

INDEPENDENT COMPENSATION PANEL

MEETING #137 MINUTES

Purpose:	To determine a special case claim.
Date and time:	Tuesday 22 October 2019– 9.00am to 10.30am
Location:	Teleconference
Panel Members:	Fiona Penhallurick (Chair) Graham Parry (Noise & Vibration) Stephen Stansfeld (Medical)
Abbreviations:	'Panel' means the Independent Compensation Panel 'Project' means Tideway 'ICC' means the Independent Complaints Commissioner for the Project 'TAP' means Trigger Action Plan
Document Number:	2350-TDWAY-TTTUN-990-ZZ-ZZ-721110

Item 1	Notes for the record
Applicant reference	The Panel considered information pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-721091 in respect of a claim for overnight respite.
Relevant Tideway site	Carnwath Road
Decision	A decision on the requested mitigation was postponed pending a site visit to Carnwath Road.
Details of the award	The Panel note that muck operations at Carnwath Road are now established and would like to undertake a site visit to Carnwath Road to observe the impact of noise for residents of Philpot Square. All awards are subject to Tideway's Guidelines for Implementation of ICP decisions https://www.tideway.london/media/1653/guidelines-for-implementation-of-icp-decisions.pdf
Further information required/actions arising	None
Information/action requested from Tideway	None

Item 2	Notes for the record
Applicant reference	The Panel considered information pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-721112 which contained an extract from the draft minutes of the Nine Elms Pier Community Liaison Working Group 5

	September 2019 (including suggested edits from the resident) and a further request from the resident sent by email to Louise Walsh of Tideway dated 15 October 2019.
Relevant Tideway site	Kirtling Street
Decision	The Panel clarified that they are fully aware of the correct trigger levels for Houseboats as amended by approved planning applications 2015/2522 and 2016/0243.
Details of the award	<p>The Panel is fully aware of the trigger levels for houseboats as amended by approved planning applications 2015/2522 and 2016/0243 and the Trigger Action Plan for Houseboats was amended accordingly and the Panel bases its decision making around those amended trigger levels, where appropriate.</p> <p>Section 4 of the Non-Statutory Off-site Mitigation and Compensation Policy and specifically Table 4.1 currently reflects the noise trigger levels set out in PW17 but has not been updated to reflect the revised levels for house boats set out in approved planning applications 2015/2522 and 2016/0243. However, the Non-Statutory Off-site Mitigation and Compensation Policy is automatically updated by changes to PW17 or changes introduced by the Development Consent Order. PW17 (as amended by the DCO) goes on to make specific reference to Houseboats and states <i>“Development shall not commence at Putney Embankment Foreshore, Kirtling Street, Heathwall Pumping Station or Chambers Wharf until Trigger Values for noise insulation and temporary rehousing in relation to noise and vibration impacts on houseboats in the vicinity of those works have been submitted and approved by the relevant planning authority.”</i> Therefore, the Non-Statutory Policy envisages that PW17 will be changed through the DCO process (the Non-Statutory Policy having been written before the DCO process concluded) and PW17 itself provides for the specific planning permissions to be sought and for the table to be updated accordingly. The Panel relies on Table 4.1 as if it had physically been updated in accordance with the relevant planning permissions (2015/2522 and 2016/0243). Therefore, the Panel do not believe that anybody will have been prejudiced in respect of any claims made to the Panel pending a physical update to the Non-Statutory Off-site Mitigation and Compensation Policy.</p> <p>The Panel will, in accordance with paragraph 2.3.10 of the Non Statutory Policy, consult with Tideway and the relevant London Boroughs as to whether a clarificatory change to the Non Statutory Policy to refer to relevant Planning Permissions (in addition to PW17 and the DCO) and/or to update Table 4.1 is considered appropriate.</p> <p>All awards are subject to Tideway’s Guidelines for Implementation of ICP decisions https://www.tideway.london/media/1653/guidelines-for-implementation-of-icp-decisions.pdf</p>
Further information required/actions arising	None

Information/action requested from Tideway	None
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I confirm that these minutes are an accurate record of the proceedings of the meeting.

Signed

Date 23 October 2019

Fiona Penhallurick

Chair, Independent Compensation Panel