

INDEPENDENT COMPENSATION PANEL

MEETING #96 MINUTES [EDITED]

Purpose:	To determine special medical case claims.
Date and time:	Tuesday 28 August 2018 – 09.00 to 17.15
Location:	Tideway, Cottons Centre, Cottons Lane, London SE1 2QG
Panel Members:	John Wade [Chair] Stephen Stansfeld [Medical Specialist] Graham Parry [Noise & Vibration Specialist]
Abbreviations:	'Panel' means the Independent Compensation Panel 'Project' means Tideway 'TAP' means Trigger Action Plan
Document Number:	2350-TDWAY-TTTUN-990-ZZ-ZZ-719315

Item	Notes for the record
1	The Panel met with Tideway representatives to discuss some outstanding matters (ICP#93 refers). The ICP will receive a written response to our queries in approximately 2 week's time and we will meet again to discuss both the responses and future works programmes for all sites in the east in approximately 4 week's time.

Item	Notes for the record
2	The Panel received the complaints register in relation to the Carnwath Road worksite that we had asked for on 26 July, ICP#93 (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-719314).

Decision:	<p>The Panel notes from the contents of the complaints register that (i) the number of matters complained about is relatively small for a major infrastructure project having regard to the types of activities taking place and the hours worked and (ii) that there has been an improvement in the contractor's response to matters raised by residents. The Panel is, therefore, satisfied that complaint prevention and resolution is heading in a positive direction, which is an indication that Tideway and its contractors are striving to achieve BPM (Best Practicable Means). We are, therefore, closing this matter.</p> <p>As stated in earlier Minutes and in correspondence with various residents, the ICP has no remit with respect to BPM; should residents have concerns in the future, they are advised to report these to Tideway's Helpdesk.</p>
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Item	Notes for the record
3	The Panel received a special medical case claim (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-719303).

Decision:	The Panel does not consider that he will experience significant noise or dust impacts at his property from activities within the acoustic shed. The hoarding has been removed, restoring the Claimant's view of the river. The scale of the footpath reinstatement works will be far less than the river wall strengthening works and will only occur over a limited period of time. In our view, the works will not be particularly noisy. The claim is, therefore, not approved.
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Item	Notes for the record
4	The Panel emails both from a Claimant and the Project with some queries regarding an existing special medical case(ref. 2350-TDWAY-TTTUN-990-ZZ- ZZ-719318).

Decision:	The Panel answered all of the queries.
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Item	Notes for the record
5	The Panel received an email from the Project concerning the special medical case measures that the ICP had awarded a Claimant following their meeting with her on 15 August 2018 (ref. 2350-TDWAY-TTTUN-990-ZZ- ZZ-719320).

Decision:	The Panel answered all of the queries.
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Item	Notes for the record
6	The Panel received additional information from the Project and a Claimant that we had asked for on 26 June 2018 (ICP#90) in relation to a special medical case claim (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-719319).

Decision:	The Panel considers that there is no case for any form of noise mitigation given the location of her property in relation to Tideway's worksite and the intervening wall which will act as an effective noise barrier. However, owing to the Claimant's medical condition, we are awarding 2 days respite a week from the date of the issue of these Minutes until the completion of Tideway's works on production of receipts and in accordance with Tideway's standard conditions. This award is subject to review by the ICP
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	in 12 month's time for which we will need a further letter from the Claimant's GP.
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Item	Notes for the record
7	The Panel received a special medical case claim for respite (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-719317).

Decision:	The Panel approves the claim for respite, subject to Tideway's standard terms and conditions and on production of receipts.
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Item	Notes for the record
8	The Panel received a special medical case claim (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-719304).

Decision:	The Panel awarded some elements of the claim.
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Item	Notes for the record
9	The Panel received a claim for compensation per night for the duration of the base plug pour (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-719310).

Decision:	The Claimant's property is substantially shielded from noise and any dust that may arise from the base plug pour activity. The claim is, therefore, not approved.
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Item	Notes for the record
10	The Panel received a special medical case claim for (i) respite for herself and a carer during the period of the base plug pour and (ii) holiday respite (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-719312).

Decision:	<p><u>Respite during base plug pour</u> The Claimant's property is substantially shielded from noise and any dust that may arise from the base plug pour activity by virtue of the acoustic shed. The claim is, therefore, not approved.</p> <p><u>Respite holiday during footpath reinstatement</u> The noise and dust impacts associated with the footpath reinstatement are expected to be considerably less than for the river wall strengthening works. The claim is therefore not approved.</p>
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Item	Notes for the record
11	The Panel received a claim for respite for the duration of the base plug pour for her family of 4 plus her dog (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-719306).

Decision:	The Claimant's property is by virtue of its position and height on the Piper Building substantially shielded from noise and any dust that may arise from the base plug pour activity. The claim is, therefore, not approved.
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Item	Notes for the record
12	The Panel received a claim for compensation for respite during the base plug pour (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-719311).

Decision:	Whilst there are no reported health conditions, on the basis of the precautionary principle for potential sleep disturbance based on the location of their property, the Panel awards respite in temporary accommodation for a maximum of 96 hours during the base plug pour (in accordance with Tideway's terms and conditions and on production of receipts).
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Item	Notes for the record
13	The Panel received a claim from for compensation during the base plug pour (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-719306).

Decision:	There is no reason to believe that these additional lorries will result in a significant change in air pollutant concentrations such that the Claimant's 8-year old son's health will be compromised. The property has very limited views of the site entrance and that part of Carnwath Road where the lorries will travel. If windows are to be kept open, there is a possibility that noise from vehicle movements may be noticeable. Whilst the Panel is not awarding the compensation requested, we are awarding one stand-alone portable air conditioning unit per bedroom and a contribution towards their electricity usage for the days on which the base plug pour occurs (in accordance with Tideway's terms and conditions and on production of receipts).
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Item	Notes for the record
14	The Panel received a claim for compensation during the base plug pour (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-719305).

Decision:	<p>The property has very limited views of the site entrance and that part of Carnwath Road where the lorries will travel. If windows are to be kept open, there is a possibility that noise from vehicle movements may be noticeable. Whilst the Panel is not awarding the compensation requested, we are awarding one stand-alone portable air conditioning for her bedroom and a contribution towards its electricity usage for the days on which the base plug pour occurs (in accordance with Tideway’s terms and conditions and on production of receipts).</p> <p>In relation to the longer term, the ICP has inspected two properties within The Piper Building and noted that the double-glazing systems were in good condition. We also considered whether mechanical ventilation could be installed however it was not readily apparent how this could be achieved within the fabric of the building recognising its reported listed building status. Additionally, installation of an air conditioning system would seem to be problematic and could not be easily achieved in a reasonable timeframe, although discussions between Tideway and the Claimant should explore this option.</p>
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Item	Notes for the record
15	The Panel received a claim for respite throughout the period of the base plug pour (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-719307).

Decision:	<p>The property is substantially shielded from noise related to the base plug pour by the acoustic shed and also the acoustic barrier which will be erected on site to shield noise from idling concrete lorries. On the basis that air conditioning units had previously been supplied to allow windows to remain closed by cooling the rooms prior to the night-time period, the Panel does not consider that there will be significant impacts either during the day or at night such as to require respite accommodation during the base plug pour. The claim for respite and expenses is, therefore, not approved.</p>
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Item	Notes for the record
16	The Panel received a claim for overnight respite for the duration of the base plug pour (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-719328).

Decision:	<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>Whilst there are no reported health conditions, on the basis of the precautionary principle for potential sleep disturbance, the Panel awards respite in temporary accommodation for a maximum of 96 hours during the</p>
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	base plug pour (in accordance with Tideway's terms and conditions and on production of receipts).
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Item	Notes for the record
17	The Panel received a claim for overnight respite for the duration of the base plug pour (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-719323).

Decision:	<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>Whilst there are no reported health conditions, on the basis of the precautionary principle for potential sleep disturbance, the Panel awards respite in temporary accommodation for a maximum of 96 hours during the base plug pour (in accordance with Tideway's terms and conditions and on production of receipts).</p>
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Item	Notes for the record
18	The Panel received a claim for overnight respite for the duration of the base plug pour (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-719324).

Decision:	The Claimant's property is substantially shielded from noise and any dust that may arise from the base plug pour activity. The claim is, therefore, not approved.
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Item	Notes for the record
19	The Panel received a claim for overnight respite for the duration of the base plug pour (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-719322).

Decision:	Owing to reported health conditions, on the basis of the precautionary principle for potential sleep disturbance, the Panel awards respite in temporary accommodation for a maximum of 96 hours during the base plug pour (in accordance with Tideway's terms and conditions and on production of receipts).
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Item	Notes for the record
20	The Panel received a claim for overnight respite for the duration of the base plug pour (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-719327).

Decision:	Owing to the Claimant's impending operation, the Panel awards respite in temporary accommodation for a maximum of 96 hours during the base plug pour (in accordance with Tideway's terms and conditions and on production of receipts).
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Item	Notes for the record
21	The Panel received a claim for compensation (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-719326).

Decision:	The property is on the immediate junction with Wandsworth Bridge Road which is already heavily trafficked. It is unlikely that the movement of additional lorries for the base plug pour on this route will be particularly noticeable over and above existing traffic noise levels. The autistic child, whilst being more susceptible to noise events, is already exposed to a large number of such events from the movement of vehicles at night. The claim is, therefore, not approved.
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Item	Notes for the record
22	The Panel received a claim for overnight respite for the duration of the base plug pour (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-719325).

Decision:	Owing to the Claimant's concerns about sleep disturbance from activities within the acoustic shed during the base plug pour, on the basis of the precautionary principle for potential sleep disturbance, the Panel awards respite in temporary accommodation for a maximum of 96 hours during the base plug pour (in accordance with Tideway's terms and conditions and on production of receipts).
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Item	Notes for the record
23	<i>Urgent Medical Case</i> The Panel received a letter from the Claimant's GP that we had requested on 21 August 2018 (ICP#94) (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-719332).

Decision:	The Panel awards rehousing.
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Item	Notes for the record
24	The Panel received a claim for overnight respite for the duration of the base plug pour for himself (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-719339).

Decision:	<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>Owing to the reported health conditions, the Panel awards respite in temporary accommodation for a maximum of 96 hours during the base plug pour for potential sleep disturbance (in accordance with Tideway’s terms and conditions and on production of receipts).</p>
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Item	Notes for the record
25	The Panel received a claim for (i) overnight respite for the duration of the base plug pour, (ii) portable air conditioning with HEPA filters for the lounge and one bedroom and (iii) one week respite every 6 months or 4 day break every quarter (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-719340).

Decision:	<p><u>Base plug pour</u> 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>Owing to reported health conditions, the Panel awards respite in temporary accommodation for a maximum of 96 hours during the base plug pour for potential sleep disturbance (in accordance with Tideway’s terms and conditions and on production of receipts).</p> <p><u>Portable air conditioning with HEPA filters</u> The Panel does not consider that there will be significant noise or dust impacts associated with on-going works at Tideway’s worksite; the requested units are, therefore, not approved.</p> <p><u>Respite holidays</u> The Panel does not consider that there will be significant noise or dust impacts associated with on-going works at Tideway’s worksite; the requested respite is, therefore, not approved.</p>
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Item	Notes for the record
26	The Panel received a claim for overnight respite for the duration of the base plug pour (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-719338).

Decision:	<p>The Claimant's property is substantially shielded from noise and any dust that may arise from the base plug pour activity. The claim for respite accommodation is, therefore, not approved.</p> <p>The ICP do not consider that there will be significant noise or dust impacts associated with on-going works at Tideway's worksite.</p>
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Other matters:	<p>The ICP has offered a Claimant 5 dates to visit his property during the days when the ICP sits to assess the heat within his flat as part of the consideration of his claim for compensation for the purchase of fans. One of the dates was agreed but this was subsequently cancelled by the Claimant. The Claimant has not responded to the other 4 dates offered.</p> <p>The Panel is of the opinion that we have made reasonable attempts to visit the Claimant's property. In the absence of such a visit, we have no alternative but to not approve the claim.</p>
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I confirm that these minutes are an accurate record of the proceedings of the meeting.

Signed *John Wade*

Date 30 August 2018

John Wade
Chair, Independent Compensation Panel