

Committee: Hampstead Heath Consultative Committee	Date: 11 March 2013
Subject: Hampstead Heath Ponds Project – Progress Report	Public
Report of: Superintendent of Hampstead Heath	For Discussion
<p style="text-align: center;"><u>Summary</u></p> <p>This report provides an update on the progress of implementing the Hampstead Heath Ponds Project. It includes a report prepared by the Strategic Landscape Architect following a workshop and feedback from the Stakeholder Group on the ‘Critical Review of Key Issues for each of the Heath Ponds’, it also sets out the work that is underway to develop a Communication and Engagement Plan, together with an indicative timetable for the project.</p> <p>Recommendation</p> <p style="padding-left: 40px;">That the views of the Hampstead Heath Consultative Committee be received.</p>	

Main Report

Background

1. When Hampstead Heath transferred to the City under the provisions of The London Government Reorganisation (Hampstead Heath) Order 1989, the City took on all associated liabilities, including those relating to the chains of ponds on Hampstead Heath.
2. 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 improve water quality. At the same time it makes sense to seek other environmental gains through, for example, habitat creation.

Management of the Project

The Risk

3. The risk of major flooding as a result of pond embankment failure is listed on the City of London’s Risk Register as a red status (net risk) as a result of it being categorised as Possible with potentially Catastrophic impact.
4. The red rating reflects that, despite our interim measures, including on-site emergency action plan (EAP), telemetry systems and independent inspection and monitoring of dams, this kind of low-probability but high-impact risk needs to be planned, addressed and mitigated against as soon as practically possible given

that the damage to property and associated loss of life could be severe. (See risk register extract at appendix 1).

5. The interim measures in place are intended to provide maximum warning of overtopping, enabling action to reduce the risk of the earth dams being eroded and potentially failing releasing the stored water behind them and flooding local community downstream; whilst the Hampstead Heath Ponds Project seeks to “virtually eliminate”¹ the possibility of dams and embankment failing where overtopping occurs, thereby reducing potential risk to local communities downstream.

Stakeholder Group

6. The Stakeholder Group (SG) has been meeting formally every month since July 2012. The SG, represents key groups of Heath users and local residents and plays a central role in providing views and advice to the Hampstead Heath Consultative Committee in relation to the Hampstead Heath Ponds Project within the context of the Hampstead Heath Act 1871 and relevant reservoirs legislation.
7. In December 2012 the SG provided feedback on the draft Design Review Method Statement that sets out the detailed methodology to be adopted in developing a preferred design option for the project.
8. The SG has undertaken site visits and held several workshops supported by the Strategic Landscape Architect (SLA) to provide information on the key aspects associated with the project. A copy of the “Hampstead Heath Ponds a Critical Review of Key Issues” prepared by the SLA reflecting the views of the SG, is appended to this report. This document reflects the opinions of the WMSG at this stage of the project, but it is recognised that this needs to be a “live” document that can be updated.
9. The on-going dialogue with the SG is generally very positive and necessary to secure support for the project and the planning consent process.
10. There remains however a serious risk that the level of scrutiny from those organisations who are opposing the basis of national and industry guidance (as it does not consider environmental damage in the calculation of risk and issues with the safety standards) and from those living downstream, who are seeking to ensure that any overtopping of the dams is minimised. This on-going challenge to the City’s proposals could potentially delay the project completion and mitigation of the current risk.

Communication and Engagement Plan

11. While the SG role is essential in helping to inform the design process, it is recognised that much more needs to be done to convey to the wider community why work is required and what this actually means in terms of protecting the Heaths cherished landscape and providing opportunities to enhance habitats.
12. Officers and members of the SG consider it essential that this project has its own identity, helping to communicate the project more effectively to the wider public. Work is currently being undertaken to develop a working title and project a

¹ The Institution of Civil Engineers’ publication *Floods and reservoir safety 3rd edition, 1996*

clearer identity. The SG has also been considering a Glossary of Terms to help convey people understand the technical language that underpins the Project.

13. The development of a Communication and Engagement Plan is also necessary, but needs to recognise the different audiences that it has to address. On one level it is needed to guide the planning strategy for the project, while at a much more practical level it needs to address what mechanisms will be in place to enable the public to provide their views on potential options and receive feedback on the work of the Design Team.
14. Given the nature of this project whilst the timetable is indicative at this stage and likely to be subject to change, the process and length of consultation periods set out in Table 1 below will be followed:

Table 1- Indicative Communication and Engagement Timetable

Project Stage	Indicative Timescale	Deliverables
Fundamental Review	December – March 2013	Communicate results to WMSG, HHCC, HHMC and wider public mid March 2013
Gather information from WMSG and wider public on issues and opportunities for the project	Mid January – Late February 2013	Consultation responses provided to Design Team, late February 2013 to inform their work.
Compilation of a long list of all options	Early March 2013	Design Team tabulates a list of all issues, opportunities and options emerging from the fundamental review and consultation that is communicated to WMSG, SLA, HHCC, HHMC mid March 2013
Refining the long list of all options by the Design Team and review by Strategic Landscape Architect	Mid March 2013	Production of a tabulated long-list of only technically feasible options that is communicated to WMSG, HHCC, HHMC and wider public late March 2013
Informal consultation supported by Strategic Landscape Architect and Design Team on the long list of feasible options to arrive at the short list of 2 possible preferred options	Mid March – Mid May 2013	Detailed evaluation report on the process to arrive at a short list of two possible preferred options prepared by the Design Team, reviewed by the Strategic Landscape Architect and communicated to WMSG, HHCC and Management Committee late May – July 2013
Public consultation on 2 possible preferred	August, September and October 2013	Full public consultation on the short list of the two

options		preferred options. August – October 2013
Analysis of Public Consultation	October – November 2013	The Design Team will analyse the results of the public consultation and prepare a further report with a recommended preferred option. There will be on-going dialogue with the Strategic Landscape Architect and WMSG late November 2013
Approval of the Preferred Option	December – January 2014	Report submitted to WMSG, HHCC, Management Committee and wider public informed of the preferred option January 2014
Detailed Design	December – late February 2014	Design Team prepared detailed designs that will be subject to review by the Strategic landscape Architect and WMSG. February 2014
Submission of Planning Application	March – August 2014	City of London submits detailed planning application. Period of formal statutory consultation before the LPA determines the outcome of the application

Initial Public Consultation

15. As set out in Table 1 above, during this early part of the project the City of London Corporation is taking the opportunity to undertake informal consultation with local groups and individuals on any issues and opportunities to feed into the development of a long list of potential options for the project. Adverts have been placed in local papers and posters installed around the Heath as well as 'pop-up consultations' on the Heath at various locations. Two questions have been asked that are deliberately vague to enable the public to provide views:

- i. What aspects of Hampstead Heath are most precious to you and need to be protected?
- ii. What aspects of the ponds you would like to see enhanced (e.g. landscape or ecology)?

16. The response to this consultation has been generally very positive. The results will be tabulated and provided directly to Atkins and to the SLA.

Appointments

17. The Design Team and SLA commenced work in October 2012 following approval from the Hampstead Heath, Highgate Wood & Queen's Park Management and Project Sub Committees. The appointment of the SLA followed a presentation to the WMSG.
18. The tender process for the appointment of the construction contractor has had to be postponed due to the withdrawal of a number of tenderers within a short space of each other. Given the nature of the project the City of London Corporation and Design Team still considers early construction contractor engagement highly desirable and intends to follow the competitive dialogue process. Representatives of the SG will still be involved with the appointment process, but excluded from sensitive commercial issues. Officers are considering the impact on the programme arising from the withdrawal of potential contractors and also the options available in terms of attracting other competent contractors. An update on this issue will be provided at your next Committee in early April 2013.

Fundamental Review

19. Following the engagement of the Design Team one of the first tasks was to undertake a fundamental review of the previous study works. This is necessary to understand the scale of possible flood events that the dams need to be able to withstand. This was requested by City of London Corporation and the SG but is also required by the Panel Engineer so he is satisfied with the basic parameters of the project before it progresses. Given that this is such a significant issue in terms understanding the basis upon which design options need to be formulated, it is proposed to hold a special Consultative Committee on the 8th April 2013 to receive your formal views.

Indicative Timetable

20. The timescale for the project is challenging for many reasons, but this is necessary for City of London Corporation as landowner to meet its obligations in terms of potential dam failure and consequential risk to the public and property downstream, and to mitigate that risk, with all possible speed.
21. The final design solution will still take a number of years to put into place (both in terms of the local consultation required, the development of an appropriate design, obtaining planning permission and construction). It is currently anticipated that the project will start on site in late 2014 and be completed in the spring of 2016. The current indicative timetable for the project is included at Appendix 3.

Implications

22. As outlined, the current interim measures including telemetry and EAP mitigate the risks arising from overtopping and dam failure in as far as practically possible. As set out in this report, despite these interim measures a long term solution remains necessary to mitigate the risk of dam failure and to comply with the relevant legislation.

Conclusion

23. The City of London Corporation, acting as a responsible landowner recognises that this is a challenging and sensitive project, but is absolutely necessary to meet its obligations in terms of risk of potential dam failure and consequential risk to the public and property downstream, and that mitigation is required with all possible speed.

Appendices

1. Strategic Risk Register – Risk 11
2. Hampstead Heath Ponds a Critical Review of Key Issues – Water Management Stakeholder Group
3. Indicative Timetable

Contact:

Simon Lee simon.lee@cityoflondon.gov.uk Tel 020 7332 3322

Jennifer Wood jennifer.wood@cityoflondon.gov.uk Tel 020 7332 3847

Risk	Major Flooding caused as a result of pond embankment failure at Hampstead Heath Links to: Strategic Aim SA3 and Key Policy Priority KPP4	Gross Risk	
		Likelihood	Impact
		3	5

Detail	<p>If there were to be failure of the pond embankments during a major storm, and no warning was given, the number of lives at risk on the Hampstead chain would be in the region of 400 and on the Highgate chain would be around 1000. This would also result in inundation and damage to local properties, roads and the railway lines towards Kings Cross. Detailed analysis has identified that dam crests are not currently able to cope with the level of overtopping expected to occur as a result of such a storm, increasing the risk of erosion and dam failure. The City of London Strategic Flood Risk Assessment 2012 with new surface water modelling identified 4 areas of risk in the City from upstream run-off (including Hampstead Heath).</p>
--------	---

<u>Specific Issues</u>	<u>Mitigating Controls</u>
Insufficient warning given of flooding	<p>Telemetry system installed and managed by the City Surveyor as an integral part of the on-site Emergency Action Plan for reservoir dam incidents enabling early warning where pre-determined water levels at key ponds in both the Hampstead and Highgate chains of ponds are breached. Testing of this with the emergency plan and Hampstead staff has happened and further tests are planned with Mitie. (City Surveyor/Director of Open Spaces)</p>
Inadequate response to dam overtopping	<p>Emergency Action Plan for on-site response in place and Camden now have an off-site plan in place Liaison with Camden Council's emergency planners is on-going, to work through issues raised by Emergency Services and to appraise them of revisions to our work plan as it develops. (City Surveyor/Director of Open Spaces)</p>
Sensitivities of the local community regarding the natural aspect of the Heath	<p>The City has undertaken extensive consultation with local stakeholders about why this project is required. The City has established a Stakeholder Group to enable key groups to contribute to the detailed design of the scheme and has appointed a dedicated officer to manage consultation. Hampstead Heath, Highgate Wood and Queens Park Committee actively engaged with local community. The group has already met several times to develop their understanding of the project. A Strategic Landscape Architect independent of the Design Team has been appointed to champion the landscape. (Director of Open Spaces)</p> <p>There remains a potential risk of legal challenge. This is most likely to arise in relation to the City's need to adhere to current Guidance that sets standards for dams, that is opposed by certain Groups/individuals.</p>

Non delivery of project to upgrade pond embankments (includes slippage from agreed timetable and budget)	On-going monitoring by Project Board and Projects Sub Committee. Negotiations for the appointment of the Design Team are complete but took a month longer than planned, The contractor's appointment may be affected by the Purdah period for spring elections, the Project Board are considering ways to mitigate this (City Surveyor) .
--	--

<u>Summary and Further Action</u>	Net Risk		R
	Likelihood	Impact	
	3	5	
	Control Evaluation		
	A		

A project has been initiated to upgrade the pond embankments, but until such time that this project is completed (2014/15) there remains a risk of flooding downstream. Responsibility for the delivery of this project rests with the City Surveyor and in relation to the City's reputation, day to day management of the ponds and the community welfare aspects of this risk, the Director of Open Spaces.

A project has been initiated to upgrade the pond embankments, but until such time that this project is completed (2014/15) there remains a risk of flooding downstream. Responsibility for the delivery of this project rests with the City Surveyor and in relation to the City's reputation, day to day management of the ponds and the community welfare aspects of this risk, the Director of Open Spaces.

