

# INDEPENDENT COMPENSATION PANEL

## MEETING #144 MINUTES

<b>Purpose:</b>	To determine special case claims.
<b>Date and time:</b>	Tuesday 11 <sup>th</sup> February 2020 – 1030hrs to 1715hrs
<b>Location:</b>	Cotton Centre, Cotton Lane, 5 <sup>th</sup> Floor, SE1 0QG
<b>Panel Members:</b>	Graham Parry (Chair) Phil Evans (Noise & Vibration) Aurelia Richards (Medical)
<b>Abbreviations:</b>	'Panel' means the Independent Compensation Panel 'Project' means Tideway 'ICC' means the Independent Complaints Commissioner for the Project 'Non-Stat Policy' means the Non-Statutory Off-site mitigation and compensation policy
<b>Document Number:</b>	2350-TDWAY-TTTUN-990-ZZ-ZZ-721548

Item 1	Notes for the record
<b>Applicant Reference</b>	The Panel considered information pack <b>2350-TDWAY-TTTUN-990-ZZ-ZZ-721456</b> . The Panel received a request from the ICC to reassess the claim.
<b>Relevant Tideway site</b>	Carnwath Road
<b>Decision</b>	<b>The requested mitigation is DEFERRED.</b>
<b>Details of the decision</b>	The ICP, whilst standing by its previous decisions in respect of this claimant based on its understanding of noise in this area, is prepared to make a late evening visit to the claimant's property to experience the noise effects within the property and to determine the extent to which noise is at a level such as to cause significant disturbance.
<b>Further information required/actions arising</b>	<b>Site visit</b>
<b>Information/action requested from Tideway</b>	<b>Tideway to arrange site visit</b>

Item 2	Notes for the record
<b>Applicant Reference</b>	The Panel reviewed information pack <b>2350-TDWAY-TTTUN-990-ZZ-ZZ-721455</b> in respect of a claim for reinstatement of respite.
<b>Relevant Tideway site</b>	Kirtling Street
<b>Decision</b>	<b>The requested respite was AWARDED.</b>
<b>Details of the decision</b>	The Panel visited the claimant's property to observe the muck bin area activities. On the basis of the Panel observations, the ICP reinstated the claim for continued respite and the respite should continue until the muck storage area is no longer in use.
<b>Further information required/actions arising</b>	<b>None</b>
<b>Information/action requested from Tideway</b>	<b>None</b>

Item 3	Notes for the record
<b>Applicant Reference</b>	The Panel considered information pack <b>2350-TDWAY-TTTUN-990-ZZ-ZZ-721461</b> and Minutes #135 in respect of a request from Tideway to consider the circumstances under which a retrospective award might be made.
<b>Relevant Tideway site</b>	All
<b>Decision</b>	<b>Appropriate clarification to Tideway has been provided.</b>
<b>Details of the decision</b>	It is noted by the ICP that there is nothing in the Non-Statutory Off-site mitigation and compensation policy (the Non-Stat Policy) which prevents them from backdating an award. However, it is the ICP's consideration that unless there are extreme circumstances related to a claimant's health or well-being and specific difficulties related to getting information in front of the ICP within a realistic time frame, then such claims would not normally be successful. The Panel noted that the final works on the slurry treatment plant construction are effectively complete and that all significant operations will be undertaken within acoustic enclosures and the noise impact on the resident will be further reduced.
<b>Further information required/actions arising</b>	<b>None</b>
<b>Information/action requested from Tideway</b>	<b>None</b>

Item 4	Notes for the record
<b>Applicant Reference</b>	The Panel considered information pack <b>2350-TDWAY-TTTUN-990-ZZ-ZZ-721451</b> .
<b>Relevant Tideway site</b>	Chambers Wharf
<b>Decision</b>	<b>The existing respite is not extended</b>
<b>Details of the decision</b>	The ICP previously determined in 2017 that there was a medical case for periods of respite. The ICP reviewed this case and along with similar awards determined that respite would cease when the construction of the slurry treatment works were completed. The ICP made this decision because there had been a significant reduction in noise levels from the site.
<b>Further information required/actions arising</b>	<b>None</b>
<b>Information/action requested from Tideway</b>	<b>None</b>

Item 5	Notes for the record
<b>Applicant Reference</b>	The Panel considered information pack <b>2350-TDWAY-TTTUN-990-ZZ-ZZ-721469</b> .
<b>Relevant Tideway site</b>	Kirtling Street
<b>Decision</b>	<b>The requested mitigation decision was DEFERRED.</b>
<b>Details of the decision</b>	The Panel has considered carefully the points made by the claimants with respect to noise and has had the benefit of reviewing both predicted noise levels and also the monitored noise levels. The ICP has confirmed that it is prepared to carry out a site visit to the claimant's property during an evening period when tunnelling from Kirtling Street recommences.
<b>Further information required/actions arising</b>	<b>None</b>
<b>Information/action requested from Tideway</b>	<b>To arrange a site visit</b>

Item 6	Notes for the record
<b>Applicant Reference</b>	The Panel considered information pack <b>2350-TDWAY-TTTUN-990-ZZ-ZZ-721458</b> .
<b>Relevant Tideway site</b>	Chambers Wharf
<b>Decision</b>	<b>The requested reinstatement of respite was NOT AWARDED.</b>
<b>Details of the decision</b>	The Panel noted that the final works on the slurry treatment plant construction are effectively complete and that all significant operations will be undertaken within acoustic enclosures and the noise impact on the claimant and the claimant's family will have reduced from when the original award was made. The Panel reviewed the noise and air quality reports for the area and does not consider that noise or air pollutant concentrations are at such a level as to significantly impact on the health of the family. Accordingly, respite is not reinstated.
<b>Further information required/actions arising</b>	<b>None</b>
<b>Information/action requested from Tideway</b>	<b>To arrange a site visit</b>

Item 7	Notes for the record
<b>Applicant Reference</b>	The Panel considered information pack <b>2350-TDWAY-TTTUN-990-ZZ-ZZ-721445</b> .
<b>Relevant Tideway site</b>	Chambers Wharf
<b>Decision</b>	<b>The requested reinstatement of respite was NOT AWARDED.</b>
<b>Details of the decision</b>	The Panel noted that the final works on the slurry treatment plant construction are effectively complete and that all significant operations will be undertaken within acoustic enclosures and the noise impact on the claimant and the claimant's family will have reduced from when the original award was made. The Panel reviewed the noise and air quality reports for the area and does not consider that noise or air pollutant concentrations are at such a level as to significantly impact on the health of the family. Accordingly, respite is not reinstated. The claimant is also complaining about light trespass into their property.
<b>Further information required/actions arising</b>	<b>None</b>
<b>Information/action requested from Tideway</b>	<b>Blackout blinds procedure to be implemented by Tideway</b>

Item 8	Notes for the record
<b>Applicant Reference</b>	The Panel considered information pack <b>2350-TDWAY-TTTUN-990-ZZ-ZZ-721466</b> .
<b>Relevant Tideway site</b>	Carnwath Road
<b>Decision</b>	<b>The request for continuation of respite was AWARDED.</b>
<b>Details of the decision</b>	The Panel reviewed previous correspondence and decisions with respect to the family. The ICP noted that direct impacts at the claimant's property from site activities were likely to be very limited. The Panel however considered specific medical information and came to the view that there should be a continuation of the holiday respite.
<b>Further information required/actions arising</b>	<b>None</b>
<b>Information/action requested from Tideway</b>	<b>None</b>

Item 9	Notes for the record
<b>Applicant Reference</b>	The Panel considered information pack <b>2350-TDWAY-TTTUN-990-ZZ-ZZ-721465</b> .
<b>Relevant Tideway site</b>	Chambers Wharf
<b>Decision</b>	<b>Referred back to Tideway team.</b>
<b>Details of the decision</b>	Tideway had brought to the Panel's notice a request to increase the annual rental allowance payable. It is the decision of the Panel, following discussion with the Tideway team, that Tideway should determine this issue themselves and that, until such time as a relevant claim came before the Panel, it is not required to make a decision.
<b>Further information required/actions arising</b>	<b>None</b>
<b>Information/action requested from Tideway</b>	<b>None</b>

Item 10	Notes for the record
<b>Applicant Reference</b>	The Panel considered information packs <b>2350-TDWAY-TTTUN-990-ZZ-ZZ-721461</b> and <b>2350-TDWAY-TTTUN-990-ZZ-ZZ-721496</b> .
<b>Relevant Tideway site</b>	Hammersmith
<b>Decision</b>	Daily respite to be made available to facilitate working arrangements until the end of March 2020.
<b>Details of the decision</b>	<p>The Panel received an urgent request for time away from the site for the claimant who was experiencing difficulty working from home because of noise from the site affecting his property.</p> <p>The Panel determined that whilst there is some inherent uncertainty in some of the information available in respect of noise from the site, there is the potential for working from home to be disturbed.</p> <p>The requested mitigation is therefore awarded.</p>
<b>Further information required/actions arising</b>	<b>None</b>
<b>Information/action requested from Tideway</b>	<b>None</b>

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

Signed

**Graham A Parry**  
*Chair, Independent Compensation Panel*

Date 14<sup>th</sup> February 2020