

INDEPENDENT COMPENSATION PANEL

MEETING#229MINUTES

Purpose:	To determine medical, special cases and compensation claims.
Date and time:	Tuesday 23 May 2023 – 1000hrs to 1100hrs
Location:	Video Conference
Panel Members:	Graham Parry (Chair) Stephen Stansfeld (Medical) Phil Evans (Noise)
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-739020

Site visit	The ICP carried out a site visit to Albert Embankment, Heathwall and Kirtling Street on 19 th May 2023 to observe construction activities and noise. A home visit to the apartment of Claimants #3 below was also made.
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Item 1	Notes for the record
Applicant Reference	The Panel considered the information contained in pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-739023 plus emails from the claimant dated 18 th and 19 th May 2023
Relevant Tideway site	Acton Storm Tanks
Decision	AWARDED
Details of the award	<p>The Claimant's situation is well understood by the ICP, and six months respite was awarded at ICP meeting # 215 held on the 12th September 2022. A further claim was heard at ICP meeting # 226 and the blackout blinds procedure was implemented.</p> <p>The claimant has now stated that the construction noise has increased and there is also a droning noise from a generator. The site has advised that they have switched over to generator power which could be the humming noise which has become noticeable to the claimant and her husband. The generator has been enclosed on four sides with a double layer of acoustic blankets, which is best practice to reduce noise and the Panel note that it operates at approximately 30 metres from the claimant's property.</p>

	<p>Due to this noise and the occasional night shift working of her husband, the claimant is requesting overnight respite accommodation for her husband in a hotel as previously awarded.</p> <p>The Panel has reviewed noise information from the site and is aware that extraneous noise events will occur from time to time.</p> <p>Whilst noise from the generator may be discernible, it would not ordinarily be at such a level, with the benefit of noise mitigation, to result in interference or sleep disturbance within the home.</p> <p>The Panel has nevertheless decided to take a very precautionary approach, noting the husband's shift work patterns, and makes an award of 6 days respite a month for hotel accommodation for him until the end of August 2023.</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>
<p>Further information required/actions arising</p>	<p>None</p>
<p>Information/action requested from Tideway</p>	<p>None</p>

Item 2	Notes for the record
<p>Applicant Reference</p>	<p>The Panel considered the information contained in pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-739031 plus 4 videos</p>
<p>Relevant Tideway site</p>	<p>Kirtling Street</p>
<p>Decision</p>	<p>NOT AWARDED</p>
<p>Details of the award</p>	<p>The claimant works from home and cares for her daughter full time. The Panel is fully aware of the family circumstances and health issues as fully described by the medical specialist.</p> <p>From the ICP meeting on the 8th November 2022, an award was made.</p> <p>On the 28th March 2023, the claimant requested by e-mail, an extension of respite mitigation whilst the works at Heathwall and Kirtling street are ongoing. This claim was considered at ICP Meeting #226 and the claim was declined.</p> <p>The claimant is now appealing that decision directly to the ICP.</p> <p>No specific update for the KRTST or Heathwall sites appear to be available except for the information on the re-instatement of the old road of Kirtling Street at KRTST and crane removal at Heathwall. However, whilst the Panel notes that the concrete breaking is mostly intermittent, the character and type of noise is disturbing, although the claimant's residence is remote and shielded from the works at Kirtling Street.</p> <p>The videos submitted by the claimant have been reviewed. The videos did contain noise from the HEAPS site, but they were not at</p>

	<p>all representative of the noise which the claimant may experience in her residence.</p> <p>In addition to the above, the ICP had a site visit to the HEAPS and Kirtling Street sites on Friday 19th May 2023. Site activity was reviewed and there was very little noise from the HEAPS site and it was confirmed that the claimant's residence is well shielded from the Kirtling Street site.</p> <p>The Panel has considered this claim very carefully and do not consider that the evidence available to the Panel identifies that noise from construction activities is regularly impacting on the claimant's property. Accordingly, no award is made.</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 the information provided at the previous ICP meeting as well as subsequent emails dated 22 nd May and a visit to the claimants' home on Friday 19 th May
Relevant Tideway site	Kirtling Street
Decision	AWARDED
Details of the award	<p>The Panel is aware of the personal circumstances of the claimants.</p> <p>The claimant is now stating that the noise from Thames Tideway outside their windows has been incessant and has led to a deterioration of their quality of life in several areas.</p> <p>The claimant is seeking continuation of the respite awarded beyond the current end date of 30th April 2023.</p> <p>At the ICP meeting #227, the following was agreed: <i>The Panel has determined to not extend the respite award at this present time; however, the Panel would like to arrange a home visit to the claimant's property at which time they would reconsider the need for an extension of the existing respite award.</i></p> <p>The ICP carried out a site visit to the HEAPS and Kirtling Street sites on Friday 19th May 2023. The site visit also included a home visit to the property where the Panel were shown around the property by the claimant's partner. The property looks directly into the Kirtling Street site and there is no shielding of site activities now that the acoustic shed has been removed. There was activity on the site including concrete breaking with a pecker. The noise from this was experienced by the Panel both from the winter garden and the main living (and work area) with both the glass shutters and doors open and closed. The noise was very audible with the windows open but</p>

	<p>still audible within the flat with doors and windows closed. The flat suffers from considerable heat gain due to its location and there is no A/C system.</p> <p>The claimants were requesting a continuation of their existing award of one day's respite. However, since the home visit the Panel has received a further communication from the property owner in which he implies that the one day a week respite is not sufficient to compensate for what he describes as the incessant noise which impacts on the claimants' ability to work from home and health.</p> <p>The Panel has carefully considered the claim in the light of the home visit and makes an increased award until the end of July 2023. The Panel considered a request to backdate the award to the start of May 2023; however, the Panel has declined to do so as it is the case that it is only in exceptional circumstances that awards are made retrospectively, and this is not such a case.</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>
<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 14 June 2023

Graham Parry
Chair, Independent Compensation Panel