

HAMPSTEAD HEATH CONSULTATIVE COMMITTEE Monday, 20 January 2014

Minutes of the meeting of the Hampstead Heath Consultative Committee held at Conference Room, Parliament Hill Staff Yard, Hampstead Heath, NW5 1QR on Monday, 20 January 2014 at 7.15 pm

Present

Members:

Jeremy Simons (Chairman)
Xohan Duran (Representative of People with Disabilities)
Colin Gregory (Hampstead Garden Suburb Residents' Association)
Michael Hammerson (Highgate Society)
Ian Harrison (Vale of Health Society)
John Hunt (South End Green Association)
Susan Nettleton (Heath Hands)
Helen Payne (Friends of Kenwood)
Mary Port (Dartmouth Park Conservation Area Advisory Committee)
Susan Rose (Highgate Conservation Area Advisory Committee)
Steve Ripley (Ramblers Association)
Ellin Stein (Mansfield Conservation Area Advisory Committee/Neighbourhood Association)
Richard Sumray (London Council for Sport and Recreation)
Simon Taylor (Hampstead Rugby Club)
David Walton (Representative of Clubs using facilities on the Heath)
John Weston (Hampstead Conservation Area Advisory Committee)
Jeremy Wright (Heath & Hampstead Society)

Officers:

Alistair MacLellan	- Town Clerk's Department
Sue Ireland	- Director of Open Spaces
Simon Lee	- Superintendent of Hampstead Heath, Queen's Park & Highgate Wood
Bob Warnock	- Superintendent
Declan Gallagher	- Operational Service Manager
Meg Game	- Hampstead Heath Ecologist
Richard Gentry	- Constabulary and Queen's Park Manager
Paul Maskell	- Leisure and Events Manager
Jonathan Meares	- Highgate Wood & Conservation Manager
Lucy Anne Murphy	- Assistant Operational Services Manager

1. **APOLOGIES**

The Chairman began the meeting by welcoming Bob Warnock to the Committee, noting that Bob was currently shadowing Simon Lee before taking over as Superintendent of Hampstead Heath from the end of February 2014.

The Town Clerk added that the Marylebone Birdwatching Society had nominated Dr Gaye Henson as their representative on the Committee in the room of Alix Mullineux.

Apologies were received from Virginia Rounding (Deputy Chairman) and Dr Gaye Henson (Marylebone Birdwatching Society).

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

There were no declarations.

3. **MINUTES**

RESOLVED: that the minutes of the meeting held on 12 November 2013 be approved as a correct record, subject to the word '*boarders*' being corrected to '*borders*' where appropriate; the sentence on page 4 under *Planning – Garden House*, beginning '*...commented further...*' and ending '*...a point of law,*' be deleted; similarly that the planning decision in that item be described as *upheld*, not *dismissed*; and the typographical error '*xtreme*' on page 9 being corrected to '*extreme*'.

Matters Arising

London Borough of Camden Flood Warning Letter

The Superintendent committed to circulating this letter to the Committee.

Bowls and Croquet – New Lease

Ian Harrison noted that a meeting between the two clubs was scheduled within the next fortnight.

Hill Garden & Pergola

The Superintendent informed the Committee that a report detailing future proposals for marriages and civil ceremonies at the Hill Garden & Pergola would be submitted to the April 2014 meeting of the Committee.

4. **SUPERINTENDENT'S UPDATE**

Ponds Project Meeting – City of London Corporation and Heath & Hampstead Society

Before inviting the Superintendent to provide his Update to the Committee, the Chairman took the opportunity to note he had just attended a meeting between the City of London Corporation and the Heath & Hampstead Society that had been scheduled at the Society's request. Amongst those present at the meeting were Lord Hoffman, Tony Hillier and Helen Marcus from the Society and the Chairman of the City's Policy & Resources Committee.

He described the position of the Society at the meeting as one of surprise that the City of London was pressing ahead regardless with the Ponds Project without testing its legal basis. It appeared that the Society now favoured a “Part 8” approach - as an alternative to a Judicial Review - they considered this would allow the legal position to be clarified before works were carried out on the dams.

The Chairman noted that the City of London’s obligations under the Reservoirs Act 1975 and the Flood and Water Management Act 2010 raise complex issues but nonetheless the City of London was of the view that it had a duty as a responsible dam owner to carry out works on the dams, and that these works would be carried out with the best interests of the Heath in mind. He said that the City of London had no intention to spend £15million on the Ponds Project unless it felt it was necessary to do so; to ensure the safety of the dams and to prevent loss of life in the event of a major storm event. He concluded by noting that the Society would be submitting a minute of the meeting to the City of London for comment.

In response to an observation from Richard Sumray that it would be useful if the correspondence between the City of London and the Society be shared with the Committee, the Chairman agreed to consider whether this would be possible, subject to the agreement of both the City of London and the Society.

Jeremy Wright noted that the Society had indeed invited the City of London to join them in a Part 8 ‘friendly action’ to determine the legal issues involved in the Ponds Project. He informed the Committee that the City of London had replied to the Society’s approach noting that it ‘saw virtue’ in such an action, but had then gone on to raise several procedural questions which would take time for the Society to consider and respond to. The Chairman confirmed that the City of London had raised several queries concerning the approach suggested by the Society – it would be interested to learn, for example, what parties the Society foresaw as being involved in the Part 8 action – and the City of London looked forward to receiving answers to its queries.

Colin Gregory said that it was desirable that the issue could be resolved in a friendly way, and went on to ask how flexible the City of London considered the Ponds Project timetable to be. In response, the Chairman replied that the City of London was proceeding with deliberate speed. He added that a pure statutory interpretation of the City of London’s obligations regarding the dams was not the main driver of the Ponds Project. The City of London was proceeding with the Ponds Project based both on the legal advice it had received and its responsibility as a dam owner where a risk of dam failure had been identified.

Ellin Stein commented that the City of London needed to do more to ensure the wider public was informed that the aim of flood alleviation was to prevent the dams overtopping.

Ian Harrison returned to the Chairman’s comments regarding the City of London’s approach to the Ponds Project, and said he was surprised that the

Chairman appeared to be saying the City of London regarded the legislation as secondary. He stated that it was important that the approach underpinning the Ponds Project should be to do only what was strictly necessary to ensure the safety of the dams.

The Chairman clarified that he was not saying that the legislation was regarded as secondary – the City of London had been informed throughout the project process by the Reservoirs Act 1975 and the Flood and Water Management Act 2010.

Ian Harrison developed his point by saying that the City of London needed to take alternative interpretations of the City of London's obligations seriously. Whilst he felt that the approach adopted by the *Dam Nonsense* campaign was unfortunate, he urged the City of London to try and reach consensus with the Heath & Hampstead Society on the legal issue at hand, given the differences between their two respective positions did not seem that great. He concluded by saying that, to date, the City of London had given the impression that they believed they had the right legal answers and that any person, organisation or society that expressed views to the contrary was simply 'kicking up a fuss', and such an impression was similarly unfortunate. He said that if the Part 8 approach was felt to be sensible, it should be pursued.

The Superintendent added that he had attended a meeting of senior City of London officers recently at which it had been agreed that it would be useful to release correspondence between the City of London and the Heath & Hampstead Society to give context to the discussions that had taken place regarding the legal position on the City of London's obligations.

Hampstead Heath Ponds Project Information Sharing and Consultation Process

The Superintendent updated the Committee on the ongoing Ponds Project Information Sharing and Consultation Process. He noted that over 3,000 visits had been made to the consultation exhibition in Parliament Hill Staff Yard/East Heath exhibition Stand and that over 80,000 postcards giving information on the project had been despatched to local households. Overall, he noted that the aim of the process was to provide as much information as possible on what was a complex project across to the general public.

Planning – The Water House

The Superintendent reported that he had attended a difficult meeting with officers at the London Borough of Camden in the last week at which it had become clear that the planning application concerning The Water House had not been processed very effectively, in that Camden planning officers seemed to have only considered information submitted by the Applicant, and none at all that had been submitted by other parties.

In response to a question from Richard Sumray, the Superintendent confirmed that the City of London had expressed concerns to Camden over whether this instance was site-specific or part of a wider corporate attitude, and that if it proved to be the latter then it had been made clear that the City of London

would raise the issue with senior officers and elected members at Camden. Richard Sumray added that if it was indeed the latter instance then local societies, including those represented upon the Committee, should similarly make their concerns known with Camden. The Superintendent confirmed that to date no elected members in Camden were aware of the City of London's concerns and moreover the issue would be pursued with Camden, subject to any forthcoming response, during the week commencing 27 January 2014.

Planning – Athlone House

The Superintendent noted that a representation had been submitted by the City of London against the planning application made to Camden regarding Athlone House. He warned the Committee that the application process was likely to be a long one, and that it was likely the Applicant would seek to make their application more acceptable to Camden planning officers by making small adjustments to the proposed building footprint. Michael Hammerson commented that the Superintendent's assessment was likely to be proved correct, based on similar impressions given to local societies who were engaged in making representations against the application.

Southern Counties Cross-Country Championships – 25 January 2014

The Superintendent noted that Cross Country Championships would be taking place on the Heath on the coming weekend and that complaints were expected over the effect these would have on the ground surface of the Heath. He confirmed that remedial works would be undertaken to repair any damage and that moreover the Heath would recover through natural processes. Richard Sumray added that the Greater London Cross Country Championships held on the Heath in November 2013 had been a success.

National Grid Works

The Superintendent noted that issues had arisen over the gas main near the Education Centre at the Hampstead Heath Lido, in that previous works had failed to deal with recurrent leaks. Subsequent investigative work had revealed that a pipe seal was broken, and the National Grid was in the process of repairing this.

5. REPORTS OF THE SUPERINTENDENT OF HAMPSTEAD HEATH:-

5.1 Review of Annual Work Plan 2013 and Proposed Annual Work Plan 2014

The Highgate Wood, Conservation and Trees Manager introduced the report on the review of the Annual Work Plan 2013 and the proposed Annual Work Plan 2014. In reviewing the work undertaken during 2013 he highlighted in particular the impact of storm damage on staff time and resources; efficiency savings in terms of fuel and staff-time provided by a new Claas baler; watering and rolling work undertaken to consolidate pathways; and the success of a corporate volunteer event held in May 2013.

In response to a question from John Hunt regarding the export of oak saplings to Northern Ireland, the Trees Manager replied that the optimal size at which a sapling was dug up for removal was based upon experience, and that it tended to be around knee height. He explained that a sapling taller than that would have larger roots and would therefore leave a larger hole once the sapling had been removed.

In response to a further question from John Hunt, the Superintendent confirmed that staff were willing, in principle, to create alternative paths upon the Heath.

In response to a question from Colin Gregory, the Trees Manager replied that monitoring of tree disease continued despite the need to deal with storm damage arising from the St Jude's Day Storm and the inclement weather over the Christmas and New Year period. He confirmed that Oak Processionary Moth had not been detected and London-wide monitoring indicated that it was now moving in a south-westerly direction away from the capital. Moreover, Massaria continued to be actively managed and had now been incorporated into risk management plans. The Trees Manager noted that a Practical Management Guide on Massaria Disease of Plane Trees had recently been released by the London Tree Officers Association. He added that the disease appeared to be triggered by dry periods that put the trees under particular stress. He went on to note that Ash Dieback had not been detected, and remained outside of the M25. Nevertheless he noted a non-virulent strain had been detected near the One o'Clock Club.

The Director of Open Spaces noted that she was the Chair of the Oak Processionary Moth Advisory Group to the Forestry Commission and had attended a meeting that day with the Department for Environment, Food and Rural Affairs at which it had been noted that Oak Processionary Moth nests were down by 50%, largely due to the spraying work undertaken in London using DEFRA-funding. It was hoped that further funding could be secured to maintain progress.

Jeremy Wright took the opportunity to welcome the work that had been done to create barriers across badly-compacted paths, and that he would like these carefully managed to avoid scrub. He welcomed the level of detail provided by the Area Management Plans.

In response to a query from John Hunt, the Hampstead Heath Ecologist replied that dung beetles had not been detected upon the Heath, despite efforts by staff to find them.

In response to concerns raised by Ian Harrison, the Superintendent replied that instances of graffiti at the Hill Garden were indeed on the increase and that it was affecting the Portland stone in particular. He noted that the Hampstead Heath Constabulary were looking into the issue.

In response to a request from Michael Hammerson, the Committee Clerk agreed to look into providing members with individual pdf files of Committee Reports so that they may be easily shared with society memberships.

Helen Payne and Ian Hammerson commented that the works undertaken on Whitestone Pond had improved the appearance of the pond immeasurably.

In response to concerns raised by Susan Rose over building contractors leaving corrugated iron at a site on the Heath, the Hampstead Heath Ecologist confirmed that the contractors had already been contacted regarding the issue and that the material would be removed shortly.

In response to comments from members, the Trees Manager replied that ditch clearance had to be undertaken very carefully given that ditches were an important habitat and there was always a risk they could be 'over-cleared'.

Officers agreed to consider the suggestion by Colin Gregory that the website feature interactive maps of the Heath, upon which users, for example, could click on areas of the Heath and see what works were planned and/or undertaken.

5.2 Fees and Charges

The Superintendent introduced a report of Fees and Charges, noting that it had been drafted following work with the Sports Advisory Forum. He added that Richard Sumray had been instrumental in helping to formulate the overarching charging policy. The Superintendent concluded by saying it was critical the City of London moved away from a static charging policy and instead targeted the policy to encourage participation in Heath activities.

Richard Sumray added that it was important, now a policy had been drafted, to consider how it would be applied in practice. He noted that it could be further developed by looking at case studies of best-practice at other sites and facilities so that City of London charges could be compared and amended accordingly. He concluded by noting that work on the charging policy had been affected by City of London staff-time being taken up with the Ponds Project.

Ian Harrison noted that the reference to croquet in appendix 3 should refer to a *croquet lawn* not *croquet rink*.

John Weston noted that, of the Adult pricing for the Lido, one should refer to Adult Concessions.

Simon Taylor requested pricing and information on booking facilities like changing rooms on match days be made clearer, and moreover that charging at the Parliament Hill Athletics Track be frozen for a year a gesture of goodwill following the issues faced by users of the track in terms of inadequate showers. Lastly, he suggests a chip and pin facility be installed at the track to increase convenience for customers. The Chairman said he would pass the comment concerning Athletics Track charging on to the Management Committee.

In response to remarks by Steve Ripley and Michael Hammerson over the amount of surplus generated by charging at some facilities, the Superintendent

replied that seasonal income was an issue that the City of London would need to give some thought to. The Director of Open Spaces agreed, noting that ideally surplus would be banked and invested in the same site in which it had been generated, but unfortunately current City of London audit processes did not permit this.

5.3 Introduction of Dog Control Orders at Burnham Beeches

The Director of Open Spaces introduced a report on the introduction of Dog Control Orders (DCOs) at Burnham Beeches. She noted that it demonstrated the level of consultation that had been undertaken and that members of the Committee should keep in mind that DCOs, should they be introduced on the Heath, would be different in character to those trialled at Burnham Beeches. She added that the Epping Forest & Commons Committee, which was the Management Committee overseeing the trial, had deferred the report until its meeting in March 2014 to allow time for a small sub-group to consider a late representation concerning the trial received from the Kennel Club. She concluded by noting that, whilst current statutory DCOs were due to finish in the near future, the Anti-Social Behaviour Bill was currently in the House of Lords and would be returning the Commons shortly, it was expected that secondary authority status could be maintained for the City of London.

Richard Sumray said that it was difficult to ascertain from the report what the underlying principles governing DCOs were, and that it would be useful to have this addressed in the version of the report that came back before the Committee.

Colin Gregory noted that there were some instances where the report did not appear to correlate with the evidence in the visitor survey. He hoped that if and when DCOs were trialled on the Heath they would be designed with its unique character in mind.

In response to a query from Ian Hammerson over why the report did not explicitly deal with commercial dog walkers, the Superintendent replied that this arose from the fact that commercial dog walkers could not currently be licensed. Ian Hammerson went on to express concern at the level of criticism directed at the trial by the Kennel Club and expressed the hope that the Club's influence would not be given undue weight to the City of London's final decision.

In response to concerns expressed by Mary Port that the issue of dogs on the Heath had been ongoing since at least 2004, the Director and the Superintendent replied that the City of London was governed by available statutory powers and by staff resources – for example the power for the City of London to implement DCOs on the Heath through secondary authority status had only been available since May 2013.

Susan Nettleton noted that the advice on the City Commons website seemed more appropriate, in that it appeared more 'light touch' in character.

Jeremy Wright stated that he thought it was helpful that a site such as Burnham Beeches was the location of the trial. He expressed the opinion that if and when DCOs reached the Heath, dogs-on-leads areas should be kept to a minimum.

The Superintendent commented that it was important to keep in mind that dogs could also be dealt with using Heath byelaws, and that two cases were currently being dealt with in this way. He commented that it was likely DCOs on the Heath would cover areas such as play areas and cafes; that there would be a 'pick-up' policy across the Heath; and dogs would have to be leashed at the request of Heath staff. He noted that DCOs were in place on land owned by Camden. In response to a further question from Jeremy Wright, the Superintendent replied that DCOs were likely to be trialled upon the Heath over the next 12 months to two years.

5.4 Management Work Plan for Model Farm Compartment

In response to concerns from Susan Rose the Chairman replied that the principle of Committee Members visiting sites upon which they were being asked to comment upon at Committee had not been deliberately abandoned. He accepted that a visit to the Model Farm Compartment, which was closed to the public had been offered to Committee Members only at very short notice.

Jeremy Wright welcomed the report and suggested that further consideration be given to the screening of Athlone House, depending upon the outcome of the planning application and resultant size of the new property.

The Hampstead Heath Ecologist explained the location of the Model Farm Compartment and outlined the two main factors that made it a unique site on the Heath. The first was that it was home to an important population of grass snakes, and secondly it was the site of a historic model farm from the Kenwood Estate.

In response to a question from John Hunt the Heath Ecologist replied that the raspberry border in the Compartment would be kept but maintained in such a way as to ensure it did not infringe upon neighbouring grassland.

5.5 Progress Report on Improvements to East Heath Car Park and South End Green Approach

The Assistant Operational Services Manager introduced a report on improvements made to the East Heath Car Park and the South End Green Approach. She noted that reconfiguration of car parking had led to an increase of £60,000 in revenue and that enhancement works had made the site a more sustainable location for fairs.

In response to concerns expressed by John Hunt, the Superintendent assured the Committee that there were no plans to remove shrub from around nearby buildings.

Jeremy Wright congratulated the Superintendent on his commitment to removing unnecessary fencing across the Heath. As an aside, he expressed concern that the panel engineer on the Ponds Project would request that shrubbery from the downslope of the dams be cleared and requested therefore that thought be given to providing some remedial screening. Lastly, he stated that the planned discharge facility to be appropriately screened. The Superintendent expressed doubt that the panel engineer would make such a request regarding the downslope of the dams, and agreed that the discharge facility should be appropriately screened.

In response to a question from Jeremy Wright on the perceived success of the grass planting on the fairground site, the Assistant Operational Services Manager replied that a full assessment would take place later in the year.

Ian Harrison congratulated Heath staff on the hydroseeding work that had taken place, commenting that it had improved the aesthetics of the location remarkably.

6. **QUESTIONS**

There were no questions.

7. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**

Sculptures

The Chairman informed the Committee there was a possibility that the City of London may secure the Jake & Dinos Chapman sculptures *The Good, The Bad and The Ugly* - currently located near the Gherkin in the City – for display in Golders Hill Park from Spring 2014. Should this be likely, a paper would be tabled to the next meeting of the Committee.

World War I Centenary

In response to a question from Ian Harrison the Leisure and Events Manager confirmed that planned City of London Festival events on the Heath would feature commemoration of the WWI Centenary. The Operational Services Manager added that poppies would be planted in Golders Hill Park.

Simon Lee

The Chairman noted that this was the last meeting of the Committee at which Simon Lee would be present in his current role as Superintendent, as he would soon be moving to take up his new role as Chief Executive of Wimbledon & Putney Commons. He remarked that Simon had been Superintendent of Hampstead Heath for nearly half of the time since the Heath came into the City of London's custodianship in 1989. During this time many Chairmen and Committee Members had come and gone, noting that the Heath we see today was largely his legacy. Throughout, Simon had managed to balance many competing interests with tact and sensitivity, often managing to successfully 'square the circle'. The Chairman expressed thanks therefore, on behalf of everyone present and moreover for all the Londoners who came to enjoy the Heath, for all of the work Simon had done over the years.

Jeremy Wright echoed these sentiments on behalf of the Heath & Hampstead Society and took the opportunity to welcome Bob Warnock to his new role. He added that the Heath & Hampstead Society was holding a reception on 6 February and that invitations should have been received by all of those present.

Simon Lee thanked those present for their kindness and remarked that one of his early committee meetings had discussed the display of the 9 metre high *The Writer* sculpture, which had polarised opinion – the suggestion therefore that a sculpture was returning to the Heath in the Spring was a welcome bookend to his time here therefore, and he fully supported it.

8. **DATE OF NEXT MEETING**

The Chairman explained that, due to the need for time to analyse the results the Ponds Project consultation process, the date of the next meeting would be Monday 7 April at 1900hrs. The meeting would be preceded by a walk on Saturday 29 March.

These dates replaced those originally scheduled for Saturday 8 March and Monday 10 March.

The meeting ended at 9.15 pm

Chairman

Contact Officer: Alistair MacLellan
alistair.maclellan@cityoflondon.gov.uk

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