

HAMPSTEAD HEATH, HIGHGATE WOOD AND QUEEN'S PARK COMMITTEE
Monday, 25 November 2013

Minutes of the meeting of the Hampstead Heath, Highgate Wood and Queen's Park Committee held at Committee Room - 2nd Floor West Wing, Guildhall on Monday, 25 November 2013 at 10.00 am

Present

Members:

Jeremy Simons (Chairman)
Virginia Rounding (Deputy Chairman)
Deputy Michael Welbank
Deputy John Barker
Dennis Cotgrove
Karina Dostalova
Revd Dr Martin Dudley
Professor John Lumley
Barbara Newman CBE
Alderman Ian Luder (Ex-Officio Member)
Deputy Alex Deane (Ex-Officio Member)
Councillor Sally Gimson (London Borough of Camden)
Tony Ghilchik (Heath & Hampstead Society)
Maija Roberts (Open Spaces Society)

Officers:

Alistair MacLellan	- Town Clerk's Department
Esther Sumner	- Town Clerk's Department
Alison Elam	- Group Accountant, Chamberlain's Department
Edward Wood	- Principal Legal Assistant, Comptroller and City Solicitor's Department
Paul Monaghan	- Assistant Director Engineering, City Surveyor's Department
Sue Ireland	- Director of Open Spaces
Simon Lee	- Superintendent of Hampstead Heath, Queen's Park & Highgate Wood

1. APOLOGIES

Apologies were received from Clare James, Deputy John Owen-Ward, Tom Sleigh, Councillor Melvin Cohen, Martyn Foster and Charlotte Kemp.

2. MEMBERS' DECLARATIONS UNDER THE CODE OF CONDUCT IN RESPECT OF ITEMS ON THE AGENDA

There were no declarations.

3. **MINUTES**

RESOLVED - that the public minutes and summary of the meeting held on 23 September 2013 be approved as a correct record.

Matters Arising

Oak Processionary Moth (OPM)

The Director noted that OPM was spreading in a south westerly direction away from City of London Open Spaces. She added that whilst it was spreading over a wider geographic area, the number of reported OPM nests had reduced from 10,000 in 2012 to 5,000 in 2013. She concluded by noting that the bid for a further round of funding from the Department of the Environment, Food and Rural Affairs for eradication work was being prepared.

All-Member Visit to Hampstead Heath

The Chairman noted that the preferred date for the visit was 20 January 2014 at 10:00am, and that transport from Guildhall would be arranged.

Dogs

In response to a query from a member, the Superintendent confirmed that the proposed report on dogs and dog users on the Heath would come to the January meeting of the committee.

Fatality

In response to a question from a member the Superintendent confirmed that the inquest into the recent fatality in the Ladies' Pond had not yet taken place.

Parliament Hill Athletics Track Showers

The Superintendent noted that four temporary showers had been installed at the Athletics Track whilst a long term solution, in conjunction with the City Surveyor's Department, regarding boiler works was identified and implemented.

London Councils Summit

The Deputy Chairman updated the committee on the Open Spaces stand at the London Councils summit at Guildhall on 16 November. She noted that it had proved popular, with a steady stream of visitors and that it was hoped to repeat its appearance at future summits. The Chairman thanked on behalf of the committee both the Director and the Superintendent for their efforts in making the stand a success.

3.1 **Draft Minutes of the Hampstead Heath Consultative Committee meeting dated 12 November 2013**

The Chairman introduced the draft minutes and summary of the Hampstead Heath Consultative Committee meeting dated 20 November, noting that they were before this committee for information only and that any comments and matters arising within them would be dealt with by the Consultative Committee at their next meeting.

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4. **SUPERINTENDENT'S UPDATE**

The Superintendent updated the committee on matters currently affecting Hampstead Heath.

Planning - Garden House

He noted that the recent appeal against the planning application for Garden House had been rejected. In response to questions from a member, he reported that the appeal had been hindered by the fact that the appellants barrister could not address the Inspector on the initial day of the hearing as planned and was unable to attend on the reconvened date. He noted that the City of London had engaged a planning consultant and had dealt with the application in a similar way to those that had been previously made on the site, but on this occasion the appeal was not granted. He noted that the Vale of Health Society had placed on record their appreciation for the support provided by the City of London at the recent Hampstead Heath Consultative Committee meeting on 12 November. He concluded by noting that the site lay on Metropolitan Open Land which was broadly equivalent to 'green belt' land, hence the contentious nature of applications affecting the site, which in the particular case involved an increase in the building's footprint and the construction of a basement.

Planning - The Water House

He reported that the planning application affecting The Water House – which would see intensive and arguably inappropriate use of Millfield Lane by construction traffic – had not yet been formally reported upon by the London Borough of Camden.

Planning - Athlone House

He reported that a further planning application had been logged by Camden last week for Athlone House – a site that had been the subject of a successful planning appeal in the past. He noted that he had not yet seen the application but that initial feedback from local societies indicated that the development included similar proposals were similar to previous applications.

Planning - Swains Lane

He reported that a planning application for a 3-storey building on Swains Lane had been submitted to Camden, and would be reviewed in light of the effect it would have on views from the Heath.

Sports and Recreation

He reported that the London Youth Games and Cross-Country Championships had recently taken place on the Heath and had been a busy and popular event, with 3,000 young people participating. The Chairman agreed, adding that there had been eight youth races in the morning and two adult races in the afternoon. The Superintendent concluded by reporting that the National Cross-Country Championships were scheduled to take place on the Heath in 2015 and would provide an excellent opportunity to showcase the Heath.

St Jude's Storm

He reported that the St Jude's Storm on 28 October had proved brief but significant in its impact on the Heath, with most of the damage concentrated in Golders Hill Park and on the Heath Extension. In all around 50 trees had been felled with a further 50 suffering significant damage to their crowns and limbs. A notable loss on the Heath itself was the King's Beech, which had been planted by King George V when he opened Kenwood House in 1925. Overall the Superintendent reported that the damage had meant staff time and resources had been directed away from the Additional Works Programme, and that the priority in remedial works was to remove hanging limbs and branches. He concluded by noting that limbs would be used to create deadwood piles, which would help promote wildlife diversity and habitats. The Chairman thanked the Superintendent and noted that he had already written to the Highgate Wood and Conservation Manager to thank him and his team for their excellent and dedicated response to the storm. The committee similarly placed on record their appreciation to the Highgate Wood Manager and his team for their hard work and professionalism.

Publicity

He noted that the 2014 Hampstead Heath calendar was now on sale and that members would be provided with complimentary copies.

5. TERMS OF REFERENCE

The committee considered a report of the Town Clerk concerning its terms of reference.

RESOLVED, that –

- The current terms of reference of the committee be approved for submission to the Court on 1 May 2014 and that any further changes in the lead up to the Court's appointment of committees be delegated to the Town Clerk in consultation with the Chairman and Deputy Chairman.

6. REVENUE AND CAPITAL BUDGETS 2014-15

The Group Accountant introduced a joint report of the Chamberlain and the Director of Open Spaces on revenue and capital budgets for 2014-15, noting that the report had been prepared in line with guidelines set by the Policy and Resources and Finance Committees. She added that a three-year allocation of City Bridge Trust (CBT) funding was due to end in March 2014 but that it was anticipated that a fresh three-year allocation of £252,000 would be applied for, and that the figures within the report took this into account. Moreover she noted that an additional £80,000 had been allocated to the budgets to mitigate the loss of the current CBT funding.

She continued by reporting that in respect of the Additional Works Programme works that it was anticipated would not take place in 2013/14 had been rolled forward until 2014/15, and that these had been added to the bids for 2014/15 which had been approved by the Corporate Asset Sub Committee and were awaiting approval from the Resource Allocation Sub Committee. The proposals would be resubmitted to the Hampstead Heath, Highgate Wood and Queen's

Park Committee in the event of any major changes being made. She concluded by noting that the forecast 2013/14 outturn figures were in line with the budgets.

In response to a question from a member the Group Accountant confirmed that the summary figures on the first page of the report took into account the issues outlined in paragraph seven on pages three and four of the report.

RESOLVED, that –

- The committee had reviewed the provisional 2014/15 revenue budget to ensure that it reflected the committee's objectives and approved its submission to the Finance Committee;
- The committee had reviewed and approved the draft capital budget;
- The Chamberlain be authorised, in consultation with the Director of Open Spaces, to revise these budgets to allow for any further implications arising from Corporate Projects, departmental reorganisations and other reviews and changes to the Additional Works Programme.

7. HAMPSTEAD HEATH PONDS PROJECT - PREFERRED OPTIONS REPORT AND NON-STATUTORY CONSULTATION

The Chairman introduced a report of the Superintendent of Hampstead Heath regarding the Preferred Options and Non-Statutory Consultation on the Hampstead Heath Ponds Project. He noted that the preferred options were the result of over 20 meetings of the Ponds Project Stakeholder Group (PPSG), and that many of the suggestions and critique arising from the PPSG had been incorporated into the preferred options report. He continued by noting that, subject to the committee's decision, the City of London was now due to embark upon a 12-week period of consultation and information giving on the preferred options and the project was therefore moving into a new phase. He noted that the preferred options remained in outline only, and that detailed design would be the next phase. He concluded by stating that the City of London planned to submit a planning application to the London Borough of Camden in June 2014.

The Superintendent reiterated the Chairman's comment that the report before the committee was the culmination of a period of 15 months of engagement with the PPSG. He noted that throughout that time the proposals had been narrowed down from broad 'blue sky' thinking, to constrained options, through to the current preferred options. He noted that the constrained options report – influenced by the PPSG – had set the design philosophy of the project, including the principle of creating additional storage capacity around the central areas of the two chains of ponds.

He went on to acknowledge that much of the terminology around the project was technical and complex, but that nevertheless the central tenet of the City of London's approach was to ensure that the dams on the Heath were capable of withstanding the Probable Maximum Flood (PMF) in the event of a major storm. He made it clear that the City of London had a statutory duty to ensure the

dams were capable of doing so, and that it would be the culpable party in the event of dam failure.

He continued by noting that after the constrained options report had been published it was then a case of examining what trade-offs could be made in the overall design approach to ensure that the impact of works to the dams was kept to a minimum. He stated that the proposed 3m increase at Model Boating Pond had proved unacceptable, which had meant that a 2m increase had been proposed instead, despite this meaning more intervention had to be made on the lower ponds. He noted that the PPSG had considered the Model Boating Pond as the most appropriate location for increased storage of water.

He noted regarding the Hampstead chain of ponds that there would be a loss of either one or two plane trees to make way for the proposed spillway. The number of trees lost would depend on the increase in height of the dam at the Mixed Bathing Pond.

He emphasised that the current options had been made in outline only, and that further detail would be added at the detailed design stage. Similarly he welcomed the level of scrutiny and critique offered to date by the PPSG and noted that data continued to be collected for the purpose of informing the project, including information on topography and trees. He said that it was clear from the report the very considerable amount of engagement and feedback that had been given during the course of the project thus far.

Overall he said that the City of London was proceeding on a course of action based on the advice it had been given on its legal duties under the Reservoirs Act 1975, in conjunction with what it believed to be its qualified duty to maintain the natural aspect of the Heath under the Hampstead Heath Act 1871. He added that the works proposed would 'future-proof' the dams, in that it would remove the need to revisit the issue of guarding against dam failure over the medium to long term.

Passive Solution

The Superintendent went on to address observations on the project put forward by members of the PPSG. Firstly, he noted that it had been suggested that dam failure be dealt with using manually-operated valves to release water in the event of a major storm. He stated that this would place City of London staff at an unacceptable level of risk given that the storm events envisaged would see up to 38 tonnes of water a second passing over the dams, and therefore this proposal would not be pursued as an option. Instead the current preferred options represented a passive solution that would allow water to safely pass the dams at as little risk to staff and members of the public as possible.

Early Warning

He added that it had also been suggested that more emphasis be placed on putting in place enhanced early warning measures to counter the threat of a convection storm event. He confirmed that this approach had been discussed with the Meteorological Office, and it had been noted that convection storms such as the 1975 storm on the Heath were difficult to accurately predict.

Therefore an early warning system could not be satisfactorily implemented. Moreover, even if a storm was predicted in time this did not resolve the issue of how to manage and deal with its impact on the Heath and communities downstream of the dams.

Planning

He noted that the City of London had been advised by Atkins, the project consultants, in a screening report that the project did not need a full Environmental Impact Assessment (EIA). Nevertheless he noted that environmental surveys and other investigations carried out to date had been commensurate with what would be expected of a full EIA. He added that whilst a full EIA may prove too technical for consumption by the general public, it should be possible to produce a simpler assessment.

Information Sharing and Consultation

The Superintendent noted that the upcoming information-giving and consultation exercise would seek to explain the process involved in the project to date. He added that postcards giving information on the project would shortly be despatched to 75,000 local households, and that a temporary public exhibition would be staged at Parliament Hill Yard. The consultation would give people the opportunity to choose their preferred option as well as allowing the opportunity for people to give open-ended comments on the project as a whole. Information boards would be displayed at the sites on the Heath affected, as well as at local tube stations. The entire exercise would be conducted over the next three months.

The Superintendent concluded by stating that the City of London was obliged to act to make the dams safe, and that its approach was underpinned by the principle of spreading the works as widely as possible to lessen their impact on the Heath overall. He noted that the project represented a unique opportunity to transform the Heath for future generations, particularly at sites such as the Model Boating Pond. Finally, he pointed out that the Heath was a dynamic and changing landscape, given for example the quarrying that used to take place on Sandy Heath in the nineteenth century. He argued therefore that the Ponds Project was a once in a lifetime opportunity to improve the Heath provided the City of London was prepared to be brave and bold.

The Chairman outlined the various appendices to the report under consideration and invited the committee to put forward any observations they had.

A member stated that the Heath & Hampstead Society (H&HS) was committed to fighting unwarranted changes to the Heath – indeed that this was the reason for the Society's formation at the turn of the last century – and that whilst it welcomed recent changes to the Heath it could not support the preferred options as it believed these were based on incorrect legal advice. He said that the Society could not understand why the City of London would not work with the H&HS's legal team to reconcile their differences, much like what had been achieved when health and safety measures for swimmers on the Heath were considered. Furthermore he added that the Quantitative Risk Assessment

(QRA) was flawed in that it referred to an inability to predict major flooding – despite acknowledging that the area downstream of the dams would be flooded up to six hours before the dams were at risk of collapse – a situation which in itself meant there would be plenty of warning of dam failure for local communities.

The Principal Legal Assistant noted that the differences in legal opinion between the City of London Corporation and the H&HS were significant and that it was unlikely these would be resolved by further attempts to reconcile the two positions.

A member noted that it was all very well having warning of dam failure but this did not deal with the issue of how to respond appropriately to major storm events.

The Superintendent took the opportunity to comment on the QRA, noting that it was not a required document, it had no legal status, nor was it part of the design process. It had been produced at the request of the H&HS. The purpose of the document was to make comparisons and predictions based on baseline data, and it was now being used incorrectly as a means to comment on the design process.

A member noted that the H&HS had wanted the QRA in order to help it understand the nature of the problem in question. Nevertheless the quality of information within the document was problematic, including the fact that figures within it did not even make sense.

The Chairman noted that the reason for the Ponds Project was to ensure the dams would not fail. The Superintendent added that the Flood and Water Management Act (FWMA) had changed the threshold for what constituted high risk reservoirs and dams down to the requirement to prevent even one loss of life in the event of failure.

A member commented that the differences between the City of London and the H&HS were obvious and that the possibility for a judicial review was very real. She queried if it were possible therefore for this to be pre-empted in any way.

Another member commented that the City of London was following legal advice, and that if a person or organisation wished to challenge that advice, it was their responsibility to do so. If they were to challenge it, he urged them to challenge it as quickly as possible to save the City of London both time and money. He queried whether the City of London was confident that the FWMA would be enacted in the way that was anticipated. Lastly, he asked whether a planning pre-application meeting had taken place with the London Borough of Camden to establish precisely what they required as part of the planning application.

The Superintendent replied that no information on the implementation of the FWMA had been made available, but that it was likely its second phase would focus on chains of ponds. He stated that the works carried out on the dams

needed to achieve final sign-off by the panel engineer and he would only do so if he was entirely confident that the work carried out was fully compliant with legislation.

The Principal Legal Assistant confirmed that the legal advice was essentially to follow the expert technical advice, and that the particular circumstances at the Heath did not justify departure from national guidelines on appropriate safety standards. Regarding the member's query about measures that could pre-empt the risk of a judicial review, he confirmed that a judicial review application was the appropriate process if the H&HS wished to challenge national guidelines, and whether the City of London's approach to the project was lawful. In response to comments about the FWMA, he clarified that this had already been enacted but was coming into force in stages.

A member commented that he agreed with the Superintendent that it would not be acceptable to put staff at risk on the dams themselves during storm events, and that it was important to recognise the City of London's wider duty of care to users of the Heath and its surrounding communities. He recalled that when the Ponds Project had been discussed at the Audit & Risk Management Committee in 2011 he had asked whether the speed of travel of the project would guarantee that the City of London had satisfactorily met its legal obligations, and that he had been informed at that stage that it would. He recorded his thanks to the Chairman, the Superintendent, and the staff involved in the project to date for their efforts. He felt that the proposed information-giving and consultation process seemed sensible, and noted that overall the committee had to be guided by the panel engineer. He emphasised that we all had the best interests of the Heath at heart.

In response to a question from a member regarding the level of expertise and support from the London Borough of Camden, the Superintendent replied that the City of London had held a pre-application meeting with Camden and that there was an opportunity for public meetings to be facilitated by Camden officers. He concluded by saying that the project screening report would be assessed by Camden later in the week.

Deputy Alex Deane and Dennis Cotgrove left at this point.

A member noted that she was the ward councillor for Highgate, which would be one of the affected areas in the event of flooding and dam failure, and therefore she was aware that there was a lot of local support for the project. She noted that Camden had held ward meetings in both Highgate and Gospel Oak, and that there remained more that other organisations such as Thames Water could do to ensure local drainage could cope effectively with the risk of flooding. Furthermore she noted that Camden was scheduled to spend a significant amount of money on regenerating Gospel Oak and that the Ponds Project was welcome, given the protection it would afford to the local area.

The Superintendent noted that early on in the project process, officers from Camden had been invited to present to the PPSG in order to clarify the different issues involved in dam failure and flood alleviation. He noted that the project

would achieve a higher level of safeguarding than was currently the case. He added that it was not possible to discharge water from the Heath into local sewers from major flooding events, and that he had always been concerned by the Highgate Chain of ponds in particular given they had been prone to overtopping and as a result of the project their level of protection would be improved from 1/100 year storms to 1/1000 year storms.

A member commented that he was supportive of the consultation methodology and added that the proposed All-Member Visit to the Heath in January 2014 should be treated as part of the wider consultation process, with input perhaps from the Public Relations Office. This would be so that the entire Court would be as informed of the issues as possible.

RESOLVED, that –

- Members receive the views of the Hampstead Heath Ponds Project Stakeholder Group and Consultative Committee as set out in the report and various appendices (principally 1 and 4);
- Members receive the report of the Strategic Landscape Architect on Stakeholder engagement to date;
- Members approve the Hampstead Heath Ponds Project Preferred Options Report as the basis for undertaking the non-statutory consultation (November 2013 – February 2014);
- Members approve the consultation methodology for the non-statutory consultation period to receive the views of the wider public on the Preferred Options for the Hampstead Heath Ponds Project.

8. **SUPERINTENDENT'S UPDATE**

The Superintendent provided an update on issues affecting Highgate Wood and Queen's Park.

St Jude's Storm

He noted that the St Jude's Storm on 28 October had affected around 100 trees in Highgate Wood, particularly oaks. To deal with the damage it had been necessary to divert resources away from Hampstead Heath, and it was anticipated that works would take three to four weeks.

In response to a question from a member, the Superintendent agreed to consider removing some of the damaged oaks at Highgate Wood in order to open up areas of the wood to encourage habitat diversity. Furthermore, the Superintendent agreed with a comment by the Chairman that the oaks were in good health and that this was likely due to lower levels of caterpillar infestations.

The Chairman suggested that the management of Highgate Wood's oaks be the subject of a future committee report.

Highgate Wood Conservation Management Plan

He noted that a draft summary document had recently been submitted to the Highgate Wood Joint Consultative Committee and that officers were awaiting comments upon its layout and structure. He added that an updated version of the document would be submitted to a future meeting of the Hampstead Heath, Highgate Wood and Queen's Park Committee.

Queen's Park Day

He noted that the Queen's Park Day on 15 September had attracted 7,000 visitors. This was half the usual number due to inclement weather on the day. He added that, within the wider park, works had begun on restoring the Quiet Garden.

9. QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE

Maps

At the request of a member, officers agreed to provide maps at future committee meetings to allow members to appreciate the location of various sites, such as current planning applications.

10. ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT

Date of the Next Meeting

The Chairman noted that the committee would next meet on 27 January 2014 at 1:45pm.

11. EXCLUSION OF THE PUBLIC

RESOLVED - that under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A of the Act.

12. NON-PUBLIC MINUTES

RESOLVED - that the non-public minutes of the meeting held on 23 September 2013 be approved as a correct record, subject to an agreed amendment.

13. QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE

There were no questions.

14. ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT AND THAT THE COMMITTEE AGREES SHOULD BE CONSIDERED WHILST THE PUBLIC ARE EXCLUDED

There was no other business.

The meeting ended at 11.20 am

Chairman

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