

## INDEPENDENT COMPENSATION PANEL

### MEETING #98 MINUTES [EDITED]

<b>Purpose:</b>	To determine special medical case and compensation claims.
<b>Date and time:</b>	Thursday 6 September 2018 – 08.00 to 08.30 teleconference (item 14 base plug pour part of claim only) Tuesday 11 September 2018 – 09.00 to 16.35
<b>Location:</b>	Tideway, Cottons Centre, Cottons Lane, London SE1 2QG
<b>Panel Members:</b>	John Wade [Chair] Chris Kench [Compensation Specialist] for items 1 to 12 Richard Pugh [Compensation Specialist] for items 1 to 12 Stephen Stansfeld [Medical Specialist] for items 7 to 19 Graham Parry [Noise & Vibration Specialist] for items 7 to 19 Alan Doherty [Building Surveyor] for item 12 Sonia Chen [Property Administrator] for item 12
<b>Abbreviations:</b>	'Panel' means the Independent Compensation Panel 'Project' means Tideway 'TAP' means Trigger Action Plan 'DCO' means Development Consent Order 'NEP' means Nine Elms Pier
<b>Document Number:</b>	2350-TDWAY-TTTUN-990-ZZ-ZZ-719417

Item	Notes for the record
1	The Panel finalised our comments on Tideway's draft list of supporting documents for loss of rent compensation claims from the Project (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-719187). The Chair will relay the ICP's comments to Tideway by email.

Item	Notes for the record
2	The Panel considered options put forward by Tideway for the on-going consideration of claims from a business affected by Tideway's construction activities.

<b>Decision:</b>	The Panel determined our preferred option which the Chair will relay to Tideway by email.
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Item	Notes for the record
3	The Panel received a third interim claim for compensation for loss of business (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-719410).

<b>Decision:</b>	The Panel did not award a further interim payment but recommended that detailed discussions take place between Tideway and the Claimant with a view to attempting to agree the appropriate level of compensation. The Panel wishes to receive a progress report on these discussions for our 13 November 2018 meeting.
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Item	Notes for the record
4	The Panel received further information (ref. 2350-TDWAY-TTTUN-990-ZZ- ZZ-719405) in relation to the Claimants' letting agent's fees following the ICP's decision of 14 August 2018 (ICP#94).

<b>Decision:</b>	The Panel is satisfied with the information provided regarding the letting agent's fees . However, the agent's state in their Terms of Business for Lettings, that the letting fee is payable on the renewal of an existing tenancy as well as for a new tenancy, so the fee would have been payable in any event. The ICP's decision, therefore, stands.
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Item	Notes for the record
5	The Panel received a claim for compensation for loss of rent (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-719403).

<b>Decision:</b>	The Panel awarded compensation, being the loss as claimed, less 8% fees and VAT.
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Item	Notes for the record
6	The Panel received an email from a Claimant following the ICP's award of 14 August 2018, ICP#94, (ref. 2350-TDWAY-TTTUN-990-ZZ- ZZ-719408).

<b>Decision:</b>	The Panel answered the query.
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Item	Notes for the record
7	The Panel received a claim for a respite holiday and recompense for not being able to use footpath RW922 (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-719409).

<b>Decision:</b>	The Panel did not approve the claim.
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Item	Notes for the record
8	The Panel received a claim for various forms of respite and reimbursement for school club fees (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-719401).

<b>Decision:</b>	The property is substantially shielded from the construction site such that noise and dust should not occur at significant levels or exacerbate the reported existing medical condition. All aspects of the claim are, accordingly, not approved.
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Item	Notes for the record
9	The Panel received a compensation claim for loss of earnings during the base plug pour (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-719309).

<b>Decision:</b>	The Panel approved the claim in part, subject to the Claimant providing Tideway with certain documentation.
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Item	Notes for the record
10	The Panel received claims for compensation from two individuals living at the same address(ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-719404).

<b>Decision:</b>	The property is substantially shielded and a significant distance from the construction site such that noise and dust should not occur at significant levels or exacerbate any existing medical conditions. The claims are, accordingly, not approved.
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Item	Notes for the record
11	The Panel received a compensation claim from a NEP houseboat tenant (ref. 2350-TDWAY-TTTUN-990-ZZ- ZZ-719063).

<b>Decision:</b>	<p>At its meeting on 10 January 2017 (ICP#50), the ICP determined the following:</p> <p><i>From the date of this meeting (10 January 2017), no future tenant of NEP will be eligible for the mitigation compensation as approved by this Panel for current NEP tenants on the basis that they would have full knowledge of the noise and other impacts associated with the Tideway NEP construction activities. The Panel expects FLO to engage with the NEP houseboat owners to ensure that prospective tenants are made so aware.</i></p> <p>The tenant can give 2 months' notice to the landlord to vacate and, so, can move out at any time. The claim is, accordingly, not approved.</p>
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Item	Notes for the record
12	The ICP discussed some business matters, including the <i>Non-statutory off-site mitigation and compensation policy</i> , the DCO and financial loss and environmental impact frameworks and ICP processes.

Item	Notes for the record
13	<p>The Panel received a special medical case claim (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-719413) for:</p> <ol style="list-style-type: none"> <li>1. Overnight respite for the duration of the base plug pour, commencing 7 September 2018 (this was determined by teleconference on 6 September 2018 as an urgent matter).</li> <li>2. Air purifier with HEPA filters for her bedroom and lounge.</li> <li>3. Holiday respite.</li> </ol>

<b>Decision:</b>	<p>The Panel determined as follows:</p> <p><u>Overnight respite during the base plug pour (6 September 2018)</u></p> <p>There is no reason to believe that these additional lorries will result in a significant change in air pollutant concentrations. There is, however, the potential for these lorry movements on the road to be noticeable, particularly at night when there will be less non-Tideway traffic around.</p> <p>On the basis of the precautionary principle, the Panel awards respite in temporary accommodation for the Claimant and a carer for a maximum of 96 hours during the base plug pour (in accordance with Tideway's terms and conditions and on production of receipts) for potential sleep disturbance.</p> <p><u>Air purifier with HEPA filters</u></p> <p>Whilst the Panel does not consider that there would be significant dust impacts from the Tideway worksite, recognising the claimant's severe</p>
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	<p>COPD and adopting the precautionary principle, we are awarding an air purifier with HEPA filters in both her bedroom and lounge.</p> <p><u>Respite holiday</u></p> <p>By awarding the air purifiers with HEPA filters, we have adequately dealt with any respiratory health problems (and fears of them worsening) that may arise from Tideway's activities. The claim is, accordingly, not approved.</p>
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Item	Notes for the record
14	The Panel received a special medical case claim for various forms of respite (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-719407).

<b>Decision:</b>	The property is west of the construction site and is therefore substantially shielded from any construction noise and dust, especially since the acoustic shed was completed. Based on the information provided, the Panel finds no medical case to grant any aspect of the claim. The claim is, therefore, not approved.
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Item	Notes for the record
15	The Panel received a special medical case claim for air conditioning units in all habitable rooms (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-719402).

<b>Decision:</b>	The Panel requires a visit in order to assess this claim. This has been arranged for the afternoon of 25 September 2018.
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Item	Notes for the record
16	The Panel received requests from an existing Claimant (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-719411) following the ICP's award of respite on 28 August 2018 (ICP#96).

<b>Decision:</b>	The Panel approved the requests, in part.
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Item	Notes for the record
17	The Panel received a request from an existing Claimant (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-719419).

<b>Decision:</b>	The Panel approved the request.
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Item	Notes for the record
18	The Panel received a query from Tideway regarding the ICP's award of daily respite to a Claimant on 28 August 2018, ICP#96, (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-719420).

<b>Decision:</b>	The Panel awards transport costs, on production of receipts and in accordance with Tideway's standard terms and conditions.
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Item	Notes for the record
19	The Panel received an email from a Claimant regarding the ICP's award of rehousing on 28 August 2018 (ICP#96), requesting respite (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-719420).

<b>Decision:</b>	The Panel noted the Claimant's request and awarded respite. These awards are subject to review once the slurry treatment plant is fully operational. This decision does not supersede our award of temporary rehousing made on 28 August 2018.
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I confirm that these minutes are an accurate record of the proceedings of the meeting.

Signed *John Wade*

Date 13 September 2018

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