

INDEPENDENT COMPENSATION PANEL

MEETING #238 MINUTES

Purpose:	To determine medical, special cases and compensation claims.
Date and time:	Tuesday 26 September 2023 08.30 – 09.30 – Compensation cases (Teams) 10.00 – 12.00 - Special & Medical cases (Zoom)
Location:	Video Conference
Panel Members:	Graham Parry (Chair) Stephen Stansfeld (Medical) Phil Evans (Noise) Chris Kench & Richard Pugh (Compensation)
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-739374

Item 1	Notes for the record
Applicant Reference	The Panel considered the information contained in pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-739347
Relevant Tideway site	King Edward Memorial Park
Decision	AWARDED
Details of the award	<p>The Panel considered the latest claim and all of the information available to the Panel.</p> <p>The Panel has determined to make an award for the period August 2022 to July 2024, based on a rental value (disregarding Tideway works) and the rents actually achieved. No award was made in respect of the claim for additional costs as this was considered to be unsupported, too remote and a risk normally associated with residential investment.</p> <p>It is anticipated that much of the major construction works at the King Edward Memorial Park Foreshore site will be nearing completion in the summer of 2024 so any claim made after the end of the period covered by this award will be considered in the light of the ongoing and remaining works at that time.</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-739362 plus 2 videos
Relevant Tideway site	Greenwich Pumping Station
Decision	AWARDED
Details of the award	<p>This location was visited by members of the Panel in February 2021. The personal circumstances of the claimants and the family are known to the Panel.</p> <p>Previous claims were heard on the 27th of April 2021 at ICP meeting # 176, on the 10th of May 2022 at ICP meeting # 205 and on the 24th of May 2022 at ICP meeting # 206. At that time, the claimant was seeking relocation due to the works affecting the family and concerns about the one-way traffic order placed on Norman Road in respect of access to emergency services, if required.</p> <p>Following a home visit, relocation was granted at ICP meeting # 206 on the 24th of May 2022 as follows:</p> <p>The Panel makes a very precautionary award in respect of the extension of access to temporary accommodation until 12th July 2023.</p> <p>The claimants have now come back to the and are seeking an extension of the relocation until the works at the GREPS site are complete. Two videos of recent site activity have been provided both taken from outside and at ground level, so not particularly representative of the noise effects at or in their apartment.</p> <p>From the TTT Forum presentation of the 14th of July 2023, it would appear that works at this site are not due to be fully completed until between September and November 2024.</p> <p>There is little current information on site activity but one of the recent reports states that, for the Greenwich Pumping Station, the final topping layer of the cover slab was poured marking another milestone for the team.</p> <p>Based on all of the information available the Panel has determined as a very precautionary measure to extend the existing award until the end of March 2024.</p> <p><u>All awards are subject to Tideway's Guidelines for Implementation of ICP decisions.</u></p> <p>https://www.tideway.london/media/4138/guidelines-for-implementation-of-icp-decisions_feb-2020.pdf</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 contained in pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-739365 plus 2 videos
Relevant Tideway site	Kirtling Street
Decision	PART AWARDED
Details of the award	<p>From previous videos etc, the Panel is aware that the apartment overlooks the site. Videos have been provided in respect of concrete breaking using a backactor mounted hydraulic breaker. The claimants medical and claims history are well known to the Panel and they are now claiming:</p> <p><i>‘The key for us is to be away from the site as much as possible between now and the end of November 2023 and we would therefore request the following mitigation.</i></p> <ul style="list-style-type: none"> - <i>Holiday award 1 x 7 days holiday award to be taken by 30th November 2023</i> - <i>Respite award: 3 days per week respite for 2 pax until 30th November 2023’</i> <p>The Panel notes that there is little detailed information available in respect of site activity but, from the TTT Forum presentation of the 14th of July 2023, it would appear that works at this site are due for completion in January 2024.</p> <p>The Panel has considered very carefully this claim noting that noisy works at the site do occur although not all of the time. Accordingly, the Panel makes an award of 3 days respite per week for both claimants until the Christmas site shutdown. The award is at the standard rate.</p> <p>The Panel determined that based on the information available to them a holiday award was not granted.</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	The contractor to be reminded that BPM should be employed at all times as, in the view of the Panel, the videos viewed did not identify appropriate screening of noisy work.

Item 4	Notes for the record
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Applicant Reference	The Panel considered the information contained in pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-739359
Relevant Tideway site	Kirtling Street
Decision	AWARDED
Details of the award	<p>At ICP meeting # 233 on the 25th of July 2023, the following was awarded:</p> <p><i>Based on the above information and in part informed by a recent visit to the building, the Panel extends the existing award of two days a week respite for all family members until the end of September 2023. The respite award is at the standard rate.</i></p> <p>The claimant is now seeking an extension of the award of two days respite per week for all family members beyond the end of September 2023.</p> <p>There is little detailed information available for on-site activity but, from the TTT Forum presentation of the 14th of July 2023, it would appear that the works at this site are due for completion in January 2024. The Panel is also aware that works are, at times, noisy but now only during the daytime.</p> <p>The Panel has determined to extend the existing award of two days a week respite for all family members until the Christmas shutdown of the site. The respite award is at the standard rate.</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 5	Notes for the record
Applicant Reference	The Panel considered the information contained in pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-739360
Relevant Tideway site	King Edward Memorial Park Foreshore
Decision	AWARDED
Details of the award	<p>The claimant states:</p> <p><i>'I have only recently become aware of this Scheme.</i></p> <p><i>I am unusually sensitive to noise.</i></p> <p><i>Loud and discontinuous noise makes me jump and affects my sense of well-being and my calmness of mind.</i></p> <p><i>It stops me working efficiently.'</i></p> <p>The claimant is requesting noise cancelling headphones.</p>

	<p>The Panel is aware that there are ongoing works to remove the cofferdam associated with the site and it is appreciated that the required works are noisy and noise is likely to be impulsive. There are also other non-Tideway works which are presently on-going with respect to the jetty in front of Free Trade Wharf.</p> <p>Whilst the claimant lives relatively distant from the Tideway works, the Panel recognises that the claimant is sensitive to noise and therefore makes an award of a pair 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/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 an email chain forwarded to the ICP Administrator from Tideway Mitigation (pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-739363)
Relevant Tideway site	Carnwath Road
Decision	NOT AWARDED
Details of the award	<p>A claim was previously considered at ICP meeting # 233 on the 25th of July 2023.</p> <p>The claimant has now come back to the Panel stating: <i>‘The solution you propose will simply not work. There is no means of exhausting the hot air produced as a consequence of producing cold air so it would simply be a waste of electricity.</i></p> <p><i>We are examining the option of installing a roof light we could open to allow the build up of warm air in the apartment somewhere to escape. We are not yet sure of the costs but when we are we would request a monetary contribution from Tideway to mitigate at least some of the cost.’</i></p> <p>Previously the ICP offered two portable air conditioning units to the claimant. The Panel notes that other claimants within the Piper Building previously accepted portable air conditioning units which provided a reasonable means of cooling rooms when venting the units through a partially open window.</p> <p>The Panel has determined that the previous award remains in place, although if the claimant wishes to offset the costs of the rooflight works which they have identified, then the £600 may be used for that purpose.</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 7	Notes for the record
Applicant Reference	The Panel considered the information contained in pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-739364
Relevant Tideway site	Acton Storm Tanks
Decision	AWARDED
Details of the award	<p>The claimants’ circumstances and claims are well understood and documented, and hotel accommodation has previously been provided for the husband.</p> <p>The claimant is complaining about noise from a generator which has been moved closer and will be operational until the end of 2023.</p> <p>The claimant is now requesting:</p> <p><i>‘Please can respite care be arranged for 2 x nights a week at the Crowne Plaza in Park Royal until the ongoing hum is properly resolved?’</i></p> <p>The claimants are particularly sensitive to noise and the husband’s working patterns do require daytime sleeping.</p> <p>The Panel has considered all of the available information available to them and has determined to make an award of two nights hotel accommodation a week until the end of October 2023 for all family members. The hotel rates should be agreed with Tideway in advance.</p> <p>The Panel intends to make a site visit to the area to consider the extent to which the generators are resulting in noise issues.</p> <p><i>Post meeting note re noise levels:</i></p> <p>Noise monitoring information has now been provided to the Panel which indicates that noise levels at the claimant’s property should not be at such a level as to be particularly disturbing.</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	The contractor should consider the opportunities for re-siting the generators if possible away from Edison Court.

Item 8	Notes for the record
Applicant Reference	The Panel considered the information contained in pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-739367
Relevant Tideway site	Hammersmith Pumping Station
Decision	AWARDED
Details of the award	<p>This claim was discussed at ICP meeting # 237 on 12th of September 2023 and the outcome of that meeting was:</p> <p><i>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.</i></p> <p>Following that award, the Claimant has queried when the award is from and that it should accommodate disturbance in August. It is assumed as per normal circumstances that the award would be from the date of the meeting until the end of October, i.e. the 12th of September until the end of October 2023.</p> <p>The claimant states:</p> <p><i>Whilst I appreciate the mitigation of 2 days per week going forward this does not address the unacceptable level of disruption in August for which respite was not offered in advance (I did not request because the notice of works indicated there would not be disruption), was not offered during the works when the disruption became apparent because there was no provision for respite without ICP process and there was no ICP panel until 12th September & further compensation for the impact on our personal, family & work life as a consequence.</i></p> <p>The Panel notes the request to backdate the award; however, the previous award was explicit in that it took account of previous disturbance which is why the award was extended to the end of October 2023.</p> <p>With respect to the redecoration of the property, the Panel has determined to make an award of access to temporary accommodation for one week whilst redecoration is ongoing.</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

ANY OTHER BUSINESS:

Item 1	Notes for the record
Applicant Reference	The Panel considered the information contained in pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-739233
Relevant Tideway site	Chambers Wharf
Decision	AWARDED
Details of the award	<p>The Panel has reviewed the additional information provided by the claimant and has determined that the award previously identified in ICP Meeting #235 is verified and that Tideway should now implement the award.</p> <p><u>All awards are subject to Tideway's Guidelines for Implementation of ICP decisions.</u></p> <p>https://www.tideway.london/media/4138/guidelines-for-implementation-of-icp-decisions_feb-2020.pdf</p>
Further information required/actions arising	None
Information/action requested from Tideway	Tideway to implement the award.

Item 2	Notes for the record
Applicant Reference	The Panel considered the information contained in pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-739272 plus 5 videos
Relevant Tideway site	Chambers Wharf
Decision	
Details of the award	<p>Two members of the ICP (the medical and noise specialists) visited the claimants at home on 19 September 2023.</p> <p>The Panel has discussed this claim at some length taking into account all of the salient facts and has determined that the following award is made:</p> <p>For claimant 1, one day a week access to alternative office accommodation until the Christmas shutdown of the CHAWF site in December 2023.</p> <p>For claimant 2, as a very precautionary measure, access to a music studio five days a week until the Christmas shutdown of the CHAWF site in December 2023. Note that costs of this specific award must be agreed in advance with Tideway.</p> <p>These awards will be further reviewed in January 2024 in relation to on-going activities at the CHAWF site.</p> <p><u>All awards are subject to Tideway's Guidelines for Implementation of ICP decisions.</u></p> <p>https://www.tideway.london/media/4138/guidelines-for-implementation-of-icp-decisions_feb-2020.pdf</p>

Further information required/actions arising	These awards will be further reviewed in January 2024 in relation to on-going activities at the CHAWF site.
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-73924
Relevant Tideway site	Chambers Wharf
Decision	
Details of the award	<p>Two members of the ICP (the medical and noise specialists) visited the claimant at home on 14th of September 2023.</p> <p>The full Panel has considered the elements of this claim very carefully in the light of the home visit, its knowledge of noise emanating from the site and the personal circumstances of the claimants.</p> <p>The Panel has determined to make the following award:</p> <p>Four days office access a week for the claimant’s partner until the Christmas shutdown of the site in December 2023. The Panel also offers an award of 2 pairs of noise cancelling headphones up to a cost of £100/pair.</p> <p>The request for respite payments is not awarded.</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 *Graham A Parry*

Date 19 October 2023

Graham Parry
Chair, Independent Compensation Panel