

## INDEPENDENT COMPENSATION PANEL

### MEETING #164 MINUTES

<b>Purpose:</b>	To determine medical and special cases
<b>Date and time:</b>	Tuesday 10 November 2020 – 1000hrs to 1045hrs
<b>Location:</b>	Video Conference
<b>Panel Members:</b>	Graham Parry (Chair) Phil Evans (Noise & Vibration) Stephen Stansfeld (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-729993

<b>Site visit</b>	The Chair carried out a site visit to the Acton Storm tanks area on the 6 <sup>th</sup> November 2020.
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Item 1	Notes for the record
<b>Applicant Reference</b>	The Panel considered information pack <b>2350-TDWAY-TTTUN-990-ZZ-ZZ-730018</b> plus 4 videos.
<b>Relevant Tideway site</b>	Acton Storm Tanks
<b>Decision</b>	<b>DEFERRED</b>
<b>Details of the award</b>	<p>The claimant's case was reviewed by the ICP on August 25<sup>th</sup> 2020 when she was claiming for overnight respite for her husband, re-housing and for all noisy work to start after 13:30 hrs. In one of her emails, she mentions she has been troubled by site noise for two years. It was difficult to understand how noise affected their property so a decision was deferred until a visit could be made. Several emails were received complaining of the noise and she also complained of bright lights shining into their flat.</p> <p>Videos have been provided by the claimant in respect of construction activity occurring both day and night. These appear to have been taken from a balcony or through an open window, such that the noise does not necessarily reflect the situation within the property with windows closed.</p> <p>The Panel is fully aware of the noise complaints registered for the area and has taken the general pattern of complaints fully into account.</p>

	<p>The Chair of the ICP visited the area on the 6<sup>th</sup> November 2020 and noted that, at that time, there were no obvious noisy activities occurring on the Tideway site such as to result in significant disturbance. There were, however, very noisy utilities activities occurring in the street which involved the use of pneumatic breakers.</p> <p><b>The Panel has determined that it requires both the most up to date s.61 for the site and recent noise monitoring data. Additionally, subject to Government guidance, a site visit to the property would assist the Panel in finalising this claim subject to the claimant being willing to facilitate that visit.</b></p> <p><b><u>All awards are subject to Tideway’s Guidelines for Implementation of ICP decisions.</u></b></p> <p><b><u><a href="https://www.tideway.london/media/4138/guidelines-for-implementation-of-icp-decisions_feb-2020.pdf">https://www.tideway.london/media/4138/guidelines-for-implementation-of-icp-decisions_feb-2020.pdf</a></u></b></p>
<b>Further information required/actions arising</b>	<b>Site visit to claimant’s property.</b>
<b>Information/action requested from Tideway</b>	<b>Tideway to provide s.61 and most up to date noise monitoring data.</b>

<b>Item 2</b>	<b>Notes for the record</b>
<b>Applicant Reference</b>	The Panel considered information pack <b>2350-TDWAY-TTTUN-990-ZZ-ZZ-730020</b> .
<b>Relevant Tideway site</b>	Chambers Wharf
<b>Decision</b>	<b>NOT AWARDED</b>
<b>Details of the award</b>	<p>The Panel is fully aware of the claimant’s medical conditions. The request from the claimant is for the reinstatement of her previous respite.</p> <p>The claimant had previously requested that her respite award should be altered to allow for meals to be delivered to her home. That request was turned down at that time as it would not provide the necessary respite away from the site.</p> <p>Also, as previously indicated, “The Panel noted that the final works on the slurry treatment plant (STP) 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”.</p> <p>The Panel is fully aware of the noise complaints registered for the area and has taken the general pattern of complaints fully into account.</p> <p>The ICP is aware that grouting works have been ongoing on the eastern side of the acoustic shed and also that the tunnel boring machine (TBM) has been delivered and, from the latest s.61, tunnelling is due to commence December/January 2020. Final works to the STP and muck bin areas are ongoing and there have also been works to a water main.</p>

	<p>The latest noise monitoring report includes the monthly period up to the 5<sup>th</sup> October 2020 and indicates no TAP or s.61 exceedances and that noise levels, day and night, are generally low.</p> <p>The Panel also reviewed the raw noise monitoring data for October 2020. The data for NM_10, which is the closest noise monitor to the claimant's property, indicates a continuation of the low levels of noise reported in the previous formal noise monitoring report.</p> <p><b>The Panel determined that, as noise levels remain relatively low, an award is not made.</b></p> <p>The ICP will be considering measured noise levels and the s.61 consents covering the tunnelling works as they commence in order to determine at that time whether there is any significant change to the noise climate in the area.</p> <p><b><u>All awards are subject to Tideway's Guidelines for Implementation of ICP decisions.</u></b></p> <p><b><u><a href="https://www.tideway.london/media/4138/guidelines-for-implementation-of-icp-decisions_feb-2020.pdf">https://www.tideway.london/media/4138/guidelines-for-implementation-of-icp-decisions_feb-2020.pdf</a></u></b></p>
<b>Further information required/actions arising</b>	<b>None</b>
<b>Information/action requested from Tideway</b>	<b>None</b>

<b>Item 3</b>	<b>Notes for the record</b>
<b>Applicant Reference</b>	The Panel considered information pack <b>2350-TDWAY-TTTUN-990-ZZ-ZZ-729988</b> .
<b>Relevant Tideway site</b>	Chambers Wharf
<b>Decision</b>	<b>DEFERRED</b>
<b>Details of the award</b>	<p>The property is located across the River Thames from the site. They are requesting the reinstatement of temporary overnight accommodation close to their current property where they are working from home.</p> <p>They have stated that they continue to be disturbed by low frequency noise although the most recent noise monitoring and report did not establish that low frequency noise was emanating from the Chambers Wharf site.</p> <p>The claimant has provided a number of noise readings using a phone App which appear to identify low frequency noise.</p> <p>The Chair and the Noise &amp; Vibration Specialist attended a video meeting with CVB and their noise specialist in order to determine a way forward in respect of this claim. It was agreed that further noise monitoring was required within the claimant's property. A full NANR 45 investigation should be carried out and CVB's noise specialist would develop a measurement methodology for submission to and review by the ICP including a full interview. Noise measurements should be attempted before tunnelling starts so that fans can be shut off/turned on to establish the differences in noise levels.</p>

	<p><b>Post meeting note:</b> Communication with the claimant and his partner has been arranged for 16<sup>th</sup> November 2020.</p> <p><b><u>All awards are subject to Tideway's Guidelines for Implementation of ICP decisions.</u></b></p> <p><b><u><a href="https://www.tideway.london/media/4138/guidelines-for-implementation-of-icp-decisions_feb-2020.pdf">https://www.tideway.london/media/4138/guidelines-for-implementation-of-icp-decisions_feb-2020.pdf</a></u></b></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-730019.
Relevant Tideway site	Chambers Wharf
Decision	<b>AWARD RATIFIED</b>
Details of the award	<p>The claimant submitted her case via email for emergency consideration. The ICP Chair communicated the decision via email that, "<i>as an emergency and precautionary measure, recognising [the claimant's] requirement for quiet study, the ICP provide an award in respect of the repayment of one month's access to [an offsite working facility]. This decision will be ratified at the next ICP meeting however the claimant can go ahead and purchase the access required in the knowledge that Tideway will reimburse the cost.</i>"</p> <p><b>These minutes serve to ratify the above decision.</b></p> <p><b><u>All awards are subject to Tideway's Guidelines for Implementation of ICP decisions.</u></b></p> <p><b><u><a href="https://www.tideway.london/media/4138/guidelines-for-implementation-of-icp-decisions_feb-2020.pdf">https://www.tideway.london/media/4138/guidelines-for-implementation-of-icp-decisions_feb-2020.pdf</a></u></b></p>
Further information required/actions arising	None
Information/action requested from Tideway	None

Item 5	Notes for the record
Applicant Reference	At the ICP meeting on 13 October 2020 the Panel considered information pack <b>2350-TDWAY-TTTUN-990-ZZ-ZZ-729920</b> - The claimant provided the further information as requested.
Relevant Tideway site	Chambers Wharf
Decision	<b>PREVIOUS AWARD AMENDED</b>
Details of the award	Based on the further information received, this award has been extended to include one additional adult to act as carer for the claimant together with two children for whom the claimant acts as the main carer. This decision was communicated to the claimant via

	<p>email on 23 October 2020 and these minutes serve to ratify that decision.</p> <p>It should be noted that all awards are subject to Government guidance current at the time of making the award.</p> <p><b><u>All awards are subject to Tideway's Guidelines for Implementation of ICP decisions.</u></b></p> <p><b><u><a href="https://www.tideway.london/media/4138/guidelines-for-implementation-of-icp-decisions_feb-2020.pdf">https://www.tideway.london/media/4138/guidelines-for-implementation-of-icp-decisions_feb-2020.pdf</a></u></b></p>
<b>Further information required/actions arising</b>	<b>None</b>
<b>Information/action requested from Tideway</b>	<b>None</b>

<b>Item 6</b>	<b>Notes for the record</b>
<b>Applicant Reference</b>	The Panel considered information pack <b>2350-TDWAY-TTTUN-990-ZZ-ZZ-729978</b> and an email received on behalf of the claimant dated 21 <sup>st</sup> October 2020.
<b>Relevant Tideway site</b>	Chambers Wharf
<b>Decision</b>	<b>PART AWARDED</b>
<b>Details of the award</b>	<p>The Panel had previously deferred a decision in respect of a request from the claimant for three weeks emergency daily respite.</p> <p>A representative of the claimant on this submission to the ICP, reported drilling noise from grouting on the eastern side of the site which has currently paused but may soon start up again. Her health issues are known to the Panel and have been fully taken into account.</p> <p>The Panel has now received, as requested, the raw noise monitoring data for the period which included the recent grouting and drilling works that occurred on the eastern side of the acoustic enclosure and notes the elevated levels of noise recorded, at times, particularly on the 13<sup>th</sup>, 14<sup>th</sup>, 15<sup>th</sup>, 16<sup>th</sup> and 19<sup>th</sup> of October 2020.</p> <p><b>The Panel determined to make an award of a total of five days of daily respite for the claimant and a carer.</b></p> <p><b>It should be noted that all awards are subject to Government guidance current at the time of making the award.</b></p> <p><b><u>All awards are subject to Tideway's Guidelines for Implementation of ICP decisions.</u></b></p> <p><b><u><a href="https://www.tideway.london/media/4138/guidelines-for-implementation-of-icp-decisions_feb-2020.pdf">https://www.tideway.london/media/4138/guidelines-for-implementation-of-icp-decisions_feb-2020.pdf</a></u></b></p>
<b>Further information required/actions arising</b>	<b>None</b>
<b>Information/action requested from Tideway</b>	<b>None</b>

<b>Item 7</b>	<b>Notes for the record</b>
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<b>Applicant Reference</b>	The Panel considered information pack <b>2350-TDWAY-TTTUN-990-ZZ-ZZ-729977</b> including an email dated 21 <sup>st</sup> October 2020.
<b>Relevant Tideway site</b>	Chambers Wharf
<b>Decision</b>	<b>NOT AWARDED</b>
<b>Details of the award</b>	<p>The Panel had previously deferred a decision in respect of a request from the claimant for three weeks emergency daily respite’.</p> <p>The Panel has now received, as requested, the raw noise monitoring data for the period which included the recent grouting and drilling works that occurred on the eastern side of the acoustic enclosure and notes the elevated levels of noise recorded, at times, particularly on the 13<sup>th</sup>, 14<sup>th</sup>, 15<sup>th</sup>, 16<sup>th</sup> and 19<sup>th</sup> of October 2020.</p> <p>The claimant’s health problems are known to the Panel and have been taken fully into account and the complaints register for the area has also been reviewed.</p> <p>The Panel notes that the rooms which the claimant has identified as using within the property are facing away from the current external works area. <b>Accordingly, the Panel does not consider that noise from the recent grouting and drilling works would be at such a level as to cause significant health effects to the claimant and hence no award is made.</b></p> <p><u>All awards are subject to Tideway’s Guidelines for Implementation of ICP decisions.</u></p> <p><a href="https://www.tideway.london/media/4138/guidelines-for-implementation-of-icp-decisions_feb-2020.pdf">https://www.tideway.london/media/4138/guidelines-for-implementation-of-icp-decisions_feb-2020.pdf</a></p>
<b>Further information required/actions arising</b>	<b>None</b>
<b>Information/action requested from Tideway</b>	<b>None</b>

<b>ITEMS FOR DISCUSSION</b>	
<b>Arrangements for respite awards during Government lockdown arrangements.</b>	<p>Due to the Government lockdown directives and guidance it means that some awards cannot be taken at the present time until after the existing lockdown period.</p> <p>Tideway’s Senior Manager (MH) provided, by way of an email dated 12<sup>th</sup> November 2020, the way in which Tideway proposed that the present awards would be altered. The change in respite awards has been communicated to all those claimants who are affected and the ICP has ratified the approach adopted.</p>

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

Signed

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

Date 17 November 2020