

INDEPENDENT COMPENSATION PANEL

MEETING #161 MINUTES

Purpose:	To determine medical, special cases and compensation claims.
Date and time:	Tuesday 22 September 2020 0900 - 1000 – Compensation cases (via Microsoft Teams) 1030 - 1230 – Medical and Special cases (via Zoom)
Location:	Video Conference
Panel Members:	Graham Parry (Chair) Phil Evans (Noise & Vibration) Stephen Stansfeld (Medical) Chris Kench & Richard Pugh (Compensation Specialists)
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-729577

Item 1	Notes for the record
Applicant Reference	The Panel considered information pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-729585 .
Relevant Tideway site	Albert Embankment
Decision	Compensation NOT AWARDED. Mitigation AWARDED
Details of the award	<p>The Panel considered the claim but was not persuaded that the inability to secure a sub-tenant was due solely to Tideway works. Void periods are not uncommon and this is currently exacerbated by the Covid-19 pandemic. It is also noted that the claimant entered into a new tenancy so the Panel must assume that the rent now being paid under the terms of that agreement represents the market value of the flat reflecting any disturbance from the Tideway works. The Panel notes that the claimant stated to Tideway that he was finding the situation intolerable and needed to be rehoused by the project, yet he renewed the tenancy 4 days later. The Panel also reviewed additional information provided by way of an email dated 22nd September 2020. The Panel considered very carefully the case made by the claimant however the Panel does not consider any monetary compensation to be appropriate.</p> <p>The Panel considered the fact that a third room is now occupied and therefore makes an award of an additional A/C unit plus the running costs for a year of £55. Additionally, assuming that the</p>

	<p>new tenant may need to work from home the Panel awards a further set 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>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 2	Notes for the record
Applicant Reference	The Panel considered information pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-729578 .
Relevant Tideway site	Chambers Wharf
Decision	Compensation AWARDED
Details of the award	<p>The amount claimed is based on the difference between the rent achieved in May 2020 and the rent that was being achieved before the works commenced. This approach is consistent with previous awards made by the Panel and accordingly the Panel awards the sum for the period May 2020 to May 2021 as claimed</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 information pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-729549 (plus subsequent additional information provided).
Relevant Tideway site	Falconbrook
Decision	Compensation DEFERRED
Details of the award	<p>The Panel reviewed additional information provided by the claimant in respect of various receipts.</p> <p>The receipts now provided do not add up to the amount claimed. There is no receipt for studio hire. The Panel need to see a receipt for the studio hire and a brief explanation of the increased costs.</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	Further information as required above.
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-729580 .
Relevant Tideway site	Chambers Wharf
Decision	Respite AWARDED
Details of the award	<p>The claimant and son have a number of health issues which are known to the Panel.</p> <p>In September 2020 the claimant said that disturbance from the site was making her medical symptoms worse and medical records were examined.</p> <p>The Panel has considered noise and air quality monitoring reports for the area and note that overall noise and pollutant concentration levels remain relatively low. The Panel is aware that there will be some noise events from time to time which may be disturbing. The Panel did not consider that temporary relocation is appropriate for this claim and also notes that this would in all likelihood mean the claimant giving up her tenancy at the property.</p> <p>The Panel has however determined that on a precautionary principle two days respite a week is awarded for the claimant and her son. This award will be reviewed again at the start of April 2021, such that the award is only for a six month period at this time.</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 5	Notes for the record
Applicant Reference	The Panel considered information pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-729578 .
Relevant Tideway site	Earl Pumping Station
Decision	Mitigation Part AWARDED

<p>Details of the award</p>	<p>The claimant is reporting ‘unbearable noise and vibration’ from construction activities on the site and reports that the use of heavy machinery causes the ground to shake. The claimant tries to keep his windows shut but finds his flat gets hot and the air gets ‘<i>stale and unhealthy</i>’. He finds the noise interferes with his work phone calls and is impacting him professionally. He also finds the noise is giving him sustained attacks of migraine. He reports that the vibration has resulted in light fittings and wall mounted speakers falling down. The claimant is requesting an air conditioning unit and respite away from the property when excessive noise levels are expected. He has spoken to Tideway before about the damage caused by vibration, but it was not followed up then, but he would like it to be now.</p> <p>A noise monitoring report from the 6th July to the 3rd August 2020 was made available to the Panel. That report indicates that noise monitor NM01 (the monitor is fixed to the hoarding on the site’s south side) is the most representative monitor for this property although it is somewhat closer than where the Panel understands that the claimant’s flat is located.</p> <p>The monitoring report indicates that there were two s.61 (2 dB over s.61 level) but no Trigger Action Plan exceedances over the period of monitoring. The monitoring report states:</p> <p><i>“Wednesday-Exceedance 15/07/2020 08:00-18:00 - CVB Works: ‘Sewer diversion manhole breaking.’ Measured noise level within +3dB of the S61 level, therefore no exceedance reported.</i></p> <p><i>Friday-Exceedance 17/07/2020 08:00-18:00 - CVB Works: ‘Sewer diversion platform excavation.’ Measured noise level within +3dB of the S61 level, therefore no exceedance reported.”</i></p> <p>The above information is somewhat contradictory; however, noise levels are relatively high and these were discussed by the Panel.</p> <p>The Panel has determined that an award is made of a portable air conditioning unit (with internal water reservoir) to assist with keeping windows closed to a maximum cost of £300 plus £55 for a year of electricity costs. Additionally, in order to assist with working from home the Panel awards a set of noise cancelling headphones to a maximum cost of £100.</p> <p>The Panel has considered the request for respite away from the claimant’s home when noise becomes particularly disruptive, however, it is not possible to determine with any certainty as to when this might occur. Accordingly, noting that the claimant will now be able to keep windows closed to reduce any noise disturbance no respite award is made.</p> <p>The Panel is not able to deal with any claims with respect to property damage and the claimant should contact the contractors to make a claim.</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>
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Further information required/actions arising	None
Information/action requested from Tideway	None

Item 6	Notes for the record
Applicant Reference	The Panel considered information pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-729581 together with 4x videos.
Relevant Tideway site	Nine Elms Pier
Decision	Part AWARD
Details of the award	<p>The complainant states that they have had over a hundred nights of disturbed sleep during 2020. He reports disturbances both day and night from the site. He finds it very difficult to concentrate on his business during the day because of the noise. He says, <i>'my physical and emotional health has been greatly impacted due to these various issues and I'm currently experiencing heightened amounts of anxiety due to the exhaustion from lack of sleep and limited ability to function during daylight hours.'</i> He is asking the site to stop working overnight from 10pm to 7am 'until appropriate measures at site level are in place to limit their sleep disturbance. He is requesting either temporary rehousing, holiday respite or overnight respite.</p> <p>From site information, it would appear that the Heathwall site works operate standard daytime and Saturday hours and hence they do not work overnight. However, the spoil handling associated with the Kirtling Street site is 24 hours and it is these works that may be causing the reported problem of sleep disturbance, although the Panel notes that those works are in excess of 250 metres from the claimant's property.</p> <p>The Panel reviewed the videos which were provided by the claimant although it was difficult to determine exactly where these were taken from and, if internally, whether windows were closed or open.</p> <p>With respect to the claimant's request for the site to stop working between the hours of 2200hrs and 0700hrs, the ICP is not in a position to control the hours of work which have been agreed by way of a s61 application to the Local Authority.</p> <p>A special or medical case is not supported by the information provided to the Panel.</p> <p>The Panel has determined that on a precautionary principle and on the basis of the reported health issues, two night's overnight respite/week is awarded for the claimant and his partner until tunnelling activities cease at Kirtling Street.</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 7	Notes for the record
Applicant Reference	The Panel considered information pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-729137 plus 3 videos: 2350-TDWAY-TTTUN-990-ZZ-ZZ-729139 , 2350-TDWAY-TTTUN-990-ZZ-ZZ-729140 and 2350-TDWAY-TTTUN-990-ZZ-ZZ-729135 .
Relevant Tideway site	Cremorne Wharf Depot
Decision	Not AWARDED
Details of the award	<p>The claimant moved into his houseboat in November 2019. He is working from home full time. He is disturbed by noise in the evening from the site and also by the swell, caused, he says, by Tideway's barge movements. He also complains of vibrations, especially from piling, bright lights from the site and 24-hour noise. He presents no medical evidence. He is requesting replacement curtains, a weekly cleaner, compensation for breakages and nuisance, a small portable air conditioning unit, fan, and payment of his rent from March to November 2020. The ICP reviewed his case on June 23rd 2020 (ICP minutes 155). The Panel awarded him a portable air conditioning unit and running costs. The Panel did not award financial compensation suggesting that the claimant should approach his landlord instead. With regards to breakages the Panel suggested the claimant should approach the contractor directly. The Panel did not make an award in relation to increased swell from the river which to the Panel seemed a reasonable expectation of living on the river.</p> <p>The ICC has referred the claim back to the ICP and the Panel has considered the decision of the ICC and discussed the information available to the Panel in respect of the movement of barges and Appendix C of the Policy.</p> <p>The Panel has received further information in respect of Tideway barge movements from and to Cremorne Wharf which identified that there were only 4 night-time movements out of a total of 52 movements during the period January to September 2020. There were also movements of barges from Carnwath Road which have subsequently been reviewed by the Chair. The Panel accepts that the Tideway barge movements will be over and above any other movements on the river; however, the Panel has determined that they do not occur at such a level or frequency of occurrence to result in a significant impact on the claimant and that movement of vessels on the Thames is to be expected at different times of the day or night.</p> <p>The Panel has further reviewed Appendix C of the Policy and notes that houseboats are special cases for the assessment of compensation claims resulting from noise. Mitigation or compensation for houseboat owners and/or residents is offered to qualifying parties when construction noise from the project exceeds the trigger levels set out in the Policy. The trigger levels which are applied are those at Section 4 of the Policy as amended to take account of the sound insulation properties of houseboats. The Panel</p>

	<p>does not consider that it is likely that the trigger levels as identified in Trigger Action Plans for other houseboats would be exceeded and furthermore the extent and duration of any noise or other impacts on the houseboat are relatively limited.</p> <p>For the above reasons the Panel does not make any further awards to the claimant.</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 8	Notes for the record
Applicant Reference	The Panel considered information pack 2350-TDWAY-TTTUN-990-ZZ-ZZ-729596 .
Relevant Tideway site	Chambers Wharf
Decision	Respite AWARDED
Details of the award	<p>The claimant had by way of an email provided a commentary on the effect of the Chambers Wharf site on her and her family in response to the Panel decision made on the 25th August 2020. The Panel had previously considered noise and air quality monitoring reports for the area and note that overall noise and pollutant concentration levels remain relatively low. The Panel has also had sight of the complaints register for the area.</p> <p>The Panel, in light of the information provided in the email correspondence, has determined that on a precautionary principle they award a respite break of 4 days for the family to be taken within 2020.</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

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

Signed

Date 02 October 2020

Graham A Parry
Chair, Independent Compensation Panel

