

Committee(s)	Dated:
Epping Forest and Commons Committee	26 01 2016
Subject: Highams Park Lake Reservoir Notice of Enforcement	Public
Report of: Director of Built Environment	For Information

Summary

Highams Park Lake is one of five Large Raised Reservoirs at Epping Forest that are subject to regular statutory inspections by a suitably qualified and approved Engineer. Following an inspection in January 2011, a Section 10 notice was served on the City of London to complete dam strengthening works at Highams Park within 3 years.

A project valued at £1.85 Million to undertake the necessary safety works in accordance with the Reservoirs Act was completed successfully on 24 March 2015, following a 14 month extension to the Section 10 notice by the Environment Agency. This report advises that the Environment Agency have issued a Warning Notice without financial penalty – the lowest possible sanction in the circumstances – which reflects the length of time taken to realise the project. In the future, the Inspecting Engineer will be urged to set more realistic timeframes for project realisation.

The report also updates Members with the initial results of the Environment Agency's risk-based recategorisation of Large Raised Reservoirs at Epping Forest which are being challenged by the responsible officer.

Recommendation(s)

Members are asked to:

- Note the report.

Main Report

Background

1. The Reservoirs Act 1975, as amended by the Flood and Water Management Act, is the primary legislation for Statutory Reservoirs and provides for the inspection and management of Reservoirs to ensure the safety of the public and the enforcement body is the Environment Agency (EA).
2. The City of London assigns an Assistant Director within the Department of the Built Environment as the 'responsible officer' to maintain oversight of the

inspection process and to commission repairs recommended by the inspections.

3. Epping Forest has five statutorily designated Large Raised Reservoirs with dams that impound quantities of water in excess of 25,000 cubic metres, these comprise Heronry Pond; Perch Pond and Ornamental Water at Wanstead Park, together with Connaught Water near Chingford and Highams Park Lake at Hale End. All five reservoirs, together with a further 3 sub-25,000 cubic metre reservoirs – Baldwins, Birch Hall Park and Shoulder of Mutton Ponds - which are precautionarily monitored, are inspected by a suitably qualified specialist Inspecting Engineer, and on two occasions each year by a Supervising Engineer.
4. A Section 10 inspection of Highams Park Lake in January 2011 identified that dam strengthening and levelling works were required in the interest of public safety and were to be undertaken in 3 years of that date, by January 2014.
5. The Section 10 notice prompted the commencement of a Project Gateway report which sought funding for the project. Following scrutiny by the Epping Forest and Commons Committee on 9 January 2012, the Projects Sub-Committee approval on 30 January 2012, a procurement process was initiated and consultants appointed. Because of the nature of the work a Contractor was appointed for early Contractor involvement to advise on build-ability issues. Consents were obtained for the scheme including Planning Permission and the £1.4 Million contract was awarded to construct the works, which commenced on site on the 8 September 2014 following preparatory works by the Forest that spring> The project was successfully completed on 24 March 2015 and will be the subject of a separate Gateway 7 report to your Committee..

Current Position

6. The EA were kept advised of the projects progress at key stages but first issued warning notices on 13 August 2014 regarding non-compliance. The City of London's responsible officer disputed with the EA whether the requirement was for works to have commenced or, to be completed, as the wording could be interpreted either way. The EA have insisted that their interpretation is valid and that the works should have been completed.
7. An extension to complete the works by the 31 March 2015 was agreed by the EA.
8. Following the issue of a completion certificate and the latest Section 10 Inspection, the EA issued a Warning Letter under the cover of another letter which confirmed no further action was required and no financial penalty would be sought. This letter related to the works not being completed in April 2014 and a Warning Letter is the least action they can undertake; despite the dispute and the extension, the EA still have a legal obligation to clearly enforce the Act.

Proposals

9. Significant Reservoir-related works, such as the Highams Park Lake project, require funding to be identified and put into place; extensive public consultation to be undertaken; the City's project process to be completed; procurement to be managed to European standards and especially Planning Consent to be secured. Given the length of time required for a number of these processes, it is not realistic for the works to be completed within three years. Therefore to avoid further enforcement, the responsible officer will ensure future Inspecting Engineers agree more realistic timeframes for any future works to be completed within the certified timeframe.
10. At present the responsible officer is resisting the EA's recategorisation of a number of the Reservoirs at Epping as High Risk. However, it is possible that when the regulations from the Flood and Water Management Act 2010 which define cascades – a series of Large Raised Reservoirs - is enacted then it is possible that collectively the Reservoirs at Wanstead Park will be High Risk and are likely to require Works in the Interest of Safety, similar to those currently underway at Hampstead Heath.

Implications

11. **Legal:** References to the relevant legislation are made in the body of the report.

Conclusion

12. For future reservoir works required in the interest of safety, unless minor in nature, the responsible officer will require the Inspecting Engineer to set more realistic timeframes, given the processes required and likely construction time frames.
13. The recategorisation of Large Raised Reservoirs under the Environment Agency's Risk-based approach could see higher categorisations of the Reservoirs at Epping Forest, either on an individual basis, or through the inclusion of some reservoirs in cascades. The responsible officer continues to challenge the Environment Agency's basis for recategorisation.

Appendices

None

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