

INDEPENDENT COMPENSATION PANEL

MEETING #139 MINUTES

Purpose:	To determine special case claims.
Date and time:	Tuesday 26 November 2019 – 9.30am to 2.30pm
Location:	Cotton Centre, Cotton Lane, 5 th Floor, SE1 0QG
Panel Members:	Fiona Penhallurick (Chair) Graham Parry (Noise & Vibration) Aurelia Richards (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-721350

Item 1	Notes for the record
Applicant Reference	The Panel considered information pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-721342 , which included medical information, in respect of a claim for continuing respite and enhanced air conditioning provision.
Relevant Tideway site	Kirtling Street
Decision	The requested mitigation was AWARDED IN PART.
Details of the award	<p>The Panel had recently undertaken a further site visit to Kirtling Street (its third this year) and specifically visited a flat in this building which informed its decision. The Panel does not consider a further site visit likely to elucidate any significant further insight to the situation.</p> <p>The Panel does not award an integrated unit. The Panel considers that the cost of such a unit is not proportionate to the impact of noise arising from the Tideway site at the property.</p> <p>Therefore on a precautionary basis, the Panel is prepared to extend the respite until the end of the tunnelling operations at Kirtling Street or the end of 2020 whichever is the sooner.</p> <p>The Panel noted that one of the tunnel boring machines at Kirtling Street has now completed its work and therefore the amount of spoil generated will be reduced going forward.</p> <p>All awards are subject to Tideway's Guidelines for Implementation of ICP decisions https://www.tideway.london/media/3687/guidelines-for-implementation-of-icp-decisions_oct-2019.pdf</p>

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-721365 in respect of a claim for overnight respite.
Relevant Tideway site	Carnwath Road
Decision	The requested mitigation was NOT AWARDED.
Details of the award	<p>The Noise expert had undertaken a day time site visit on 12 November at 9am. The Chair and the medical expert had undertaken a night time site visit between 11pm and midnight on 21 November 2019 in the presence of the London Borough of Hammersmith and Fulham Noise and Nuisance officer and the Tideway Noise and Vibration specialist for the Carnwath Road Site.</p> <p>The during his visit the noise expert attended the building and obtained access to the first and second floor stairwell and to external areas adjacent the rubbish chute. The gantry crane was in operation on the Tideway site at the time of the visit. It was noted that the conveyor system and muck bin area is not in direct line of sight from those areas accessed by the noise expert. It was noted that a number of windows facing onto Carnwath Road were open on the building.</p> <p>The Chair and the medical expert undertook a night-time site between 11pm and midnight on 21 November 2019, in the presence of the London Borough of Hammersmith and Fulham Noise and Nuisance officer and the Tideway Noise and Vibration specialist for the Carnwath Road Site. The acoustic measures on site where observed. No significant noise intrusion was observed outside the property arising from the Tideway site, in circumstances where there was very low ambient noise was observed (other than a few cars and a delivery bike).</p> <p>Barge loading and conveyor operations were ongoing on the Tideway site at the time of the visit and were observed by the Panel members from the viewing platform. The Panel members did not experience any perceptible noise when observed outside Philpott Square. The Panel noted that a number of residents had windows open, despite cold outside temperatures.</p> <p>The Panel does not award any further respite in the light of its findings.</p> <p>All awards are subject to Tideway’s Guidelines for Implementation of ICP decisions https://www.tideway.london/media/3687/guidelines-for-implementation-of-icp-decisions_oct-2019.pdf</p>
Further information required/actions arising	None

Information/action requested from Tideway	None
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Item 3	Notes for the record
Applicant Reference	The Panel considered information pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-721343 in respect of a request for an additional air conditioning unit/fan.
Relevant Tideway site	Kirtling Street
Decision	The requested mitigation was NOT AWARDED.
Details of the award	<p>The Panel had previously awarded one air conditioning unit/fan. The Resident had provided further information about the layout of the flat and the space separation between the lounge area and the bedrooms.</p> <p>The Panel thanked the resident for the further information. Having considered the information the Panel is of the view that, as units are portable, an award of one unit per flat is reasonable and proportionate to the noise intrusion from the Tideway site.</p> <p>All awards are subject to Tideway's Guidelines for Implementation of ICP decisions https://www.tideway.london/media/3687/guidelines-for-implementation-of-icp-decisions_oct-2019.pdf</p>
Further information required/actions arising	None
Information/action requested from Tideway	None

Item 4	Notes for the record
Applicant Reference	The Panel considered information pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-721352 which included medical information in respect of a request for continuation of overnight respite until the noise mitigation previously awarded were installed.
Relevant Tideway site	Greenwich
Decision	The requested mitigation was AWARDED IN PART.
Details of the award	<p>The Panel confirmed that the mitigation had previously been awarded until the earlier to occur of the night time erection of the acoustic shed or the installation of noise mitigation.</p> <p>The Panel was disappointed to note that noise mitigation has not yet been fitted but noted that the night time erection of the acoustic shed had been completed in May 2019 and night time noise levels were now significantly reduced.</p> <p>Accordingly, the Panel decided at its meeting on 3 September 2019 that the award of overnight respite was to cease.</p>

	<p>The installation of noise mitigation has been further delayed. The Resident provided information that he and his partner continued to being adversely affected by the noise arising from the site. Noise reports show that noise is below trigger levels and attended noise monitoring suggests that residual noise predominantly arises from the DLR nearby.</p> <p>There has been a significant delay in installation of the noise mitigation (over a year) which was awarded by the Panel to cover the period of night time working during the construction of the acoustic enclosure which is complete. In view of medical conditions of one the residents, on a precautionary basis, the Panel made a reduced award of overnight respite for a period of 6 months or until the noise mitigation installation is installed at the property, whichever is the sooner.</p> <p>All awards are subject to Tideway's Guidelines for Implementation of ICP decisions https://www.tideway.london/media/3687/guidelines-for-implementation-of-icp-decisions_oct-2019.pdf</p>
Further information required/actions arising	None
Information/action requested from Tideway	Update on cause of delay and anticipated date for installation of noise mitigation.

Item 5	Notes for the record
Applicant Reference	The Panel considered information pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-721356 in respect of a claim for continuation of daily respite.
Relevant Tideway Site	Chambers Wharf
Decision	The requested mitigation was AWARDED.
Details of the award	<p>The Panel awarded continuation of the daily respite until the slurry treatment works construction is completed (expected end February 2020) at which time the Panel understands that all major daytime activities will be undertaken within acoustic enclosures and night time works will be undertaken within the acoustic enclosure with the doors closed, which should significantly reduce the impact of noise on the resident.</p> <p>This award excludes the period in December when the site is closed and no construction activity will be taking place.</p> <p>All awards are subject to Tideway's Guidelines for Implementation of ICP decisions https://www.tideway.london/media/3687/guidelines-for-implementation-of-icp-decisions_oct-2019.pdf</p>
Further information required/actions arising	None
Information/action requested from Tideway	None

Item 6	Notes for the record
Applicant Reference	The Panel considered information pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-721355 in respect of a claim for secondary glazing. No medical evidence was provided.
Relevant Tideway site	Kirtling Street
Decision	A decision on the mitigation requested was DEFERRED so that the Panel can review the noise reports from monitoring in the vicinity of the resident's property in Churchill Gardens.
Details of the award	<p>The Panel noted that the noise levels reported by the residents are significantly higher than noise levels recorded from Tideway activities looking at previous monitoring, particularly when recorded from 200m distance across the river.</p> <p>Accordingly, the Panel would like to review the actual noise reporting from 7 June 2019 and 12 June 2019.</p> <p>The residents are asked to note that policy of the Panel when awarding secondary glazing by way of noise mitigation is to install it in "habitable rooms" only that is rooms where people spend most of their living or sleeping time. If the Panel were minded to award secondary glazing for the property, it is likely only to do so for the master bedroom. It is unlikely to award for the living room as the difference between noise arising from the Tideway site and ambient noise appears to be more marked at night.</p> <p>All awards are subject to Tideway's Guidelines for Implementation of ICP decisions https://www.tideway.london/media/3687/guidelines-for-implementation-of-icp-decisions_oct-2019.pdf</p>
Further information required/actions arising	None
Information/action requested from Tideway	None

Item 7	Notes for the record
Applicant Reference	The Panel considered information pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-721357 in respect of a claim for window cleaning.
Relevant Tideway site	Cremone Wharf
Decision	The requested mitigation was NOT AWARDED.
Details of the award	<p>The Panel conducted a site visit to a neighbouring property on 6 August 2019 and noted the distinct difference in "housekeeping" between the Tideway/Thames Water Site and the Chelsea Waterfront site in terms of wheel washing of vehicles and mud/dust on the road. We also noted that there are significantly more vehicles per day servicing the Chelsea Waterfront site.</p> <p>The Panel also reviewed the information provided by the resident and do not think that a case has been demonstrated that dust exclusively or mainly from the Tideway site in the cause of excess dust at the resident's property.</p>

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Further information required/actions arising	None
Information/action requested from Tideway	None

Item 8	Notes for the record
Applicant Reference	The Panel considered information pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-721359 in respect of a claim for continuation of respite. Medical information was noted.
Relevant Tideway site	Carnwath Road
Decision	The requested mitigation was AWARDED.
Details of the award	The Panel awards a continuation of the current respite of two nights per month for review in 12 months' time (end November 2020). All awards are subject to Tideway's Guidelines for Implementation of ICP decisions https://www.tideway.london/media/3687/guidelines-for-implementation-of-icp-decisions_oct-2019.pdf
Further information required/actions arising	None
Information/action requested from Tideway	None

I confirm that these minutes are an accurate record of the proceedings of the meeting.

Signed

Fiona Penhallurick
Chair, Independent Compensation Panel

Date 26 November 2019