

<b>Committees:</b>		<b>Dates:</b>
Audit & Risk Committee	For information	9 September 2015
Hampstead Heath, Highgate	For information	15 September 2015
Wood & Queen's Park Committee		
<b>Subject:</b>		<b>Public</b>
Mitigation of CR11 - Hampstead Heath Ponds Project – risk update		
<b>Report of:</b>		<b>For Information</b>
Director of the Built Environment		
<b>Summary</b>		
<p>Officers are continuing to progress the Ponds Project – the ultimate mitigation identified for Corporate Risk 11. The Heath and Hampstead Society have signalled their intention to apply for a judicial review by submitting a pre-action protocol letter. It is not yet known what impact this and the determination of the planning application may have on the programme but officers are continuing to progress detailed design and are taking all steps possible to ensure the project remains on program.</p>		
<b>Recommendations</b>		
Members are asked to receive this report for information.		

## Main Report

### Background

1. The Ponds Project was initiated following hydrological studies that revealed that in the event of a severe storm, there was a risk that the reservoirs on Hampstead Heath could overtop, potentially leading to erosion and dam failure. The risk of a dam failure has been monitored as a strategic (now corporate) risk since July 2011.
2. As reported to your Committee previously, all possible mitigating actions apart from the completion of the Hampstead Heath ponds project have been undertaken. These include the development of an on-site emergency action plan, monitoring of the dams, an emergency response contractor and a telemetry system which monitors weather and water levels.

### Current Position

3. The Gateway 4c Report for the Ponds Project was approved in July 2014. This report agreed the proposed solution for both chains of ponds and approved the submission of planning application to Camden. The Hampstead Heath Ponds Project is currently on track but there are a number of risks to the programme. The most significant of these are planning permission and the judicial review.

#### Planning permission

4. The City submitted its planning application on 4 July 2004, and under the terms of the planning performance agreement between the City and Camden, the application should be considered in October. Camden has not yet managed to appoint an independent engineer to undertake a review of the project. They would like to use the findings of this proposed review in their determination of the application. The City considers that this is a “nice to have” rather than essential to determining the planning application and will continue to reiterate this to Camden. Officers are continuing to monitor progress of this appointment and other deliverables within the planning performance agreement.

#### Judicial review

5. The Heath & Hampstead Society submitted a pre-action protocol letter to the City in July and the City responded. The City now expects the Society to submit their claim to the Court by the end of September. The City and the Society have both agreed to request that the case be expedited and are hoping that the case can be heard by the Court in the autumn. A report is being submitted to the relevant Committees and the Court of Common Council to secure the necessary additional funding.

#### Impact on construction program

6. The City will only be able to start works once it has planning permission. The current programme assumes that planning permission will be granted in October, and tree clearance works begin in January 2015, allowing the main works to start in April 2015. The concern for the programme is that if the January 2015 tree works are delayed too long it will not be possible to complete them prior to the bird nesting season, and so these works would need to be delayed until August 2015. At worst case, this would lead to the loss of a season and a significant delay to the programme and possibly also the loss of the current constructor team who have built up knowledge of the Heath.
7. To mitigate this consideration is starting to be given to alternative programs that would move around the programme in response to requirements of the bird nesting season; for example, starting major works at areas where no tree clearance is required should the tree clearance window be missed.

#### Ladies Pond Facilities

8. It was anticipated at the start of the project that it would be necessary to replace both the Ladies Bathing facilities and the concrete slab on which they stand. However as designs progressed the spillway was moved into the western corner of the pond, allowing the concrete slab to be retained. It is still necessary to replace the building due to the operational issues associated with the new spillway. The constructor and the design team are currently commissioning further surveys to confirm the condition of the slab which will feed into buildability considerations and design. The outcome of these surveys will confirm the suitability of the existing slab to be retained, and whether additional piling or a cantilever will be necessary. This requirement will feed into the Agreed Maximum Price for construction.

### Other issues included with the CR11 supporting statement

9. The supporting statement for CR11 notes the risk of cost increases. It has been necessary to request additional money be allocated to the cost of judicial review because this is an increase in project scope. The project board continues to monitor spend against budget and is working towards agreeing the “Agreed Maximum Price” with the constructor in December 2011.
10. Officers continue to progress the issue of landownership, and are not currently concerned that this will impact on programme.

### **Corporate & Strategic Implications**

11. The Ponds Project supports Key Policy Priority 5: Increasing the impact of the City’s cultural and heritage offer on the life on London and the nation by supporting the provision of “safe, secure and accessible Open Spaces”. The Ponds Project will ensure compliance with the current and anticipated requirements of the Reservoirs Act 1975 and deliver the concluding mitigation of Strategic Risk 11. The project also supports the City Together Strategy – “supports our communities”, “protects, promotes and enhances our environment” and “is vibrant and culturally rich”.

### **Conclusion**

12. The project risk of judicial review has materialised but it is not yet known what impact this will have on the project programme, and therefore the impact of the judicial review on the final mitigation of Corporate Risk 11 is not yet known. Officers continued to monitor progress with Camden on the planning performance agreement. The controls set out in the risk supporting statement remain relevant and active.

### **Appendices**

- Appendix 1 – Risk Supporting Statement: CR11

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