

<b>Committee(s):</b>	<b>Date(s):</b>
Hampstead Heath, Highgate Wood and Queen's Park Management Committee	23 <sup>rd</sup> September 2013
Projects Sub (Policy and Resources) Committee	26 <sup>th</sup> September 2013
<b>Subject:</b> Update on the Hampstead Heath Ponds Project	<b>Public</b>
<b>Report of:</b> Superintendent of Hampstead Heath	<b>For Decision</b>
<p><b>Summary</b></p> <p>This report summarises the current position and details activity that has taken place over the past few months.</p> <p>Atkins, the designers, have produced a Shortlist Options Report which describes various options on each chain and the trade-offs between the different heights of embankments and work required elsewhere on the chain.</p> <p>Atkins will now work with City officers and stakeholders to distil two preferred options on each chain. A report will then be drafted outlining these preferred options that will be brought before both the Consultative Committee and your Committee in October and November 2013, seeking views and approval to commence the wider public consultation over the winter period.</p> <p>This report also includes details of the Quantitative Risk Assessment, an update on procurement of the construction contractor, and further information on the environmental surveys that are taking place as part of the project.</p> <p><b>Recommendation</b></p> <p>Members approve the approach being undertaken to proceed with the project at "deliberate speed" and receive the formal Quantitative Risk Assessment and accompanying Position Statement.</p>	

## Main Report

### Background

1. Approval was given by the Court of Common Council on 14 July 2011 for the project to upgrade the pond embankments on the Hampstead and Highgate chains. The aims of the project are to reduce the current risk of pond overtopping, embankment erosion, failure and potential loss of life downstream; ensure compliance with the existing requirements of the Reservoirs Act 1975 together with the additional expected requirements under the Flood and Water Management Act 2010 while meeting the obligations of the Hampstead Heath

Act 1871; and improving water quality. At the same time it seeks to achieve other environmental gains through, for example, habitat creation.

### **Current Position**

2. Following the report to your Committee in July 2013, a revised programme of activities and actions was agreed and supported by the independent Panel Engineer, which allowed for an extended period for formal consultation with the public and stakeholders. This has to date focussed on the process of developing design options and their respective “trade-offs” with wider consultation to be held from late November 2013 for a period of 12 weeks on the two preferred options for each chain of ponds. The intention is to submit a formal planning application by the end of May 2014 and subject to consents, for site works to commence early April 2015.
3. To comply with this programme will involve an element of working at risk as the City will need to instruct the Design Team to continue developing a preferred option in advance of knowing the outcome of the public consultation process.

### **Shortlist Options Report**

4. As part of options development phase, Atkins have produced a Shortlist Options Report. This report is an outcome of consultation with Heath users, Heath staff and the Ponds Project Stakeholder Group. In the report, Atkins have started to look in more detail at options on both pond chains and the trade-offs between the different heights of embankments and environmental work required to mitigate the impacts of works. The initial report was drafted following a workshop with the Ponds Project Stakeholder Group on 22<sup>nd</sup> July 2013. The formal responses to this report have been analysed and a final report issued by Atkins. This report can be found on the City of London’s website at [www.cityoflondon.gov.uk/pondsproject](http://www.cityoflondon.gov.uk/pondsproject) in the Reports section.
5. In the report, the options for the Highgate chain are centred on a proposal to raise the dam at the south end of Model Boating Pond by between 2m and 3metres. Depending on the height of this dam raising, the dams for Men’s Bathing Pond, and Highgate No. 1 Pond will also need to be raised by between 0.5 and potentially 2m. Proposed works in the upstream ponds could then be limited to include new spillways at Stock Pond and Ladies Bathing Pond, and only minimal works to fill low spots on the dam at Bird Sanctuary Pond.
6. On the Hampstead chain the options are centred on a proposed new embankment in an existing gully known as the Catchpit. In one option, the embankment is proposed to be 5.6m high, as measured from the lowest point in the gully. This provides additional storage in a largely hidden, wooded area which will then minimise works needed on the existing dams themselves. In any case the spillway capacities at Vale of Health and Viaduct Pond need to be increased. Depending on the proposed amount of raising at Mixed Bathing Pond (proposed to be limited to between 1m to possibly 2 metres, there are various options for dam raising and spillway design for Hampstead No 1 and Hampstead No 2 to pass the flood flows safely. Minimising potential tree loss along the avenue of Plane trees due to works on the Hampstead No. 2 dam has been flagged as important by the Ponds Project Stakeholder Group.

7. Within the Stakeholder Group the current Chairman has unfortunately been unable to attend meetings in recent weeks. The Deputy Chairman has had to also stand down and therefore with the support of the current Chairman of the Group, Karen Beare from Fitzroy Farm Residents' Association has been approached and has agreed to step into the vacant Deputy Chairman role and fulfill the Acting Chairman position.

### **Consultation Process**

8. The next step and final stage in the options development phase involved a further workshop with the Ponds Project Stakeholder Group on 14<sup>th</sup> September. Following this, Atkins will then produce a report with two options on each chain for formal consultation over the winter period, with the wider public and stakeholders, with the intent of selecting a preferred option which will form the basis of a planning application to be submitted by the end of May 2014.
9. This report will form the basis of an Options Report that will be submitted to the Ponds Project Stakeholder Group in early October, the next meeting of the Consultative Committee and your meeting in November 2013, before wider consultation with the public commences in November 2013. Given the disparate interests represented on the PPSG a consensus agreement on the preferred options is unlikely.
10. Independent specialist consultants with expertise in the field of consultation are being appointed to manage the formal consultation exercise, which will start at the end of November, ensuring it is meaningful and fair. This consultation will be far reaching – aiming to engage as many Heath-users and local residents as possible - and will involve a range of tools such as exhibitions, questionnaires, workshops, posters, leaflets, newspaper editorial and adverts and social media.

### **Procurement of a Construction Contractor**

11. The Competitive Dialogue process is now underway with four contractors entering the discussions. This process was initially delayed, when three out of four tenderers withdrew within a short space of each other during the initial tender process, earlier this year. A new tender process has now commenced and the first stage, which introduces the prospective contractors to the project and allows them an opportunity to deliver a presentation, took place on 13<sup>th</sup> and 14<sup>th</sup> August 2013.
12. The second stage – which goes into more detail on both technical and financial aspects of each applicants approach to the project, took place over four days in mid-September. Following these discussions, participants will then submit their tender proposal in October which will be evaluated with a view to an appointment to assist with the detailed design options, in early December.

### **Project Gateway Report**

13. Following the appointment of the successful contractor, and concurrent with the public consultation exercise, the Design Team will need to continue with work

with early contractor involvement on the design details. This is essential in enabling the contractor to bring their experience to the project in terms of potential value engineering and programming of works on site. It has always been recognised that this is work that is undertaken at risk, but maintains progress at “deliberate speed” to mitigate the corporate risk.

14. At the conclusion of the consultation process when the views of the wider public have been analysed, it will be possible to bring together this information and the work of the Design Team and construction contractor to prepare a Gateway 4c Report. This will identify the preferred option that the City will need to approve as the basis for submission of a planning application in May 2014.

### **Quantitative Risk Assessment**

15. As part of the agreed methodology for this project, Atkins have prepared a baseline Quantitative Risk Assessment (QRA). It is unusual for a QRA to be prepared at this stage of the design process, as they are a tool to be used at the end of the options appraisal, to understand the trade-off between cost and residual risk. There is no statutory requirement for a QRA to be prepared, the City has to comply with the industry guidelines set out in the Institution of Civil Engineers “Flood and Reservoir Safety 3rd edition” to meet its obligations in terms of reservoir management. A copy of the QRA and a Position Statement from our retained Panel Engineer Dr Andy Hughes is also appended to this report.
16. In the spirit of cooperation and consultation with the Ponds Project Stakeholder Group, the City asked Atkins to prepare the base-line position for the two chains of ponds on Hampstead Heath. As such, this initial assessment does not reflect the completed process and is best considered as a discussion document at this stage. This document was release to the Ponds Project Stakeholder Group, Consultative Committee and wider public in early September 2013.
17. The QRA has confirmed the work undertaken by CARES, that the City of London holds an unacceptable liability: the probability of collapse of the Hampstead Heath Ponds chains under both shorter and longer return period storm events, and a notable risk to life, particularly residents in basement flats, from such collapse.

### **Surveys**

18. Specialist surveys set out below have been commissioned so that the Design team can fully understand the current position on the Heath. The information gathered during these surveys will supplement the extensive data already held by Heath staff.
  1. Bird surveys – completed. Awaiting report
  2. Great crested newt survey – completed. Report received.
  3. Aquatic survey – on site now.
  4. Archaeology – desk study complete. Report received.
  5. Water Quality – on site now.

6. Invasive species – on site now.
7. Invertebrate review - desk study complete. Report received.
8. Phase 1 Habitat – on site now
9. Bat survey – on site now.
10. Topographical Survey – on site now.
11. Silt-testing – on site now
12. Bathymetric (hard and soft bed levels of each pond to be surveyed) – due on site late September.
13. Fungi – on site now.

### **Potential for Judicial review and other Legal challenges**

19. The possibility of a Judicial Review application remains. Based on previous statements, it is likely that this would focus on the relationship between the Reservoirs Act 1975 and the Hampstead Heath Act 1871, and the assessment of risk / appropriate safety standards under national industry guidelines on which the project is based. It is not clear when such a challenge might materialise, this may be a judgement based on the final designs and whether they are considered acceptable in terms of their impact on the Heath landscape.
20. At the time of drafting this report the City of London has convened a meeting between the Heath & Hampstead Society, their QC, with City officers and our QC on the 20<sup>th</sup> September 2013 to discuss the process and approach the City is following.

### **Resources**

21. At this stage the estimated overall project costs remain unchanged at £15.12m (+/- 20% at Q4 2010 prices). As part of the production of the options report the Design Team have undertaken a preliminary “overall order of costs of works”. At this early stage of the project process on a ‘like for like basis the figures are commensurate with the estimated costs previously reported (excepting the inclusion of the additional fees incurred resulting from the wider consultation process and the building of an additional dam on the Hampstead chain of ponds). The preliminary overall order of cost figures still, however, require significant refinement.
22. The detailed Urgency report covering the reallocation of expenditure within the approved budget estimate forms a separate report. This includes additional costs as a result of wider consultation on the development of options, the delayed contractor appointment and need to bring forward some site investigations works.

### **Corporate & Strategic Implications**

23. The works support the strategic aim ‘To provide valued services to London and the nation’. The scheme will improve community facilities, conserve/enhance landscape and biodiversity and contribute to a reduction in water pollution whilst meeting the City Corporation’s legal obligations. The risk of any dam breach and serious downstream flooding of communities (and consequent harm to the City’s reputation) is mitigated.

## **Implications**

24. The risk of embankment failure at Hampstead Heath is assessed as a high risk on the City of London Corporation's Strategic Risk Register. In addition to the current measures to mitigate risks, there are other risks that also need to be considered, including the resources needed for on-going consultation and the potential threat of legal challenge that could still potentially delay the project.

## **Conclusion**

25. The options development phase is continuing following the extension of the consultation period, by approximately six months, to allow for more meaningful discussion with stakeholders and the wider public. The formal consultation, due to take place over the winter is now in the planning stages with an external consultant appointed to lead on this. In the meantime the appointment of the construction contractor continues, with an appointment due in November, and the environmental surveys on the Heath well under way.

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