

INDEPENDENT COMPENSATION PANEL

MEETING #157 MINUTES

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| Purpose: | To determine medical, special cases and compensation claims. |
| Date and time: | Tuesday 28 July 2020 – 10.00 – 13.00 hrs |
| Location: | Video Conference |
| Panel Members: | Graham Parry (Chair) Phil Evans (Noise & Vibration) Stephen Stansfeld (Medical) |
| Abbreviations: | '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 |
| Document Number: | 2350-TDWAY-TTTUN-990-ZZ-ZZ-729448 |

| Item 1 | Notes for the record |
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| Applicant Reference | The Panel considered information pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-729247 |
| Relevant Tideway site | Chambers Wharf |
| Decision | DEFERRED |
| Details of the award | <p>The claimant lives with other family members and the Panel is fully aware of previous health issues and notes that the claimant now reports that she and her family are severely distressed by noise and chronic sleep deprivation, although no additional medical reports have been provided. The claimant is now requesting a respite holiday for herself and her household.</p> <p>The Panel has reviewed the latest noise monitoring reports for the site and note that noise levels are significantly reduced from those experienced in previous years.</p> <p>The Panel is aware that there will be occasional noise disturbance from the site but the Panel does not consider that this should be of a frequency of occurrence or level that could result in the health impacts that the claimant has identified.</p> <p>The Panel is minded to <u>not</u> award a respite holiday for the family as the installation of the sound insulation package would have mitigated any noise impacts. However, if the claimant is able to provide further medical evidence of health impacts for herself and the other occupants of the property,</p> |

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| | and proof of residence for those other occupants, then the Panel is willing to reconsider the claim. |
| Further information required/actions arising | Medical and proof of residence from claimant |
| Information/action requested from Tideway | None |

| Item 2 | Notes for the record |
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| Applicant Reference | The Panel considered information pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-729420 plus two audio recordings |
| Relevant Tideway site | Kirtling Street |
| Decision | PART AWARDED |
| Details of the award | <p>The claimants are working from home and report that they find the noise very disturbing. They work in separate rooms and need an additional air conditioning unit. They have previously been awarded one air conditioning unit and are now requesting one more air conditioning unit, two noise cancelling headphones and blackout blinds.</p> <p>The Panel is fully aware of the on-going noise issues at Kirtling Street and note that additional noise mitigation has recently been implemented in the muck bin area.</p> <p>The Panel awards an additional portable air conditioning unit and two pairs of noise cancelling headphones in line with similar awards in the building. The Panel does not award the request for blinds to reduce temperature and noise entering the property.</p> <p><u>All awards are subject to Tideway's Guidelines for Implementation of ICP decisions.</u></p> <p><u>https://www.tideway.london/media/3687/guidelines-for-implementation-of-icp-decisions_oct-2019.pdf</u></p> |
| Further information required/actions arising | None |
| Information/action requested from Tideway | None |

| Item 3 | Notes for the record |
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| Applicant Reference | The Panel considered information pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-729428 |
| Relevant Tideway site | Greenwich & Deptford |
| Decision | DEFERRED |
| Details of the award | <p>The claimant lives between the Greenwich and Deptford sites and reports that he is disturbed by noise, dust, vibration and bad smells. The claimant reports the pollution is badly affecting his asthma and finds working from home difficult and the disturbance is affecting his</p> |

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| | <p>work performance resulting in stress and potential loss of earnings. He is requesting blackout blinds, an MVHR control panel, payment for filters for the MVHR system, a portable air conditioning unit plus running costs, two pairs of noise cancelling headphones and compensation for loss of rental income.</p> <p>The distance of the property from the two construction sites appears to indicate that noise and dust should not be a significant issue.</p> <p>With respect to the claim for loss of rent, Tideway should provide the claimant with a list of the requirements to make a claim for financial loss.</p> <p>The Panel has deferred a decision on this claim until it receives the further additional information requested from Tideway.</p> |
| Further information required/actions arising | None |
| Information/action requested from Tideway | <p>Tideway to provide/confirm the exact location and floor of the property and whether the property is located on just one façade or more than one façade and which façade/facades these are.</p> <p>Tideway to provide the claimant with details of the blackout blind procedure.</p> <p>Tideway to provide the applicant with information with respect to making a financial claim and the reporting requirements for financial claims.</p> <p>S61 for Deptford and Greenwich sites.</p> |

| Item 4 | Notes for the record |
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| Applicant Reference | The Panel considered information pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-729426 |
| Relevant Tideway site | Carnwath Road |
| Decision | PART AWARDED |
| Details of the award | <p>The claimant and his wife report their daily life, work and sleep is consistently disrupted by the work resulting in a low level of background stress that was previously absent during the peak of lockdown. They are requesting financial compensation, air conditioning and some respite away from the site.</p> <p>The Panel is familiar with noise from the Carnwath Road site although notes that the claimant's property has very oblique views of the site which mainly encompass the acoustic enclosure.</p> <p>The Panel awards two portable air conditioning units to obviate the need to open windows.</p> <p>The Panel has considered the claim for respite away from the property; however, as no special or medical case has been made respite is not awarded.</p> |

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| | <p>The Panel does not make awards for financial compensation except where there is a business loss e.g. loss of rent.</p> <p><u>All awards are subject to Tideway's Guidelines for Implementation of ICP decisions.</u></p> <p><u>https://www.tideway.london/media/3687/guidelines-for-implementation-of-icp-decisions_oct-2019.pdf</u></p> |
| Further information required/actions arising | None |
| Information/action requested from Tideway | None |

| Item 5 | Notes for the record |
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| Applicant Reference | The Panel considered information pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-729418 |
| Relevant Tideway site | Kirtling Street |
| Decision | PART AWARDED |
| Details of the award | <p>The claim is similar in content to that which was put before the Panel on a previous occasion because of exposure to continuing high levels of noise. The claimants is now requesting a further set of headphones for his wife, daily respite and holiday respite.</p> <p>The Panel is aware of the noise issues at the Kirtling Street site and that recently further noise mitigation has been implemented in the muck bin area.</p> <p>As the wife is working from home the Panel awards a set of noise cancelling headphones. The Panel does not consider that a special or medical case for daily or holiday respite has been made and therefore no award is made in respect of that part of the claim.</p> <p><u>All awards are subject to Tideway's Guidelines for Implementation of ICP decisions.</u></p> <p><u>https://www.tideway.london/media/3687/guidelines-for-implementation-of-icp-decisions_oct-2019.pdf</u></p> |
| Further information required/actions arising | None |
| Information/action requested from Tideway | None |

| Item 6 | Notes for the record |
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| Applicant Reference | The Panel considered information pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-729419 plus 3x videos |
| Relevant Tideway site | Albert Embankment |
| Decision | PART AWARDED |

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| <p>Details of the award</p> | <p>The claimant reports that he and his flatmate are being disturbed by daytime and night-time noise from the site. He is requesting rehousing for the duration of the noise from the site or two pairs of noise cancelling headphones and two air conditioning units.</p> <p>The Panel has considered this claim very carefully as it is the first that it has received in respect of these particular works. The Panel has not received any information with respect to an update on site activities and has not seen the relevant s61 application for the site.</p> <p>The Panel does not consider that rehousing is appropriate as a special or medical case has not been made.</p> <p>The Panel awards two portable air conditioning units to obviate the need to open windows.</p> <p>The Panel also awards two sets of noise cancelling headphones.</p> <p><u>All awards are subject to Tideway's Guidelines for Implementation of ICP decisions.</u></p> <p><u>https://www.tideway.london/media/3687/guidelines-for-implementation-of-icp-decisions_oct-2019.pdf</u></p> |
| <p>Further information required/actions arising</p> | <p>None</p> |
| <p>Information/action requested from Tideway</p> | <p>Update on site activities and relevant s61 application for the site.</p> <p>Tideway to provide the claimant with information with respect to the blackout blinds application procedure.</p> |

| Item 7 | Notes for the record |
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| <p>Applicant Reference</p> | <p>The Panel considered information pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-729421</p> |
| <p>Relevant Tideway site</p> | <p>Kirtling Street</p> |
| <p>Decision</p> | <p>PART AWARDED</p> |
| <p>Details of the award</p> | <p>The claimant and his wife are reporting noise disturbance, heat in the flat from closed windows, light intrusion and dust pollution. He is concerned about the effects of dust on their health and that of their children. The claimant is requesting air conditioning and running costs, two pairs of noise cancelling headphones, blackout blinds, weekly cleaning services, some days respite away from the property per month and financial compensation for submitting the application (£250).</p> <p>The Panel is aware of noise at the Kirtling Street site and that recently further noise mitigation has been implemented in the muck bin area.</p> <p>Requests for blackout blinds are not dealt with by the ICP as Tideway has a separate procedure for blackout blinds and Tideway should implement the blackout blind application procedure for the claimant.</p> |

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| | <p>As a special or medical case has not been demonstrated, respite away from the site area is not awarded.</p> <p>With respect to financial compensation the ICP only awards financial compensation where there is a business loss, e.g. loss of rent or where costs have been incurred from external advisors. Accordingly, no financial compensation is awarded.</p> <p>The Panel has considered the video information and, accordingly, the Panel awards two portable air conditioning units to obviate the need to open windows.</p> <p>The Panel also awards two sets of noise cancelling headphones to a maximum cost of £100.</p> <p><u>All awards are subject to Tideway's Guidelines for Implementation of ICP decisions.</u></p> <p><u>https://www.tideway.london/media/3687/guidelines-for-implementation-of-icp-decisions_oct-2019.pdf</u></p> |
| Further information required/actions arising | None |
| Information/action requested from Tideway | Tideway to provide the claimant with information with respect to the blackout blinds application procedure. |

| Item 8 | Notes for the record |
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| Applicant Reference | The Panel considered information pack: 2350-TDWAY-TTTUN-990-ZZ-ZZ-729422 |
| Relevant Tideway site | Heathwall |
| Decision | DEFERRED |
| Details of the award | <p>The claimant and his partner report being disturbed by construction noise and low frequency noise from the HEAPS site which is directly across Nine Elms Lane from their apartment. They are requesting overnight respite during the week.</p> <p>The Panel has reviewed the position of the apartment in relation to the construction site; however, the Panel has not received any specific information with respect to anticipated site activities, construction hours and has not reviewed the latest s61 for the site.</p> <p>In order to determine this claims the Panel requires further site information and, therefore, this claim is deferred until Tideway provides the requested information.</p> |
| Further information required/actions arising | None |
| Information/action requested from Tideway | Tideway to provide information with respect to anticipated site activities, construction hours and the most recent s61 for the site. |

| Item 9 | Notes for the record |
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| Applicant Reference | The Panel considered information pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-729247 |
| Relevant Tideway site | Hammersmith Pumping Station |
| Decision | DEFERRED |
| Details of the award | <p>The Panel has received a number of previous claims from the claimants. They find, because of noise from the site, that they have to keep patio doors and windows shut leading to high temperatures in their flat. They find that the noise level interferes with their work.</p> <p>The claimants are now requesting office space as noise and vibration from the site makes it impossible to work from home.</p> <p>The Panel had understood that many of the noisier activities at the site had stopped. However, the Panel has not seen a recent s61 for the site and requires sight of that document in order to determine this claim.</p> <p>The Panel decided to defer any further decision on this claim until such time as it receives the information from Tideway as requested above.</p> <p><u>All awards are subject to Tideway's Guidelines for Implementation of ICP decisions.</u></p> <p><u>https://www.tideway.london/media/3687/guidelines-for-implementation-of-icp-decisions_oct-2019.pdf</u></p> |
| Further information required/actions arising | None |
| Information/action requested from Tideway | Section 61 application for July 2020 onwards and noise monitoring reports/data for May, June and July 2020. |

| Item 10 | Notes for the record |
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| Applicant Reference | The Panel considered information pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-720388 |
| Relevant Tideway site | King Edward Memorial Park |
| Decision | AWARD MADE |
| Details of the award | <p>The ICP had previously reviewed information packs 2350-TDWAY-TTTUN-990-ZZ-ZZ-721537 & 2350-TDWAY-TTTUN-990-ZZ-ZZ-721556 and determined on 10th and 24th March 2020 that a decision with respect to the claim would be deferred until a visit could be made by the Panel to the claimant's property. The purpose of the originally planned site visit, with the Noise and Vibration Specialist and the Medical Specialist in attendance, was for the Panel to put into context any low frequency noise characteristics of the site's activities.</p> <p>The visit to the claimant's property was postponed as the claimant had relocated away from the property. The Chair of the ICP subsequently carried out a visit to the building. During the site visit the Chair was able to experience noise levels within the garden of</p> |

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| | <p>the property and also within, and on the balcony of, the neighbour's property.</p> <p>It was noted that, from the balcony of the neighbour's property, and therefore also the claimant's property, there is an oblique view of the east end part of the KEMPF site which includes the PSD and the grab loader. From the rear of the building, the west end of the KEMPF site is visible such that noise from the hydroraise operations will impact on the rear of the property.</p> <p>During the site visit, which lasted for approximately one hour, the hydroraise, PSD and grab loader were all operating normally as far as could be determined.</p> <p>The claimant had variously requested alternative accommodation during the day, compensation or respite. The Panel has determined that respite should be offered to the claimant and his wife. The award will continue until such time as the specific works related to the construction of the shaft have been completed or when any perceived low frequency noise source is not of concern to the claimant, whichever is the sooner.</p> <p><u>All awards are subject to Tideway's Guidelines for Implementation of ICP decisions.</u></p> <p><u>https://www.tideway.london/media/3687/guidelines-for-implementation-of-icp-decisions_oct-2019.pdf</u></p> |
| <p>Further information required/actions arising</p> | <p>None</p> |
| <p>Information/action requested from Tideway</p> | <p>None</p> |

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

Signed

Date 17 August 2020

Graham Parry
Chair, Independent Compensation Panel