

## INDEPENDENT COMPENSATION PANEL

### MEETING #94 MINUTES [EDITED]

<b>Purpose:</b>	To determine special medical case and compensation claims.
<b>Date and time:</b>	Tuesday 14 August 2018 – 09.00 to 17.15
<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 9 Richard Pugh [Compensation Specialist] for items 1 to 9 Stephen Stansfeld [Medical Specialist] for items 5 to 7 & 9 to 21 Graham Parry [Noise & Vibration Specialist] for items 5 to 7 & 9 to 21
<b>Abbreviations:</b>	'Panel' means the Independent Compensation Panel 'Project' means Tideway 'TAP' means Trigger Action Plan
<b>Document Number:</b>	2350-TDWAY-TTTUN-990-ZZ-ZZ-719192

Item	Notes for the record
1	The Panel received a draft list of supporting documents for compensation claims from the Project for review and comment (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-719187).

<b>Decision:</b>	The Panel discussed the draft list and will provide comments to the Project on or before the 11 September ICP meeting, following the return from leave of one of the Panel members.
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Item	Notes for the record
2	The Panel received a compensation claim for loss of business (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-719183).

<b>Decision:</b>	The Panel has insufficient information on which to make a decision. We would encourage the Project to engage with the Claimant with a view to agreeing a fully detailed and explained claim.
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Item	Notes for the record
3	The Panel received further information from a Claimant that it had requested on 12 June 2018 (ref. 2350-TDWAY-TTTUN-990-ZZ- ZZ-719181).

<b>Decision:</b>	Some requested information was not provided and was requested again in order for the claim to be determined.
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Item	Notes for the record
4	The Panel received further information from a Claimant that it had requested on 10 July 2018 (ref. 2350-TDWAY-TTTUN-990-ZZ- ZZ-719186).

<b>Decision:</b>	The Panel awards the compensation claimed for loss in rent, less a reduction in the management fee + VAT that would have been payable on the reduced rent.
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Item	Notes for the record
5	<p>The Panel received an email from the Project (ref. 2350-TDWAY-TTTUN-990-ZZ- ZZ-719188) and met with Project staff following the ICP's request on 26 June 2018 (ICP#90), viz.</p> <p><i>The Panel is surprised to see that CVB's section 61 application dated 27 April 2018 (ref. 5700-CVBJV-CHAWF-151-TZ-PF-004418-P02) indicates that the reduction in noise during Standard Working Hours at the Chambers Wharf worksite following the completion of the acoustic shed is not predicted to be materially significantly lower than before the acoustic shed is erected, contrary to the predicted large reduction during Extended Working Hours. In making awards for temporary rehousing and various forms of respitt until the completion of the acoustic shed, the ICP has assumed that all particularly noisy activities would take place within the acoustic shed; this now does not appear to be the case and we may have to extend the temporary rehousing and respite awards further.</i></p> <p>The Panel now understands that the works outside the acoustic shed are associated with the construction of the slurry treatment plant and associated handling of materials.</p> <p>The Panel noted that the acoustic shed is now not due for completion until November/December 2018.</p>

<b>Decision:</b>	<u>All of the ICP's awards that were due to end in October (when the acoustic shed was due to be completed) are now to be open-endedly extended until the acoustic shed is completed.</u>
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Item	Notes for the record
6	The Panel discussed their visit to a Claimant on 26 July to assess their compensation claim for alternative meeting rooms.

<b>Decision:</b>	The Panel approved the claim, subject to conditions.
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Item	Notes for the record
7	The Panel received further information from a Claimant and the Project that it had requested on 26 July 2018 (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-719173).

<b>Decision:</b>	The Panel determined that the best solution for reducing the risk of further asthma attacks would be mechanical ventilation with high arrestment filtration (such as Titon Sonair units incorporating F6 arrestment filters) fitted to external walls to remove dust before the air enters the room in all habitable rooms of the Claimant's home that face Tideway's worksite, together with the TAP secondary glazing that the Project has already offered.
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Item	Notes for the record
8	The Panel received a claim for alternative office accommodation (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-719178).

<b>Decision:</b>	Further information is required from the Claimant before the Panel can determine the claim:
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Item	Notes for the record
9	The Panel discussed some ICP matters, including the workload associated with the potential number of claims for respite during the base plug pour at the Carnwath Road worksite in early September. <u>The Panel agreed to sit on 21 July (in addition to 28 July) to consider the base plug pour and other claims already received by the ICP Administrator.</u> The ICP Administrator gave the Panel members the papers for their 21 July at the close of this meeting.

Item	Notes for the record
10	The Panel received a special medical case request to extend an award (ref. 2350-TDWAY-TTTUN-990-ZZ- ZZ-719063) following gaining an understanding of the activities that will take place outside the acoustic shed for the remainder of 2018 (item 5 above).

<b>Decision:</b>	The Panel approved the claim.
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Item	Notes for the record
11	The Panel discussed a claim for TAP noise mitigation (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-719006) following receipt of information from the Project.  The Panel has been advised by the Project that there are no new s61 noise level predictions going forward from July 2018.

<b>Decision:</b>	The Panel understands that there are no works taking place at present. The Panel wishes to be provided with the predicted noise levels by the Project as soon as they become available, at which point we shall be in a position to determine the claim.
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Item	Notes for the record
12	The Panel received a claim (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-719172) for a number of compensation and mitigation measures.

<b>Decision:</b>	The Panel requires both medical and prescription history of the Claimant or a letter from her GP before we can consider this claim any further.
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Item	Notes for the record
13	The Panel received a special medical case claim for respite throughout the period of the base plug pour (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-719175).

<b>Decision:</b>	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.  Owing to the Claimant's medical conditions, the Panel awards respite in temporary accommodation for both herself and her 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).
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Item	Notes for the record
14	The Panel received a special medical case claim for respite during the 4 nights of the base plug pour (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-719185).

<b>Decision:</b>	There is no reason to believe that these additional lorries will result in a significant change in air pollutant concentrations. There is, however, the
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	<p>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 Claimant's medical conditions, the Panel awards respite in temporary accommodation for both himself and his 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).</p>
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Item	Notes for the record
15	The Panel received a special medical case claim (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-719177).

<b>Decision:</b>	<p>The Claimant's property is substantially shielded from noise and any dust arising from Tideway's activities in Carnwath Road by intervening buildings. The Panel has not been provided with sufficient evidence that the Claimant's health is being compromised by the Project; the claim is, therefore, <u>not approved</u>.</p>
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Item	Notes for the record
16	The Panel received a special medical case claim for (i) respite throughout during the 4 nights of the base plug pour and (ii) daily respite (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-719179).

<b>Decision:</b>	<p><u>Respite during 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>As a precaution, owing to the Claimant's medical condition, the Panel awards respite in temporary accommodation for himself 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> <p><u>Daily respite</u> There is insufficient medical evidence to support awarding daily respite. This part of the claim is, accordingly, <u>not approved</u>.</p>
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Item	Notes for the record
17	The Panel received a special medical case claim for (i) daily respite for himself and his wife and (ii) stand-alone air purifier with HEPA filtration (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-719181).

<b>Decision:</b>	<p><u>Daily respite</u> The Panel requires medical and prescription history of the Claimant or a letter from his GP before we can consider this claim any further.</p> <p><u>Stand-alone air purifier with HEPA filtration</u> The Panel considers that the best option would be to have Titon Sonair units incorporating F6 arrestment filters fitted to external walls to remove dust before the air enters the property in prescribed rooms if permission can be gained from the owners of the building. Free-standing air purifiers with HEPA filters should be provided in the interim in the prescribed rooms.</p> <p><u>Base plug pour</u> Whilst he has not requested it, owing to the Claimant's medical conditions, the Panel awards respite in temporary accommodation for both the Claimant and his wife 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 special medical case claim for 2 No. Dyson AM07 fans, (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-719171).

<b>Decision:</b>	Fans do not cool the air but give the impression of cooling by moving air around. It is unlikely that the Dyson AW07 fans would provide greater cooling effect but without sight of the technical information of the fans the Claimant has purchased, we cannot be definitive in our judgement. We invite the Claimant to provide this technical information.
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Item	Notes for the record
19	The Panel received a special medical case claim for respite (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-719176).

<b>Decision:</b>	The Panel needs medical evidence of the son's condition, including letters from outpatient clinics or general practice and psychological assessment reports.
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Item	Notes for the record
20	The Panel received further information to support a claim for respite periods and noise mitigation (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-719170) requested by the ICP on 26 July 2018 (ICP#92), viz.

<b>Decision:</b>	The Panel granted respite until the acoustic shed is completed, subject to Tideway's standard terms and conditions and on production of receipts. The provision of noise mitigation to flats in Jacobs House is currently not possible.
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Item	Notes for the record
21	The Panel received a special medical case claim (ref. 2350-TDWAY-TTTUN-990-ZZ-ZZ-719174).

<b>Decision:</b>	On the basis of the Claimant's email dated 1 August 2018, the Panel agrees to the request.
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I confirm that these minutes are an accurate record of the proceedings of the meeting.

Signed *John Wade*

Date 16 August 2018

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