

INDEPENDENT COMPENSATION PANEL

MEETING #237 MINUTES

Purpose:	To determine medical, special cases and compensation claims.
Date and time:	Tuesday 12 September 2023 – 1000hrs to 1200hrs
Location:	Video Conference & telephone discussion
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-739049

Item 1	Notes for the record
Applicant Reference	The Panel considered the information contained in pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-739316
Relevant Tideway site	Carnwath Road
Decision	AWARDED
Details of the award	<p>The claimant's personal circumstances are known to the Panel.</p> <p>AT ICP meeting # 233 on the 25th of July 2023, the claimant was made an award <i>until the end of August 2023</i>.</p> <p>Current information from, the site states:</p> <p><i>June to December 2023:</i></p> <ul style="list-style-type: none"> - <i>Excavate and construct Air Treatment Chamber including concrete breakout works (core hours only, north of shed).</i> - <i>Upper level shaft internals construction (core hours only as shed now removed)</i> - <i>Cast concrete units east end of site (core hours only)</i> <p>So, whilst work is still ongoing, the noisy elements would appear to be reducing.</p> <p>The Panel has reviewed all of the information available to it including recent emails to the ICP Administrator and has determined to extend the existing award until the end of December 2023.</p> <p><u>All awards are subject to Tideway's Guidelines for Implementation of ICP decisions.</u></p>

	https://www.tideway.london/media/4138/guidelines-for-implementation-of-icp-decisions_feb-2020.pdf
Further information required/actions arising	None
Information/action requested from Tideway	None

Item 2	Notes for the record
Applicant Reference	The Panel considered the information contained in pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-739306 plus 3 videos sent to ICP via Sharepoint Doc Transfer 31/8/23
Relevant Tideway site	Kirtling Street / Heathwall
Decision	AWARDED
Details of the award	<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>At ICP meeting # 229 on the 23rd of May 2023, the ICP considered a claim for reinstatement of previous respite.</p> <p>The claimant came back to the ICP at meeting # 230 on the 13th of June 2023 and appealed directly to the ICP the previous decision.</p> <p>The claimant has now come back to the ICP although it is not stated what she is seeking but it is assumed to be continuation of the previously awarded respite. She states:</p> <p><i>I had hoped the works at the Heathwall site were coming to an end. This past month it has been the complete opposite.</i></p> <p><i>This barge has been showing up daily digging the river bed outside my boat. There have been survey boats going round and round. Divers these past couple of weeks and now the enormous barge is dropping enormous rocks into the river outside my boat with extreme noise and tugboats letting out noxious nauseous fumes.</i></p> <p>Videos were provided to support the claim which the Panel has reviewed.</p> <p>The latest site update was reviewed together with subsequent information received from Tideway (email Monday 11th of September 2023) on works at Heathwall indicate ongoing activity including an extension to the s.61 for the scour protection works from 1st of September 2023 until 31st of January 2023. This is for the use of barges (spud-leg and supply/muck away), a long reach excavator, a crawler crane, winch and concrete pump.</p> <p>Site and associated river activity is ongoing including the river scour protection works which will now continue until the end of January 2024.</p> <p>The Panel has considered the information available to them very carefully and has determined to make an award of one day of respite a week for the claimant and her daughter until the end of December 2023 at the standard rate.</p>

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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 contained in pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-739310 [details sent to Panel 22/8/23 plus 5 videos & 2 photos sent via SharePoint Doc transfer]
Relevant Tideway site	Hammersmith Pumping Station
Decision	AWARDED
Details of the award	<p>The recent site update of the 10th of August 2023 was reviewed. The latest information from the site dated the 24th of August 2023 is that these works are almost complete now but there are also other non-Thames Tideway works ongoing in the area.</p> <p>The Panel has considered this case very carefully and recognising the previous disturbance as reported and the potential for some disturbance to continue makes an award of two days respite a week/person until the end of October 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>
Further information required/actions arising	None
Information/action requested from Tideway	None

Item 4	Notes for the record
Applicant Reference	The Panel considered the information contained in pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-739311
Relevant Tideway site	Victoria Embankment
Decision	FOR CONTRACTOR TO RESOLVE
Details of the award	<p>The claimant states:</p> <p><i>"... a crack has appeared in our kitchen wall and a piece of trim has become detached. Both of these were adjacent to a chimney which was pointed out to the Tideway representatives as suffering from significant vibrations from Tideway's use of vibration equipment.</i></p>

	<p><i>Both of these instances of physical damage may be the subject a separate claim in the future.</i></p> <p>He has also reported problems with a fridge which he states was damaged by the vibrations and has had to be repaired.</p> <p>Information from the site was reviewed.</p> <p>Conversations between Tideway personnel and the claimant would appear to indicate that vibration is being experienced by the claimant even when the Tideway pile removal is not occurring.</p> <p>The following information was reported to the claimant:</p> <p><i>The average for the building this morning during the times that vibrations were above 1mm/s (the level above which people perceive vibration) were:</i></p> <p><i>08:08 – 08:24am (16 min): PPV average = 1.78mm/s</i></p> <p><i>08:41 – 09:11am (30 min): PPV average = 1.77mm/s</i></p> <p><i>09:27 – 09:43am (16 min): PPV average = 2.89mm/s</i></p> <p><i>10:46 – 10:58am (12min): PPV average = 1.91mm/s</i></p> <p><i>The good news is that the last two piles opposite your apartment were extracted this afternoon. The operation will now move to the eastern side of the site so I hope that this will reduce any impact that you may experience.</i></p> <p>Vibration monitoring has been carried out both on site, in the basement and on the roof of the building. The monitoring commenced on the 11th of July 2023 for the former two locations and on the 14th of July 2023 on the roof which would be the most representative of effects within the claimant’s apartment. One-minute periods are reported.</p> <p>The monitoring results provided cease on the 7th of September 2023 with over 40,000 data points with the three axes reported separately. The average PPV over the period was 0.1 mm/s with one highest level of 100.9 mm/s recorded at 11:43 on the 19th of July 2023. After this, the highest level was 4.4 mm/s with 285 data points above 1 mm/s which is the notional level of perceptibility. There is no indication as to what caused the peak of 100.9 mm/s, which in the Panel’s expert view is anomalous and could not be related to piling activity.</p> <p>BS 5228 Part 1: Vibration states for building structures: BS 7385-2 notes that the probability of damage tends towards zero at 12.5 mm·s⁻¹ peak component particle velocity.</p> <p>For electronic kitchen goods such as fridges etc, these are generally relatively insensitive to vibration, and they have to be for when they get moved and will then experience much higher levels of vibration. It seems very improbable that the levels of vibration experienced in the flat would be sufficient to move the fridge in its housing.</p> <p>The Panel has determined that as the claim relates to damage to a refrigerator and cracking within the property the contractor needs to carry out an assessment to determine whether they are liable for any repairs.</p>
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Further information required/actions arising	Contractor to arrange an assessment of claim
Information/action requested from Tideway	None

Item 5	Notes for the record
Applicant Reference	The Panel considered the information contained in pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-739126
Relevant Tideway site	Carnwath Road
Decision	AWARDED
Details of the award	<p>The claimant made a claim which was considered at ICP meeting # 231 on 27th of June 2023.</p> <p>Previously the Panel made an award of:</p> <p><i>The Panel has determined to make a respite award for five days a week until the end of May.</i></p> <p><i>If the claimant requires alternative temporary office space, on an as required basis, the Panel will require information related to potential office accommodation costs and locations.</i></p> <p><i>The Panel understand that there have been some difficulties in providing reimbursement to the claimant and the Panel therefore requests that Tideway expedite the award as soon as possible. Additionally, the existing award is extended until the end of September 2023.</i></p> <p>From the above, the Panel determined as follows:</p> <p>The Panel is aware of the on-going construction works at the Carnwath Road site and has viewed videos which identify the extent to which noisy works could result in disturbance. The Panel is aware that in order to continue her business the claimant has located to alternative premises where she is charged a percentage of her overall fees which change on a monthly basis. Accordingly, the Panel makes an award for loss of earnings by way of rental of alternative premises. The award must be substantiated by way of invoices and copies of bank statements. The award commences immediately until the end of December 2023.</p> <p>Additionally, the Panel extends the existing respite award of for five days a week to cover transport expenses to the alternative workplace until the end of December 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>

Further information required/actions arising	None
Information/action requested from Tideway	None

Item 6	Notes for the record
Applicant Reference	The Panel considered the information contained in pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-739335 (plus 10 videos sent by SharePoint Doc Exchange)
Relevant Tideway site	Greenwich Pumping Station
Decision	AWARDED
Details of the award	<p>The claimant has made various claims with the last one being considered by the ICP at meeting # 230 held on the 13th of June 2023. At that meeting, the following was agreed:</p> <p><i>The Panel has considered all of the information made available and has determined to extend the existing award of two days respite a week for both family members until the end of August 2023.</i></p> <p>The claimant is now seeking to extend the award until the end of the year when the works are due to complete.</p> <p>She has also submitted 10 videos from both inside and outside her flat. These do contain noise from the site including plant and concrete breaking which was at a disturbing level.</p> <p>The various site reports have been reviewed.</p> <p>The Panel determined as follows:</p> <p>The Panel has determined based on the information available to make an award of two days respite a week for the claimant at the standard cost until the end of December 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>
Further information required/actions arising	None
Information/action requested from Tideway	None

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

Signed

Date 28 September 2023

Graham Parry
Chair, Independent Compensation Panel