

Thames Tideway Tunnel
Thames Water Utilities Limited



Application for Development Consent

Application Reference Number: WWO10001

Examining Authority's Second Written Round of Questions and Requests for Information Response from Thames Water

Non-statutory Off-site Mitigation and Compensation Policy

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**Thames
Tideway Tunnel**



Creating a cleaner, healthier River Thames

Non statutory off-site mitigation and compensation policy

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This document is issued in draft on 13 January 2014 to allow feedback from the Examining Authority and Interested Parties/Affected Persons. A final draft will be issued on 12 February 2014.

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Thames Tideway Tunnel

Non statutory off-site mitigation and compensation policy

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1 Introduction

- 1.1.1 Thames Water recognises that those who live or work close to the proposed Thames Tideway Tunnel construction sites could be affected by the work. In the first instance, Thames Water (TW) will make every effort to mitigate the impacts from construction at the source as far as reasonably practicable as required by the project's *Code of Construction Practice (COCP)*. In some instances, however, this may not be possible and so Thames Water has developed a non-statutory mitigation and compensation policy which would be available to those affected by the construction of the tunnel.
- 1.1.2 For the purposes of this document the Undertaker means Thames Water Utilities Ltd and any successors and statutory assignees.
- 1.1.3 The *Non statutory off-site mitigation and compensation policy* (the Policy) brings together the following existing policies:
- a. *Noise insulation and temporary rehousing policy*
 - b. *Non statutory mitigation compensation policy*
 - c. *Non statutory disturbance policy.*
- 1.1.4 Those who may qualify may include:
- a. owner occupiers
 - b. residential tenants
 - c. independent residential landlords
 - d. small businesses
 - e. special case properties such as houseboats, mobile homes, sheltered housing, care homes and non residential sensitive buildings such as schools and hospitals (discussed in more detail in Section 9)
 - f. special case people such as shift workers and those with medical conditions that it is proven could be exacerbated by exposure to noise or vibration.
- 1.1.5 The Undertaker has already identified a number of properties that are predicted to experience significant impacts due to the construction works. These are set out in the *Environmental Statement* which supports the application for development consent. Details of the properties can be found in Appendix A of this document.
- 1.1.6 Through engagement with stakeholders and public consultation the Undertaker has also identified other properties that, although not predicted to experience 'significant impacts', are in close proximity to the site or access route and are considered to be special cases.
- 1.1.7 This Policy, introduces trigger action plans (TAPs), more details of which can be found in Section 3. These TAPs define noise and/or vibration trigger values and define the planned mitigation package that would be implemented when it is known that the trigger values will be exceeded by the noise or vibration generated. The TAPs are individually produced and

- will capture a set of agreed actions which address the particular concerns and issues of property owners involved in each case.
- 1.1.8 For properties already listed in Appendix A, the Undertaker will proactively engage with each of the identified parties to discuss, explain and manage the information available to them and work with them to identify, offer and where accepted, implement appropriate mitigation or compensation measures and agree these through a TAP.
- 1.1.9 The TAP will ensure that the specific mitigation measures are detailed and agreed between parties and the Undertaker will ensure that all relevant consents required to undertake the works are in place.
- 1.1.10 Consents will include but not be limited to the following:
- a. planning permissions
 - b. listed building consents
 - c. consent from the landowner
 - d. consent from the landlord.
- 1.1.11 The Undertaker will not permit the commencement of any individual work or works forming part of the development in respect of which mitigation or compensation measures are required to be implemented unless and until those measures have been fully implemented, provided that this restriction shall not apply where:
- a. access to property for the purpose of completing the mitigation or compensation measures is refused or unreasonably delayed by the owner or occupier of the property to which access is required
 - b. the owner or occupier of the property which qualifies for mitigation or compensation measures confirms in writing to the Undertaker that they do not wish those measures to be provided
 - c. any necessary consents required for the completion of works are not forthcoming
 - d. any owner or occupier of the property refuses to be temporarily re-housed in circumstances where that is the mitigation or compensation that they are entitled to under the terms of this policy.
- 1.1.12 All finalised TAPs will be appended to and form part of this policy in respect of the property to which the TAP relates.
- 1.1.13 This policy is in place for all those who think they may experience impacts from the construction works. The Undertaker will actively promote the Policy in the lead up to commencement of construction and continue to identify and discuss the relevance of a TAP with owners and other key stakeholders. Individuals will also be encouraged to discuss their concerns with the Undertaker so that any measures can be taken in advance of the construction activity.
- 1.1.14 Despite all proactive engagement prior to commencement of construction there will be circumstances where individuals come forward after commencement of construction. This policy will remain relevant throughout construction and the Undertaker will continue to review and

implement mitigation measures as may be identified by individuals, key stakeholders or the Undertaker itself.

- 1.1.15 Where mitigation cannot completely resolve the issues and concerns identified by an owner or occupier there may be a case for temporary rehousing. This is explained in more detail in Section 7.
- 1.1.16 With or without mitigation measures in place, the Undertaker recognises that property damage or financial loss could arise as a direct consequence of the construction activity. The procedure for claims for damage and loss is in place to process and settle such claims expeditiously. More detail on this process is provided in Section 9.
- 1.1.17 To help assist individuals the Undertaker will also establish an Independent Advisory Service (IAS), which will be an independent organisation that provides advice to the public relating to the Policy.
- 1.1.18 The Undertaker will also put in place an Independent Compensation Panel (ICP), which will be an independent panel made up of compensation and technical experts with a number of functions but primarily to supervise implementation of the various policies and determine any disputes arising out of the policies.
- 1.1.19 These two new services are discussed in more detail in Section 2.
- 1.1.20 This Policy is outside the statutory regime for compensation and is entered into voluntarily by the Undertaker. However, this will be secured either by a legal agreement with the London borough (where the Undertaker has no legal interest in land) or via an agreement known as a Section 106 unilateral undertaking. Either agreement is a legally binding agreement and therefore enforceable.
- 1.1.21 This Section 106 agreement will bind the Undertaker and any subsequent successors as owners of the land on or under which the authorised project will be constructed and any person to whom powers are transferred under Article 9 of the DCO. The policy will run for the duration of the project.
- 1.1.22 Examples of what may be offered under this policy:
- a. The installation of secondary glazing to provide additional noise insulation during the construction works
 - b. A support package which reflects ongoing costs associated with managing a property differently during the works
 - c. The cost and expense of temporary rehousing during certain phases of the construction programme
 - d. An offer of financial compensation to cover:
 - i additional property management costs such as window cleaning, cleaning, security, insurance
 - ii temporary loss of business profits
 - iii temporary reduction in value of property
 - iv additional travel costs and car parking charges
 - v costs of installing blackout blinds

vi any cost or loss which arises as a direct consequence of the construction of the Thames Tideway Tunnel

vii fees and costs associated with making a successful claim.

1.1.23 In the case of any claim to financial compensation any award will be solvent to the claimant having acted reasonably and, in particular, having sought to reasonably mitigate any loss or damage.

1.2 Timescales

1.2.1 [TIMESCALES FOR IMPLEMENTATION TBC IN FINAL DRAFT]

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2 Independent advice and support

- 2.1.1 The Undertaker recognises that in order to give confidence that the process is impartial and transparent in all matters regarding compensation, potential claimants will require independent advice and independent decision making regarding claims or potential claims.
- 2.1.2 In order to assist individuals, and bring independent review to mitigation and compensation policies and processes, we have introduced the following bodies:
- a. Independent Advisory Service (IAS)
 - b. Independent Compensation Panel (ICP).

2.2 The Independent Advisory Service (IAS)

- 2.2.1 The IAS will provide advice in respect of the *Non statutory off-site mitigation and compensation policy*, *Settlement Information paper* and *Exceptional hardship procedure*.
- 2.2.2 The IAS will advise individuals and other affected parties how they may take advantage of these policies including the role of the ICP. The IAS will be familiar with the *Book of Reference* and the application documents including subsequent submissions. Advice will be available to individuals and other affected parties such as schools and communities generally who either are entitled or believe they may be entitled to mitigation or compensation under any of the relevant policies.
- 2.2.3 The IAS will be independent from the Undertaker.
- 2.2.4 The Undertaker will not be responsible for any advice given by IAS.
- 2.2.5 The IAS will be effective from February 2014 and run for the duration of the construction project.
- 2.2.6 The Undertaker will publish details of the IAS and periodically advise local residents and small business owners about its availability through use of a newsletter.
- 2.2.7 The IAS will be operated through a freephone helpline and email service.
- 2.2.8 The full cost of setting up and operating the IAS will be met by the Undertaker.

2.3 The Independent Compensation Panel (ICP)

- 2.3.1 The ICP will be established by the Undertaker and will consist of an independent Chairperson plus two additional members chosen from the expert advisory panel detailed below. The Chairperson will have experience in the field of compensation and valuation. The other two members will be chosen dependent upon their specialisms.

- 2.3.2 The ICP will have advice available to it from the expert advisory panel covering the following areas or professions:
- a. Noise and vibration
 - b. Transport
 - c. Building surveying
 - d. Quantity surveying
 - e. Chartered engineering with experience of tunnelling projects in highly developed and complex urban environments
 - f. Chartered surveying
 - g. Medical advice from an appropriate qualified medical professional on the potential effects of exposure to noise and vibration on the health of individuals or groups of individuals
 - h. Legal advice.
- 2.3.3 In addition the ICP can call upon such other specialists as the Chairperson may from time to time deem necessary for the performance of the role and functions of the ICP.
- 2.3.4 The role and functions of the ICP are:
- a. to supervise the implementation of the relevant compensation policies including the *Exceptional hardship procedure*
 - b. to ensure all policies are effective and accessible and recommend changes that may be necessary to improve the efficiency and effectiveness of the processes and procedures contained therein
 - c. determine any claims or disputes arising out of all policies, the decision of the ICP will be final and binding
 - d. decisions to be taken with reference to the relevant policy, the relevant guidance contained within codes of practice, British Standard BS 5228 and precedent from other equivalent projects.
- 2.3.5 The ICP will be independent from the Undertaker and will run throughout the duration of the construction project.
- 2.3.6 The Undertaker will not be responsible for any advice given or decisions made by the ICP.
- 2.3.7 The Undertaker will publish details of the ICP and periodically advise local residents and small business owners about its availability probably through use of a newsletter.
- 2.3.8 In the case of any dispute or request for decision this will need to be made in writing by either the Undertaker or the affected party giving full details.
- 2.3.9 The panel will consider this application within [TBC] days and write to both parties setting out the timetable for resolution. They may also request a site visit or that further information to be provided.
- 2.3.10 The full cost of setting up and operating the ICP will be met by the Undertaker.

3 Trigger action plan (TAP)

- 3.1.1 Trigger action plans (TAPs) will be prepared for the properties defined by the Undertaker and detailed in Appendix A.
- 3.1.2 The Undertaker acknowledges that the circumstances surrounding the potential noise or vibration impacts of the construction works at a particular worksite will mean that a particular property or properties is either potentially significantly affected by noise/vibration¹ or is a special case under Section 8 of the Policy.
- 3.1.3 The contractor is required by the *Code of Construction Practice (CoCP)* to carry out the construction in a manner that will minimise the emission of noise and vibration as far as reasonably practicable. This may avoid or reduce the need for noise insulation, temporary rehousing or other off-site mitigation as identified within a TAP.
- 3.1.4 A TAP will be prepared for potentially affected properties that will define noise and/or vibration trigger values and the mitigation package that would be implemented in the event that the trigger values were exceeded by noise or vibration generated. The TAP will ensure that the specific mitigation required is determined, agreed to, with all relevant consents in place such that, if required, it will be implemented quickly and be put in place prior to the commencement of the construction activity that leads to the need for particular mitigation.
- 3.1.5 The TAP will have the following content:
- a. Introduction (to receptor and Thames Tideway Tunnel)
 - b. Trigger values
 - c. Mitigation
 - d. Programme
 - e. Corrective actions.
- 3.1.6 The TAP will be prepared by the Undertaker and, following engagement with the beneficiary and the relevant local authority, the Undertaker will submit the TAP for agreement by these parties. The TAP will be submitted to the Independent Compensation Panel for approval or modification. The ICP's decision shall be final and binding upon the Undertaker.
- 3.1.7 For residential property, the trigger values are defined in Section 5. For special cases, trigger values will be defined considering, amongst others, the following factors:
- a. The nature of the work undertaken in the affected property
 - b. The specific use of affected rooms and external spaces
 - c. The current noise level in the affected rooms or external spaces
 - d. The nature of the building façade

¹ As reported in the Environmental Statement

3 Trigger action plan (TAP)

- e. The external noise levels (and hence determined sound insulation of the building fabric)
 - f. The nature of the construction activities proposed and the duration of noise impacts
 - g. Existing published literature on recommended internal noise levels for that particular property use to avoid significant effect.
- 3.1.8 The mitigation to be provided in the event that the trigger values are exceeded will be set out in a schedule based on surveys, as necessary, of the receptor.
- 3.1.9 The TAP will identify all necessary permissions and consents required to implement the mitigation. The Undertaker will seek to secure all such permissions and consents prior to the TAP being finalised.
- 3.1.10 The TAP will set out maintenance and repair obligations on the Undertaker.
- 3.1.11 The mitigation package detailed within the TAP will be offered to an individual for acceptance.
- 3.1.12 The TAP will be implemented by the Undertaker and its contractor(s). The Contractor will include the TAP in its planning of the construction activities and in any s.61 consent application to the relevant local authority. In the event it is not reasonably practicable to reduce forecast noise or vibration below the trigger values then the Contractor will implement the mitigation package set out in the TAP such that it is complete before the works that would exceed the trigger values are started. This is subject to the caveats listed within Section 1.1.12.
- 3.1.13 The TAP will also include the corrective actions that the Contractor will undertake in the unplanned event that monitoring during the construction demonstrates that the trigger values are exceeded or expected to be exceeded.

3.2 Timescales

- 3.2.1 [Timescales to be confirmed and included within final policy]

4 Notification of off-site mitigation and temporary rehousing

- 4.1.1 The Undertaker will notify in writing the owners and occupiers of the dwellings identified as benefitting from a TAP that a TAP is to be prepared for their property. Information will be requested in response to the notification as set out in Section 6 (noise insulation – residential property).
- 4.1.2 The draft TAPs will include all necessary third party approvals and consents to enable the proposed insulation package to be installed.
- 4.1.3 A formal offer of the mitigation package within the TAP will be made by the Undertaker to the affected party. Owners and occupiers will be requested to accept, in writing, the offer of the mitigation package under the relevant TAP for their dwelling. This will provide agreement to install the defined insulation package if the need for it is triggered.
- 4.1.4 Owners and occupiers and the relevant local authority will be notified when relevant TAPs are accepted and will be provided copies. Copies will also be provided to the Independent Compensation Panel (ICP) and appended to this policy document.
- 4.1.5 Following determination of final construction noise levels and their approval by the relevant local authority, the owners and occupiers of those dwellings where the need for noise insulation is triggered under the relevant TAP will be notified by letter from the Undertaker. This may result in a requirement to obtain S61 consent for works which are not to commence for a significant period (6 months or more) in order that noise insulation can be installed before the commencement of the works which result in the need for noise insulation. The programme for implementing the mitigation or re-housing will be set out and agreed in the TAP.
- 4.1.6 In the event that predicted noise levels change to a level where the rehousing trigger value is not exceeded prior to the commencement of those works triggering a previous obligation to offer temporary rehousing, then the occupier will be given a choice of whether or not they wish to proceed with the rehousing obligation or remain in their dwelling. This recognises that occupiers may make preparations on the basis of the initial predicted noise levels and agreement and it would be unfair to expect the occupier to change their plans following the final noise assessment.
- 4.1.7 However, where predicted, noise levels increase such that there are new noise insulation or temporary rehousing obligations that were not previously predicted, then any additional qualifying occupiers will be notified by the Undertaker as soon as reasonably practicable and a formal offer of mitigation made. The relevant construction work shall not commence until noise insulation is installed or temporary rehousing provided (subject to the caveats in Section 1.1.12).
- 4.1.8 Where a property is subject to combined impacts from noise and vibration where individual assessments would be less than the thresholds set solely for noise or vibration then the TAP will recognise this combined exposure

by setting lower trigger values in line with published exposure response information.

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5 Qualification (residential property)

5.1 Noise

- 5.1.1 Different trigger values are set according to the time of day, and the day of the week.
- 5.1.2 The noise trigger values applicable to properties subject to significant observed adverse effect (refer to Appendix A) are defined in the *CoCP* in line with the previous major infrastructure projects in London (Table 5.1 below refers).
- 5.1.3 The TAP will be produced by the Undertaker but with full active engagement and agreement with those parties where it has been identified that the values could trigger mitigation works.
- 5.1.4 Construction noise levels against which these trigger values are compared will be predicted by the Contractor prior to the start of construction to determine qualification. The construction noise levels, which will have been minimised in so far as is reasonably practicable will be approved² by the local authority under s.61 of the Control of Pollution Act as required by the *CoCP* before works can start.
- 5.1.5 If measured construction noise levels from the project exceed the trigger values in Table 5.1, or paragraph 5.1.4 or as defined in a TAP then the noise level at the receptor will be kept below the trigger values until either noise insulation or temporary rehousing is implemented (subject to the caveats in Section 1.1.12).

Table 5.1 Airborne noise trigger values for noise insulation and temporary rehousing for residential property

Day	Time	Averaging period, T	Noise insulation trigger value dB $L_{Aeq,T}$	Temporary rehousing trigger value dB $L_{Aeq,T}$
Mondays to Fridays	0700-0800	1 hour	70	80
	0800-1800	10 hours	75	85
	1800-1900	1 hour	70	80
	1900-2200	1 hour	65	75
Saturdays	0700-0800	1 hour	70	80
	0800-1300	5 hours	75	85
	1300-1400	1 hour	70	80
	1400-2200	1 hour	65	75
Sundays and Public Holidays	0700-2200	1 hour	65	75
Any day	2200-0700	1 hour	55	65

² Unless the contractor has successfully appealed a non-determination, refusal or unreasonable condition

5 Qualification (residential property)

- 5.1.6 The trigger values shown in Table 5.1 do not apply where the ambient noise level is greater than the noise insulation trigger value.
- 5.1.7 In such cases, where the ambient noise level (in the absence of construction noise) exceeds the relevant noise insulation trigger value shown above, then:
- the ambient noise level shall be used as the construction noise level required to trigger insulation, and
 - the ambient noise level +10dB shall be used as the temporary rehousing trigger value.
- 5.1.8 Unless otherwise agreed with the relevant local authority, noise levels will be measured or predicted in accordance with the methods set out in British Standard 5228ⁱ as proposed to be amended by the consultation undertaken by BSI.
- 5.1.9 All construction noise levels are predicted or measured at 1m distance from any affected eligible façade. The façade of any eligible property must have windows to bedrooms or living rooms.
- 5.1.10 Further to this, noise insulation (or the reasonable costs thereof against agreed bills) will only be offered to owners or occupiers who can demonstrate that the property can lawfully be occupied as a permanent dwelling and if all of the following apply :
- the predicted or measured noise level exceeds the noise trigger value for noise insulation at the property during at least ten days out of any period of fifteen consecutive days or alternatively during 40 days in any 6 month period,
 - noise insulation does not already exist that is of an equivalent standard to that which would be allowed for under the Noise Insulation (Railways and other Guided Systems) Regulations 1996ⁱⁱ; and,
 - the property complies with all other requirements of the Noise Insulation (Railways and other Guided Systems) Regulations 1996.
- 5.1.11 Temporary rehousing (or the reasonable costs thereof) will be provided, where applied for by legal occupiers, if both of the following apply to a dwelling:
- the predicted or measured noise level exceeds the noise trigger value for temporary re-housing at that property for at least ten days out of any period of fifteen consecutive days or alternatively during 40 days in any 6 month period (industry good practice); and
 - the property complies with all other requirements of the Noise Insulation (Railways and other Guided Systems) Regulations 1996 (refer to Appendix B).

5.2 Vibration

- 5.2.1 Appreciable vibration is generated in by few construction activities, and generally only when these are in close proximity to a property. In the majority of cases the significant effects of vibration can be avoided by changing the construction method or the detailed implementation of the

method as required by the CoCP. Significant effects from vibration are therefore unusual and of short duration.

- 5.2.2 As a protective contingency vibration trigger values will be defined, as required, in the relevant TAP above which occupants there is evidence that occupants would be exposed to a significant observed adverse effect³. Given that exposure above these thresholds is both unlikely and would be of short duration, exceeding the values set in each relevant TAP would trigger temporary respite accommodation (eg, short-term accommodation in a hotel or equivalent).
- 5.2.3 The facility to provide temporary respite accommodation would be arranged in advance of works where significant levels of vibration could occur. There would be increased engagement with occupiers in the lead up to and during the activity, particularly when the activity first starts. This would be supported by continuous monitoring of noise and vibration. In the event that residents report unacceptable disruption³ during the activity due to vibration, or the combined effect of noise and vibration, and monitoring confirms that TTT activities are the source, then temporary respite accommodation will be arranged on a case-by-case basis for the duration over which the disruption would occur.
- 5.2.4 Consistent with the Government's noise policy (as defined in the Defra's Noise Policy Statement for England, 2010) and emerging National Planning Practice Guidance, BS 6472-1 can be used to define **significant** observed adverse effect levels (SOAEL) for vibration inside properties. For noise, exceeding the relevant SOAEL is used as the basis for triggering the provision of noise insulation measures. However there is no equivalent means of reducing vibration levels entering building through insulation measures. It is proposed therefore to mitigate vibration exceeding the relevant SOAEL through the provision of temporary respite measures.
- 5.2.5 Based on information published by HS2 Ltd the following vibration levels are considered to be SOAELs. They are set at the centre of any floor inside the property (highest vibration), and are defined below:
- Daytime (0700 to 2300): a Vibration Dose Value (VDV) of $0.8\text{m/s}^{1.75}$
 - Night (2300 to 0700): a Vibration Dose Value (VDV) of $0.4\text{m/s}^{1.75}$
- 5.2.6 Under the relevant TAP, temporary respite would be triggered if the predicted or measured vibration exceeds the trigger levels in the property during [TIMINGS CURRENTLY UNDER REVIEW TO REFLECT THE DIFFERENCE UPON HEALTH OF VIBRATION AS OPPOSED NOISE].

³ Noise Policy Statement for England, Defra 2010 and emerging National Planning Practice Guidance – Noise.

6 Noise insulation (residential property)

6.1 Noise insulation process

- 6.1.1 The relevant powers granted to responsible authorities by regulation 8 of the Noise Insulation (Railways and other Guided Transport Systems) Regulations 1996 (NIRR) will be also adopted, in so far as it is relevant and consistent with this Policy. Where these Regulations do not apply, for example cases under Section 8 of this Policy, then specific measures will be developed under the relevant TAP such that they provide equivalent benefit to the measures defined in the Regulations.
- 6.1.2 The Undertaker will notify an owner/occupier that their building/dwelling has been identified as a property for which a TAP would be appropriate. The Undertaker will ensure that the individual or groups of individuals have had the opportunity to discuss the implications of this directly and also provide details of the Independent Advice Service (IAS) and the role of the Independent Compensation Panel (ICP).
- 6.1.3 The Undertaker will then make arrangements for specialists to carry out a survey of the eligible property.
- 6.1.4 The survey is required to assess the specific details of the properties taking into account any existing features such as double and secondary glazing. The Undertaker will carry out an assessment for claims where secondary glazing is already present in an eligible room and shall consider what additional insulation work may be required. As set out in Appendix B the survey may include acoustic measurements.
- 6.1.5 Reasonable access must be granted to the Undertaker to complete the survey or surveys. The Undertaker will be responsible for ensuring all necessary consents for such access are obtained.
- 6.1.6 If access is not granted to the property and appropriate surveys cannot be undertaken then the Undertaker will not be able to put in place a TAP. Should this be the case the Undertaker will not be precluded from undertaking the construction works.
- 6.1.7 Once the survey/surveys are completed this will enable the Undertaker to confirm specific details of the insulation package and identify any other additional mitigation measures to be installed under this Policy and any associated work.
- 6.1.8 The specific insulation package will be defined in the TAP and this will be formally offered in writing to the claimant for their acceptance.
- 6.1.9 As described in Section 5, the requirement for insulation defined in the relevant TAP will be confirmed as part of the contractor securing prior noise consent for its works from the local authority under Section 61 of the Control of Pollution act 1975.
- 6.1.10 Any acceptance of the formal offer made in respect of any works under this Policy must be made in writing to the Undertaker. The offer letter will include a timescale by which to respond. The reason for this is that should the offer be acceptable then arrangements will need to be made by the

Undertaker to ensure that mitigation measures are put in place prior to the commencement of the construction activity that leads to the need for particular mitigation.

- 6.1.11 The Undertaker will be responsible for obtaining all the necessary third-party consents for this work to be undertaken.
- 6.1.12 Where (a) the offer of noise insulation has been accepted and insulation is to be installed by the Undertaker (rather than the grant scheme see below) and (b) the Undertaker has been given the appropriate access, but insulation has not been installed prior to the commencement of an activity which results in a qualification of noise insulation then the Undertaker will not be able to proceed with those works as set out within the Section 106 agreement.
- 6.1.13 The TAP will include a full package of noise insulation. For example, for secondary or double glazing to be completely effective this should be provided with additional ventilation and or blinds to comply with the Noise Insulation (Railways and other Guided Transport Systems) Regulations 1996, Schedule I, Specifications. The benefits of a full package of noise insulation will be fully explained to claimants, however should a claimant not want the full package, after having understood the implications, then this will be at their discretion.
- 6.1.14 At the request of the claimant, the Undertaker will consider the making of a discretionary grant in respect of insulation work in order that the claimant can undertake the insulation works themselves.
- 6.1.15 Where, due to the nature or type of building, noise insulation cannot reasonably be installed, those affected properties shall be considered as qualifying under the temporary re-housing section of the policy (Section 7).

6.2 Discretionary grants

- 6.2.1 A grant can only be made, subject to the following conditions:
- a. Insulation work must be carried out in accordance with NIRR, a copy of which can be provided to the claimant by the Undertaker on request, or the relevant TAP.
 - b. The claimant must provide the Undertaker with three written competitive quotations, in accordance with the relevant specifications, for the costs of the insulation work.
 - c. The Undertaker will also provide a comparative cost estimate for review against the three written quotes.
 - d. The final grant payment shall not exceed the final agreed quote. However should exceptional circumstances arise, before any additional works are undertaken the cost of these must be approved by the Undertaker and the additional sum included within the new revised grant payment. The Undertaker's cost estimate for the works shall be identified within the formal offer letter; this information shall be provided to the claimant on request of a grant.

- e. The amount of grant shall not exceed the claimant's estimate of the cost of their scheme or the actual cost on completion of the insulation work.
- f. The Undertaker may pay in advance the maximum of 50% of the estimated cost, with the balance payable to the claimant on the satisfactory completion of the works.
- g. That the insulation works are completed to the required specifications and within the reasonable timeframes prescribed by the project to ensure completion of the construction works for which insulation is required. Failure to meet this requirement will necessitate the repayment of any and all grant monies paid in accordance with the Policy and in such a circumstance this not prohibit the Undertaker from starting the construction works on site.
- h. If an occupier doesn't proceed the Undertaker will offer to carry out the works.

6.2.2 Any acceptance of a grant under this Policy must be made in writing to the Undertaker. A response must be received to give adequate time for the insulation works to be carried out in accordance with other parts of the Policy.

6.3 Additional items

- 6.3.1 Any obligation to repair, maintain or make any payments in respect of repairing or maintaining any equipment or apparatus installed under the application of this Policy or to pay for the running costs, which will be minimal for mechanical ventilation units will be defined under the TAP.
- 6.3.2 Nothing in the Policy constitutes an agreement, undertaking by or a power of the Undertaker to carry out work, or make a grant in respect of the carrying out of work required, to correct an existing defect in an eligible building.
- 6.3.3 The Undertaker is required to repair any damage to the structure and/or decoration of the property which may occur as part of the installation of the noise insulation.

7 Temporary rehousing

7.1 Temporary rehousing process

- 7.1.1 The Undertaker will assess and proactively engage owners or occupiers potentially eligible for temporary rehousing in order to:
- a. identify and arrange temporary alternative accommodation to meet the assessed requirements, and/or;
 - b. provide information and guidance and assist claimants to identify and secure temporary alternative accommodation.
- 7.1.2 The Undertaker will notify those claimants potentially entitled to temporary rehousing under the terms of the Policy as part of preparing a TAP for their property (the occupier will be requested to provide acceptance for temporary rehousing, if the need for it is confirmed at the time of construction, in writing to the Undertaker within 28 days of receipt of notification).
- 7.1.3 The confirmation should provide the following details:
- a. The name and address of the claimant and the number of persons to be temporarily rehoused
 - b. Confirmation of the address of the eligible building for which the request is made
 - c. A statement of the capacity in which the claimant makes the request, ie:
 - i owner or occupier
 - ii freeholder or leaseholder or
 - iii tenant or subtenant.
 - d. Confirmation that temporary rehousing is required
 - e. A statement confirming requirement of one or both of the following services:
 - i To identify and arrange temporary alternative accommodation on behalf of the claimant; and/or,
 - ii Provision of information and guidance, such that the claimant can identify and secure temporary alternative accommodation.
- 7.1.4 To assist a 'temporary rehousing pro-forma' shall be included with the notification letter.
- 7.1.5 Upon receipt of confirmation of the requirement for temporary rehousing from a claimant the Undertaker shall confirm in writing the claimants' position regarding reimbursement of reasonable expenses (see Section 7.5). In all cases the Undertaker will assess the particular requirements of the claimant.
- 7.1.6 In respect of temporary rehousing, the discretionary powers granted to responsible authorities by Section 28 of the Land Compensation Act 1973

(power to pay expenses of persons moving temporarily during construction works, etc) will be adopted.

7.2 Identify and organise alternative temporary rehousing

7.2.1 Claimants requesting a service to identify and arrange temporary alternative accommodation will receive the following services (the list is not intended to be exhaustive and the service will be tailored to the individual claimants' requirements following an assessment of those requirements):

- a. Identification and arrangement of temporary alternative accommodation (based on the assessment of the claimants requirements) and the payment of the reasonable costs associated with the temporary alternative accommodation
- b. Arranging for removals and the payment of the associated costs
- c. Arranging for the storage and insurance of personal effects and the payment of the associated costs
- d. Arrangement of insurance for vacated properties during any period of temporary rehousing and the payment of the associated costs
- e. Identification and arrangements for kennelling and/or catteries for pets and the payment of the associated costs
- f. Arranging for the disconnection/connection of utilities and the payment of the associated costs, and
- g. Identification of local hotels in order to arrange short term temporary alternative accommodation for claimants and the payment of the associated costs.

7.3 Information and guidance to arrange temporary alternative accommodation

7.3.1 Those claimants who request information and guidance in order to identify and secure temporary alternative accommodation will receive details on the following issues (the list is not intended to be exhaustive and information and guidance will generally be tailored to the individual claimants' requirements following an assessment of those requirements):

- a. Information and guidance with regard to letting agencies and other organisations able to provide temporary alternative accommodation
- b. Information and guidance on removal companies and the associated costs thereof
- c. Information and guidance on the storage and insurance of personal effects and the associated costs thereof
- d. Information and guidance on the insurance of vacated properties during any period of temporary rehousing

- e. Guidance for those claimants who require information on kennelling or catteries for their pets and the associated costs thereof
- f. Information and guidance on the requirements for the disconnection/connection of utilities and the associated costs thereof
- g. Information and guidance on local hotels and rates for those claimants requesting short term temporary alternative accommodation
- h. Information and guidance on the arrangements to ensure reimbursable costs (eg, deposits to secure temporary alternative accommodation) can be agreed and paid as soon as reasonably practicable.

7.3.2 Claimants who arrange temporary alternative accommodation themselves must make a request to the Undertaker at least 28 days prior to the need for rehousing for payment of costs in respect of temporary rehousing. The claimant shall make a request in writing to the Undertaker. The following details must be provided in the request:

- a. The name and address of the claimant and the address of the building subject to the noise impact
- b. A written estimate/statement detailing:
 - i costs associated with the temporary alternative residential accommodation to which the claimant wishes to relocate for the appropriate duration of the works which exceed the relevant noise trigger levels as stated in the Policy; and/or,
 - ii details of any additional costs (see above and Section 7.5) reasonably or properly incurred as a direct result of the temporary rehousing.

7.4 Conditions

7.4.1 Payment will only be made for costs which are limited to the amount by which the expenses for the temporary alternative residential accommodation exceed those expenses which the claimant would have incurred if the eligible building had continued to be occupied.

7.4.2 The claimant must obtain the written agreement of the Undertaker to the estimated costs reasonably associated with temporary rehousing prior to any costs being incurred, or agreed to be incurred, by the claimant.

7.5 Assessment of costs in respect of temporary rehousing

7.5.1 The ICP will assess the claim for costs upon receipt of confirmation of the requirement for temporary rehousing from a claimant in the prescribed form (see Section 7.2). ICP will subsequently notify the claimant in writing of its decision. The decision of the ICP will be final.

7.5.2 Reasonable expenses incurred by the claimant in respect of temporary alternative residential accommodation for the claimant and members of his/her household for the relevant duration of the works which exceed the

relevant noise trigger levels as stated in the Policy shall be agreed by the ICP and paid by the Undertaker.

7.6 Security for eligible buildings

- 7.6.1 Where eligible buildings are unoccupied because their occupants have been temporarily rehoused under the terms of the Policy the Undertaker shall take reasonable measures to ensure the security and insurance of those buildings.
- 7.6.2 The Undertaker shall inform the local police whenever eligible buildings are vacated for the purposes of temporary rehousing.

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8 Special cases

8.1 Lightweight dwellings, mobile homes and houseboats

- 8.1.1 Lightweight dwellings, mobile homes and houseboats will be treated on a case by case basis.
- 8.1.2 In relation to houseboats a separate policy has been adopted to discuss the various tiers of compensation. This can be found in APP68.01.01.

8.2 Residential special cases

- 8.2.1 Consideration will be given to owners or occupiers who may have special circumstances (specifically night workers, those who work from home and those with a medical condition which will be seriously aggravated by construction noise) taking into account the individual circumstances of each relevant claimant. Where such individuals are known to the Undertaker then through the engagement plans the Undertaker will be in direct contact. Individuals that have not raised 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 will consider whether there is a case and consequently provision of noise insulation and temporary rehousing may be made. Should a dispute arise then this will be passed to the ICP for resolution.

8.3 Non-residential sensitive buildings

- 8.3.1 The Undertaker will consider non-residential buildings used by noise sensitive occupants such as medical facilities, educational and religious establishments on a case by case basis.
- 8.3.2 Under each TAP, the Undertaker will carry out a review of the building and using the guidance within recognised national standards, derive proposed suitable internal noise levels for comparison with the predicted or measured construction noise levels and with allowance for the duration of the works identify any need for improved noise insulation for such receptors, or other such mitigation, and determine the form it should take. These measures will then be agreed with the occupant and local authority. If agreement cannot be reached the ICP will determine the outcome.

8.4 Others

- 8.4.1 Other individuals that do not fall into the categories above 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 or combination of effects, the ICP will consider whether there is a case and consequently provision of noise insulation and temporary rehousing may be made.
- 8.4.2 There may be circumstances where individuals do not qualify under the above special cases but believe they merit consideration due to the impact

of the scheme on them. This should be discussed with the Undertaker who will give these matters due consideration. In these circumstances any mitigation or compensation measures will be provided at the absolute discretion of the Undertaker.

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9 Damage or loss

9.1 Compensation for damage or loss

- 9.1.1 Where possible the Undertaker will put in place on-site or off-site mitigation measures as discussed in the sections above to reduce the impact the effects of the scheme. All reasonably anticipated adverse effects of the worksites will be continually monitored and addressed as appropriate. However despite this, the Undertaker recognises that disturbance may be experienced and financial loss or damages incurred for which the Undertaker will need to pay compensation.
- 9.1.2 These claims fall outside of the claims under the statutory regime for compensation.
- 9.1.3 In circumstances where the potential for a claim is recognised in advance, the claimant and the Undertaker may enter into an agreement (similar to a TAP) which captures the agreed actions to be taken, and therefore, the mechanisms to provide support before or during any period of disruption leading to a financial loss. The Undertaker will adopt a proactive approach so that the claimant does not have to suffer loss before making a claim. This could be achieved by putting in place a conditional agreement so that a claimant can be compensated promptly should any direct loss arise.

9.2 Claims process

- 9.2.1 An affected party may submit a claim to the ICP if that party:
- a. has a reasonable, valid and evidentially supportable claim;
 - b. is able to set out how they are affected by the activity and if there are any personal factors which may influence the impact of those activities;
 - c. is able to demonstrate a legal interest in the property including business premises with an unexpired term of not less than two years and with a rateable value not exceeding £34,800;
 - d. is not making any other claims against the Undertaker in respect of mitigation disturbance or nuisance arising from the project for the same circumstances (statutory or non statutory); and
 - e. the property has not already been subject of measures or a compensation payment under a project scheme that deals with the same impacts.
- 9.2.2 In each case of any claim for financial compensation any award will be subject to the claimant having acted reasonably and, in particular, having sought to reasonably mitigate any loss or damage.
- 9.2.3 In each case the claims will be put to the ICP for assessment taking into account all the relevant and unique factors. This may involve requests for further information or a period of monitoring to confirm the appropriate outcome. The decision will be final and binding upon the Undertaker.

- 9.2.4 If an affected person is unsure whether they qualify for such compensation, further help and advice can be sought from the IAS.

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Abbreviations

The Undertaker	Thames Water Utilities and any successors and statutory assignees
CoCP	Code of Construction Practice
ICP	Independent Compensation Panel
IAS	Independent Advisory service
TAP	Trigger action plan

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Glossary

Term	Description
A-weighted	The A-weighted sound level, expressed as “dB(A)”, allows for the frequency-dependent characteristics of hearing. Corrections are applied for each octave band, and the resultant values summed, to obtain a single overall level
claimant	An owner or occupier of an eligible building who makes a request, or is made an offer under the Thames Tideway Tunnel noise insulation and temporary re-housing policy
construction	The construction works required for the Thames Tideway Tunnel which fall within the remit of the Thames Tideway Tunnel <i>Code of Construction Practice</i>
decibel (dB)	Logarithmic ratio used to relate sound pressure level to a standard reference level.
eligible buildings	Dwellings lawfully used by claimants for habitation
eligible room	Means a living room or a bedroom having a qualifying door or a qualifying window in any eligible building
equivalent continuous sound pressure level (L_{eq})	Another index for assessment of overall noise exposure is the equivalent continuous sound level, L_{eq} . This is a notional steady level which would, over a given period of time, deliver the same sound energy as the actual time-varying sound over the same period. Hence fluctuating levels can be described in terms of a single figure level. The A-weighted L_{eq} is denoted as L_{Aeq}
façade	The face of a building
insulation work	Work carried out to insulate an eligible building against noise which will include adequate ventilation and may include blinds
qualifying door and qualifying window	Have the meanings assigned to them in Part I of Schedule 1 of the Regulations (see ‘Regulations’ below)
the route	The Thames Tideway Tunnel from Acton Storm Tanks to Abbey Mills Pumping Station, and the construction works at Beckton Sewage Treatment Works
the Policy	Means the Thames Tideway Tunnel noise insulation and temporary rehousing policy
the Regulations	the Noise Insulation (Railways and Other Guided Transport Systems) Regulations 1996
the relevant specifications	The items in Part I of Schedule 1 to the Regulations, such of the items in Part II of Schedule 1 to the Regulations as may be approved by the policy operator and such of the specifications set out in Part III of Schedule 1 to the Regulations as are applicable in the circumstances of the case or items whose performance is equivalent thereto
the works	The construction works associated with the Thames Tideway Tunnel and other works deemed by the policy operator to be within the scope of the Policy

Appendix A: Schedule of trigger action plans

Site	Trigger action plans
Hammersmith Pumping Station	Residential: Fulham Reach (Phase 2 Block B, Phase 3 Block F) Special cases: -
Barn Elms	Residential: Lancaster House Special cases: -
Putney Embankment Foreshore	Residential: 10 Ruvigny Gardens Special cases: Putney Pier Houseboats
Falconbrook Pumping Station	Residential: - Special cases: Adventure playground; Library
Carnwath Road Riverside	Residential: 89-101 Carnwath Road; 5 Carnwath Road Special cases: -
Cremorne Wharf Depot	Residential: Lots Road power station development mid rise block and high rise tower Special cases: -
Kirtling Street	Residential: Riverlight Blocks A, B, C; Battersea power station development Blocks PS and RS4 Special cases: Nine Elms Pier Houseboats
Heathwall Pumping Station	Residential: - Special cases: Nine Elms Pier Houseboats
Albert Embankment Foreshore	Residential: - Special cases: Camelford House
Victoria Embankment Foreshore	Residential: - Special cases: The Hispaniola; Tattershall Castle
Blackfriars Embankment Foreshore	Residential: - Special cases: City of London Boys School, HMS President
Chambers Wharf	Residential: Luna House, Axis Court Special cases: Riverside School
Shad Thames Pumping Station	Residential: Tamarind Court (front façade); Coriander Court (Maguire Street and Gainsford Street facades) Special cases: Clove Building
King Edward Memorial Park	Residential: Free Trade Wharf South Special cases: Pier Head Prep School
Deptford Church Street	Residential: - Special cases: St Paul's Church; St Joseph's Catholic School

Site	Trigger action plans
Earl Pumping Station	Residential: 1-39 Chilton Grove; 108-136 Chilton Grove; 52-62 Croft Street; Cannon Wharf Block J Special cases: -
Bekesbourne Street	Residential: John Scurr House Special cases: Foundation of St Katherine

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Appendix B: Noise Insulation (Railways and other Guided Systems) Regulations 1996

- B.1.1 The inclusion of a criterion to meet the requirements of the Noise Insulation (Railways and other Guided Transport Systems) Regulations (NIRR) means that there is a recognised framework under which noise insulation would be provided. This ensures that the eligibility requirements and the insulation measures are commensurate with other noise insulation policies for large construction projects within London (eg, Crossrail, East London Line, CTRL).
- B.1.2 This policy states that NIRR eligibility criteria and consequent insulation requirements will be followed. This ensures a minimum standard of performance for any noise insulation work which is carried out.
- B.1.3 Under the requirements of the NIRR, certain conditions must be met and certain types of property would not be eligible, as described in the following sections.

B.2 Eligibility under the NIRR criteria

- B.2.1 The NIRR describes eligibility criteria relating to the type and location of property. Schedule 1 (Specifications) of the NIRR describes the noise insulation (and associated ventilation measures) that would be provided for eligible properties to control noise ingress.
- B.2.2 The only properties that would not be eligible under the noise insulation and temporary rehousing policy are as follows (relevant NIRR regulation shown in brackets):
- a. Properties subject to significant groundborne noise (regulation 3(2) NIRR)
 - b. Non-residential buildings (regulation 7(1) NIRR)
 - c. Buildings outside of 300m (regulation 7(1) NIRR)
 - d. Buildings which are subject to compulsory purchase, demolition or closing order or clearance area under the Housing Act 1988 (regulation 7(2a,b,c,d) NIRR)
 - e. Buildings for which occupation commenced after the start of operation of Thames Tideway Tunnel project (regulation 7(2e) NIRR)
 - f. Buildings where grants for noise insulation works in accordance with the Land Compensation Act (1973) have already been paid (regulation 7(2f, g) NIRR).

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Appendix C: Houseboat compensation policy

The *Houseboat compensation policy* is included under document reference APP68.01.01.

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References

ⁱ British Standards Institution, *BS 5228 Code of Practice for Noise and Vibration Control on Open Construction Sites*, British Standards Institution (2009).

ⁱⁱ Noise Insulation (Railways and Other Guided Transport Systems) Regulations 1996, Reference number: SI 1996/428.

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Thames Water Utilities Limited

Clearwater Court, Vastern Road, Reading RG1 8DB

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