

INDEPENDENT COMPENSATION PANEL

MEETING #141 MINUTES

Purpose:	To determine special case claims.
Date and time:	Tuesday 17 December 2019 – 9.30am to 10.30am.
Location:	Telephone Conference
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-721384

Item 1	Notes for the record
Applicant reference	The Panel reviewed information pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-721383 in respect of a claim for transport costs in addition to daily respite.
Relevant Tideway site	Chambers Wharf
Decision	The requested mitigation was AWARDED.
Details of the award	<p>The Panel noted that the applicant is a blue badge holder, evidence having been provided to the Panel. Accordingly, the Panel awards £30 per day in respect of transport costs in addition to her daily respite payment of £30 per day for each day when the daily respite is taken, subject to production of receipts.</p> <p>This award takes effect from the date of this meeting and does not apply to any retrospective claims.</p> <p>The award is made until completion of the slurry treatment plant construction at which point all awards will cease.</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-721355 in respect of a claim for secondary glazing.
Relevant Tideway site	Kirtling Street
Decision	The requested mitigation was NOT AWARDED.
Details of the award	<p>The Panel considered daytime noise levels from the Tideway works which are predicted to be 57-58 LAeq at the applicants' residence, compared to existing daytime ambient noise levels of 74 LAeq. At night-time the predicted noise levels are 55 LAeq with existing ambient noise levels of 69 LAeq.</p> <p>As the predicted noise levels for the site are more than 10 dB lower than the ambient noise level as set out in the s61 the Panel considers that it noise from the Tideway site is unlikely to cause a significant impact on the residents and therefore at a level when mitigation would be awarded. It should be noted, however, that noise from the site (for example from the conveyor operation and barge loading) may well be audible.</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 3	Notes for the record
Applicant reference	The Panel considered information pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-721392 in support of a claim for redecoration costs and travel costs for holidays taken abroad since 2016.
Relevant Tideway site	Carnwath Road
Decision	The requested mitigation was NOT AWARDED.
Details of the award	<p>The resident lives in a second floor apartment in Philpot Square. The resident claims that he has experienced disruption from site by way of dust and dirt.</p> <p>The applicant reports that they are stressed and emotionally disturbed by the Tideway site. The applicant states that they have had to redecorate more frequently and has needed to go abroad twice since the construction started in 2016.</p> <p>No medical evidence was provided and no substantiation of the costs incurred was provided to the Panel.</p> <p>Noise: The Panel has considered noise information from the site and has recently undertaken two site visits. The Noise Expert had undertaken a day time site visit on 12 November at 9am to the</p>

	<p>Carnwath Road area. The Chair and the medical expert had undertaken a night time site visit to the Carnwath Road area 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>During his visit the noise expert attended the Philpot Square 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 were observed. No significant noise intrusion was observed outside the property arising from the Tideway site, in circumstances where 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 Philpot Square. The Panel noted that a number of residents had windows open despite cold outside temperatures.</p> <p>Air quality and dust: The Panel has reviewed air quality reports from the site and finds that the air quality is within acceptable limits and there is no evidence of substantial dust arising from the site.</p> <p>Retrospective awards: The Panel do not make retrospective awards except in special circumstances. This case is not judged by the Panel to warrant being considered as a special case.</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>
<p>Further information required/actions arising</p>	<p>None</p>
<p>Information/action requested from Tideway</p>	<p>None</p>

Item 4	Notes for the record
<p>Applicant reference</p>	<p>The Panel considered information pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-721391.</p>
<p>Relevant Tideway site</p>	<p>Chambers Wharf</p>

Decision	The failure to provide receipts in accordance with the Panel's award would be taken into account in considering further claims (if any).
Details of the award	<p>The mitigation was AWARDED for two adults and two children for 2 nights for the October half term holiday 2019. Instead the money was used for a longer break for one adult and one child only. This meant that only half of the money was in fact payable under the terms of the award.</p> <p>The Panel noted that payment had been made in advance by Tideway. There appears to have been some confusion about the terms of the payment and the fact that it was to be allocated <u>exactly</u> as set out in the Panel's decision, as communicated to the applicants by Tideway.</p> <p>Accordingly, the applicants are instructed that they are required to submit receipts to the value of the overpayment if any future mitigation is awarded to them by the Panel before any further sums are paid by Tideway.</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 5	Notes for the record
Applicant reference	The Panel considered information pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-721399 in response to a request for clarification of future application for awards.
Relevant Tideway site	Chambers Wharf
Decision	The Panel confirmed that there is no automatic consideration of cases.
Details of the award	<p>The claimant wrote to the Panel asking if she was able to claim respite for summer 2020.</p> <p>The activities on the Chambers Wharf site will be predominantly within the various acoustic enclosures by summer 2020 so, although the Panel is not ruling out making an award for respite next summer, the information which the Panel currently has suggests that there will be no activities on site at that time which would cause noise, dust or vibration which would interfere with the applicant's reasonable enjoyment of their property at that time. Accordingly, the Panel is not minded to make an award at this time.</p> <p>The Panel confirmed that they would not automatically reconsider the application if the work programme changed. The Panel would expect the claimant to make a further application in the summer of</p>

	<p>2020 if further respite is required having regard to what activities are impacting the claimant and in what way. This could only be done at the time of the impact and the Panel would consider noise data from the site relating to the activities concerned at that time.</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

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

Signed

Fiona Penhallurick
Chair, Independent Compensation Panel

Date 18 December 2019