist following a site visit on 7 November 2017 (ICP#73 refers).

Item 10

The Panel received an email trail regarding a Claimant's request that the Panel's award on 12 September 2017 (ICP#70, ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-717237) be changed. This request was approved in consultation with the Chair and Medical Specialist. The Panel ratified the change in award.

Item 11

The Panel received an email trail regarding a Claimant's request that black out blinds be fitted to another bedroom in addition to that awarded by the Panel on 10 October 2017 (ICP#72, ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-717239) be changed. This request was approved in consultation with the Chair, Medical Specialist and Noise & Vibration Specialist. The Panel ratified the award.

Item 12

The Panel received an email trail regarding a Claimant's request that the Panel's award on 24 October 2017 (ICP#73, ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-717236) be changed. This request was approved in consultation with the Chair and Medical Specialist. The Panel ratified the change in award.

Item 13

The Panel received a document from the Project demonstrating how the concerns raised by the Panel concerning the Shadwell Basin Activity Centre proposals at its 22 September 2016 meeting (ICP#37) have been addressed (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-717227). The Panel was satisfied with the written responses to the design concerns raised. Without seeing the details of the changes made, but having regard to the fact that the revised proposals are understood to have been fully implemented, the Panel signs off the design.

Item 14

The Panel resolved to allow 30 minutes at the end of each meeting to consider urgent cases. Whether a case is urgent or not will be determined by the Chair, in consultation with the Medical Specialist (for medical special cases), and in consultation with a Compensation Specialist (for financial hardship cases).

28 November (ICP75)

Purpose

To determine special 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 a special case claim (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-717371). Normally the Panel would be approving the installation of the noise mitigation package. However, owing to the long installation lead in time and the fact that the river wall works are due to finish at the end of February 2017, the Panel **Approved** temporary rehousing until the end of the river wall works.

Item 2

The Panel received a special medical case claim (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-717372). The Panel is not convinced that the Claimant's property is significantly impacted by noise, dust or vibration from the Tideway works. However, given his anxious state, the Panel is minded to grant him the respite he requested. The Panel **Approved** respite, subject to conditions.

Item 3

The Panel received a special medical case claim (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-717374). Whilst the Panel is sympathetic to the Claimant's medical condition, we are not convinced by the argument that he is being exposed to significant noise or dust impacts from the Tideway works owing to the location of his property. The Panel did **Not Approve** the claim.

Item 4

The Panel received a special medical case claim (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-717373). The Panel determined the following:

1. The following information is required from the Project:
 - a) Noise measurement data and noisy activity information to be provided for those periods of time when the Claimant carried out his internal noise measurements. The noise data should be provided both as graphical information and in raw Excel format.
2. Daily respite of up to £30 per day is **Approved** during days when Tideway construction activities are taking place, on production of receipts.

Item 5

The Panel received additional information from a Claimant that it had asked for at its meeting on 12 September 2017, ICP#70 (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-717377). The Panel considers that, given the Claimant's sensitivity to noise, there is a case for granting respite. The Panel **Approved** daily respite for the Claimant of up to £30 per day, subject to conditions.

Item 6

The Panel received a special medical case claim (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-717376). The Panel **Approved** a respite holiday, subject to conditions.

Item 7

The Panel received a claim for alternative office accommodation (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-717375).

Noise from the impact piling in the video footage recorded on the foreshore submitted by the Claimants appears to be quite loud. The Panel notes, however, that this piling is due to finish shortly. The Panel is of the view that future Tideway activities would not have a significant impact on their office activities owing to the distance of the office from the Tideway construction site. However, should the Claimant's feel that future Tideway activities are impacting on their ability to work in their office, the Panel would be happy to consider a further claim. The Panel did **Not Approve** the claim.

Item 8

The Panel received the *Chambers Wharf Community Wellbeing Focus Group Report July – August 2017* (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-717378). The comments of the Panel can be found in Annex 1.

Item 9

The Panel received a report from the Southwark Law Centre, *Thames Tideway Tunnel: failure to comply with the Public Sector Equality Duty* (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-717379). The Panel noted the report and that Tideway will be responding.

Item 10a

The Panel received an email trail regarding a Claimant's request for respite following the Panel's request for her to specify what she would like on 14 November 2017 (ICP#74) (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-717493). This request was approved in consultation with the Chair and Medical Specialist. The Panel ratified the award.

Item 10b

The Panel received an email trail regarding a Claimants' request that the alternative office accommodation awarded by the Panel on 10 October 2017 (ICP#72) (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-717493) be changed to temporary living accommodation. This request was approved in consultation with the Chair, Medical Specialist and Noise & Vibration Specialist. The Panel ratified the change in award.

Item 11

No urgent cases were received after the papers had been circulated to Panel members.

Annexe 1 Comments on the *Chambers Wharf Community Wellbeing Focus Group Report*
July – August 2017

The report arose from local residents approaching Southwark Council Planning Policy Department and the Public Health Department ‘to better understand the local data on how the impacts of construction are affecting the health of local residents’. A focus group workshop was set up ‘to reach a better understanding of how the impacts of the construction (e.g. noise, disruption, dust) are impacting on local mental health and wellbeing.’ A focus group comprised of local residents and staff from local service providers was held on 12 July 2017 facilitated by South London & Maudsley NHS Foundation Trust funded by the Council. The aim was to identify impacts and develop mental health workshops as well as ‘inform a report for wider stakeholders’. Nine residents and four service providers attended. A number of residents reported pre-existing mental or physical health conditions which they said the construction activities were making worse.

Residents reported that, although stress is a part of life, since the project began ‘stress levels have risen greatly and it’s now impacting on my relationships’. There was recognition that people who have existing mental health problems might be less able to cope with additional stressors such as prolonged noise and disruption.

There was a unanimous view that stress experiences had increased for those especially living in Fountain Square, Luna, Jacob and Hartley House. Noise levels including drilling and increased traffic flow disrupted their sense of serenity. Noise at both day and night was reported to disturb sleep. Increases in anxiety, irritability and relationship breakdowns were observed. Feelings of being overwhelmed by the length of the development and a gradual wearing down of resilience were identified. Residents found it difficult to cope with the differences between what Tideway said would happen and when the activities actually occurred. A number of physical problems were reported: worsening of asthma, COPD and blocked noses. People with existing mobility and balance problems were disturbed by vibration and felt the environment was unsafe to walk around. Also, concern was expressed on construction effects on fertility rates. One service provider ‘reported ‘construction is having a negative impact on the wellbeing of those who are living in a close distance to the site’. Vibration, dust, noise and lighting were highlighted as concerns. It was perceived that the Construction activity had exacerbated existing community divisions with issues over equity among community residents and how the siting of the construction had affected different residents. There were also reports of difficulties in communication with Tideway staff and lack of respect. Also, a perception of inconsistency in treatment by Tideway for compensation claims. Various interventions were suggested: information on how to seek help from GPs, promoting mental health training for providers, including Tideway, transferring the mitigation system to the Council and providing one to one assistance to those struggling with the impact of the development. Also, some suggestions were made for local community action.

Opinion

This is an interesting report highlighting in particular the impact on the community of Tideway Construction activities. The focus group is by no means representative of local residents and unfortunately does not include any representatives from local primary care teams. Thus, there are limitations to the conclusions that can be drawn. What this report highlights is the extent to which Tideway Construction activities have impacted on the community as a whole affecting morale and sense of empowerment and reawakening existing community divisions. Most of the health concerns raised have been identified and addressed by ICP on the basis of individual claims. The length of the construction activities at Chambers Wharf does seem to be an issue here. Communication with Tideway seems to be an important issue, perhaps especially forward prediction of disruption and noise and some positive news will help community residents to deal with construction activities.