

INDEPENDENT COMPENSATION PANEL

MEETING #165 MINUTES

Purpose:	To determine medical, special cases and compensation claims
Date and time:	Tuesday 24 November 2020 0900 - 1030 – Compensation cases (via Microsoft Teams) 1030 – 1115 – Medical and Special cases (via Zoom)
Location:	VIDEO CONFERENCE: (GP, SS, PE, RP and CK) Summary feedback: (LW – by telecon)
Panel Members:	Tuesday 24 November 2020 0900 - 1030 – Compensation cases (via Microsoft Teams) 1030 – 1115 – Medical and Special cases (via Zoom)
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-732300

Item 1	Notes for the record
Applicant Reference	The Panel considered information pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-732296 .
Relevant Tideway site	Chambers Wharf
Decision	AWARDED
Details of the award	<p>Following the decision set out in the ICP Minutes #162, the Panel has considered additional information from the claimant who has also returned a calculation spreadsheet to aid the task of assessing the full loss of rent claim for 2020.</p> <p>The Panel is content that the claim that has been made is reasonable for losses incurred in 2020.</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/4138/guidelines-for-implementation-of-icp-decisions_feb-2020.pdf</u></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-732339 .
Relevant Tideway site	Albert Embankment
Decision	AWARDED
Details of the award	<p>The Panel reviewed the information pack with respect to loss of rent and other costs incurred with respect to the same. The Panel subsequently requested further information from the claimant by way of rental agreements etc.</p> <p>The Panel having received the additional information which was requested have determined an award for the period of the current tenancy.</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/4138/guidelines-for-implementation-of-icp-decisions_feb-2020.pdf</u></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-732338
Relevant Tideway site	Kirtling Street
Decision	PART AWARDED
Details of the award	<p>The claimant complains that the noise is excessive, particularly at night and has provided detailed information in respect of the extent to which he is disturbed.</p> <p>The Panel has determined a number of cases associated with the works at Kirtling Street affecting the residents and the Panel is fully aware of the noise impacts which have been affecting residents. The tunnel boring machine (TBM) which produces the spoil should complete its tunnelling on Saturday 28th November. Therefore, after that time the muck bin area operations should, in the greater part, cease and would not be expected to be active at night.</p> <p>In light of the above, the Panel does not make an award of an air conditioning unit as there should not be significant noise impacts in the immediate future such that opening windows will be an issue.</p> <p>As a precautionary measure to assist with working from home, the Panel makes an immediate award of two pairs of noise cancelling headphones to a maximum cost of £100 per set,</p>

	<p>which should assist if any other disturbance occurs from the site.</p> <p>With respect to blackout curtains, the claimant is referred to Tideway to implement their blackout blinds procedure.</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/4138/guidelines-for-implementation-of-icp-decisions_feb-2020.pdf</u></p>
Further information required/actions arising	Tideway to implement their blackout blinds procedure
Information/action requested from Tideway	Tideway to remind the contractor of their obligations to mitigate noise impacts and to ensure that construction personnel park appropriately and minimise noise due to their arrival and departure from site.

Item 4	Notes for the record
Applicant Reference	The Panel considered information pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-732363
Relevant Tideway site	Earl Pumping Station
Decision	PART AWARDED
Details of the award	<p>The claimant reports that noise and air pollution from the Earl Pumping Station site is exacerbating his existing medical conditions. He would like a fan to increase airflow through the property and 3 or 4 days of respite per week.</p> <p>The claimant’s flat is located some 120 m from the centre of the construction site. Due to intervening buildings, he either has no or a very limited view of the site. The noise monitoring report for Tideway East (C415) - EARPS for location NM03 1-39 Chilton Grove has been examined. That report identifies noise levels at the NM03 monitoring location to be relatively low. The Panel consider it unlikely that he will experience noise at such a level as to require an award of respite. Based upon the above, it would seem unlikely that this resident is exposed to levels of noise from the site of sufficient magnitude to justify this claim. Additionally, air quality monitoring in the immediate vicinity of the property has consistently identified pollutant levels significantly below Air Quality Objective levels and no worse than most areas in London.</p> <p>On a very precautionary basis, the Panel does make an award of two fans at a maximum cost of £300/fan and the electricity costs for one year of £55/fan.</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/4138/guidelines-for-implementation-of-icp-decisions_feb-2020.pdf</u></p>
Further information required/actions arising	None

Information/action requested from Tideway	None
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Item 5	Notes for the record
Applicant Reference	The Panel considered information pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-732373 .
Relevant Tideway site	Kirtling Street
Decision	NOT AWARDED
Details of the award	<p>The claimant has line of sight to the barge loading area for the spoil from Kirtling Street. The Panel previously determined that, on a precautionary principle and on the basis of the reported health issues, two night's overnight respite/week was awarded for the claimant and his partner until tunnelling activities cease at Kirtling Street. The Panel reviewed video evidence provided by the claimant.</p> <p>The Panel is aware that the tunnel boring machine (TBM) which produces the spoil, which is variously transferred to the muck bin area or direct to the barges at Kirtling Street, should complete its tunnelling on Saturday 28th November and, therefore, after that time barge activities should in the greater part cease.</p> <p>The Panel has therefore determined that the requested award is not made. Additionally, subject to confirmation from Tideway in respect of the cessation of night-time barge activities then the existing award will cease, and the claimant will be informed by Tideway as to when that will occur.</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/4138/guidelines-for-implementation-of-icp-decisions_feb-2020.pdf</u></p>
Further information required/actions arising	None
Information/action requested from Tideway	Tideway to inform the claimant when his present award will cease based on the cessation of night time barge activities.

Item 6	Notes for the record
Applicant Reference	The Panel considered an urgent request by way of an email from the Mitigation and Compensation Lead dated 23.11.2020.
Relevant Tideway site	Chambers Wharf
Decision	AWARDED
Details of the award	<p>Due to the urgency of this case, the Chair made the original award which was subsequently endorsed by PSE and SS.</p> <p>Given the previous award, and the continuation of the works, it is suggested that this further claim is allowed but this may be needed</p>

	<p>for longer than the five weeks identified in the latest Information Sheet for Chambers Wharf.</p> <p>The Panel has determined that the previous award for access to the Soho Works is extended until the end of January 2021.</p> <p>With respect to when the works will occur the Panel refer the claimant to Tideway to see whether they can be more precise as to when these activities will occur.</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/4138/guidelines-for-implementation-of-icp-decisions_feb-2020.pdf</u></p>
Further information required/actions arising	None
Information/action requested from Tideway	None
ITEMS FOR DISCUSSION	
Ongoing cases	The Chair and Noise & Vibration Specialist provided an update with respect to two cases related to Low Frequency Noise.

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

Signed

Graham Parry
Chair, Independent Compensation Panel

Date 2 December 2020