

Committee(s):	Date(s):
Hampstead Heath Consultative Committee	8 th July 2013
Subject: Update on the Hampstead Heath Ponds Project	Public
Report of: Superintendent of Hampstead Heath	For Discussion
<p>Summary</p> <p>This report provides an update on the progress of implementing the Hampstead Heath Ponds Project. It includes details of the revised timetable and expanded programme of consultation and the “Development of Options” process and how this is being implemented. It also includes details of environmental surveys that are taking place and an update on procurement of the construction contractor. The finalised Communications and Engagement Strategy is also attached.</p> <p>Recommendation</p> <p>That the views of the Hampstead Heath Consultative Committee be received.</p>	

Main Report

Background

1. 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 improving water quality. At the same time it seeks to achieve other environmental gains through, for example, habitat creation.
2. In May 2013 the Design Flood Assessment, produced by Atkins, was approved by the Hampstead Heath, Highgate Wood and Queen’s Park Management Committee. In the Design Flood Assessment, Atkins determined that whilst works are still essential to reduce the City of London’s liability and meet its duty of care to communities south of the Heath, the size of potential floods in “extreme rainfall events” is less than those derived by previous hydrology consultants. By approving this Assessment, Management Committee endorsed it as the basis for continuation of the Hampstead Heath Ponds

Project and development of the preferred design options that will be subject to wide public consultation later in the year.

Current Position and Project Timetable

3. The Development of Options phase is now progressing. This started with Atkins drawing up an unconstrained list of options, in consultation with the Ponds Project Stakeholder Group (PPSG), Hampstead Heath Staff and the wider public. On Saturday 18 May formal presentations were made to the PPSG which included various conceptual sketches, hydrographs, cross sections and 3D visuals of the engineering options, which was well received by stakeholders.
4. Following this workshop, Atkins then circulated a Constrained Options Report which was consulted upon before a further workshop with the PPSG (due to take place on 13 July) after which another report will be produced. The final step in this process will involve one more workshop with the PPSG in September and then Atkins will produce a report with two options for formal consultation over winter with the public and stakeholders with intent of selecting a preferred option which will form the basis of a planning application to be submitted by the end of May 2014 and subject to consents, site works to commencing in the spring of 2015.
5. The process described above is the result of an expansion of the timetable following concerns that there was not enough time for proper, meaningful consultation with both the PPSG and with the wider public. The City of London has addressed these concerns by moving the more formal stage of the consultation back three months, now with an anticipated start date of late November/early December. The extra three months allows for more time to consult upon the Development of Options, a crucial phase in the project. This process is detailed in the flowchart – Appendix 1.
6. A revised programme (see Table 1 below) of activities and actions has been developed and has been supported by the independent Panel Engineer who has the statutory duty to ensure that the current reservoirs meet the appropriate design standards. The timetable remains challenging and it is possible it will need further revision as we move forwards and some of the “unknowns” are identified. Atkins has produced a detailed project programme which aligns with these key dates.
7. As discussed later in this report, the risk of a Judicial Review application remains and if this were to happen it could impact upon the timetable for the project. Similarly, the planning process or conditions onsite may also impact upon the project timetable.

Table 1 – Revised Programme

Project Stage	Previous Programme	Updated Programme issued May 2013
Problem Definition		May 2013 – end of June 2013
Atkins undertaking modelling to develop constrained options list to identify a short list of preferred design options.	May 2013	May 2013 – end of July 2013
Dialogue continuing with Heath Management Committee and other appropriate Committees / Stakeholders.		May 2013 – end of June 2013
Shortlist of Preferred Design Options presented to CoL for consideration and for formal consultation with the Heath Management Committee and other appropriate Committees / Stakeholders.	July 2013	July 2013 – September 2013
Procure and appoint 'preferred' contractor to assist in technical design preparation for 'preferred' option		July 2013 – November 2013
Wider Public Consultation	August 2013 – September 2013	September 2013 – November 2013
Preferred Option agreement by CoL and Heath Management Committee and other appropriate Committee's	January 2014	November 2013
Preparation of planning application		February 2014 – April 2014
Submission of Detailed Planning Application to Camden Council	End of February 2014	May 2014
Estimated Determination of Detailed Planning Application	August 2014	November 2014
Commencement of Works on Site (Phasing to be agreed)	October 2014	April 2015
Completion of Works	March 2016	October 2016

Stakeholder engagement

8. The PPSG continues to meet monthly as well as with additional workshops as prescribed by the timetable. These meetings continue to be constructive and informative. With the PPSG's help and advice the project has been rebranded the Hampstead Heath Ponds Project. The project had previously gone under a number of different names and it was felt consistency would aid the wider public's knowledge and familiarity with the project. A distinctive brand for the project has also been developed which will be applied to all materials produced for public consumption.
9. The Communications and Engagement Strategy (Appendix 2) has now been finalised and details the timetable of activities that will take place to spread

knowledge of the project to the wider community. Heath Staff continue to lead 'pop up consultations' at regular intervals on the Heath reaching many different Heath users. Summer events will be targeted as a means of reaching as wide an audience as possible. A new leaflet has been prepared that will be circulated to houses locally, copies will be available at the meeting.

Surveys

10. Specialist surveys set out below have been commissioned so that the Design team can fully understand the current position in terms of aquatic and terrestrial ecology, water quality and archaeological baseline studies. Additional surveys of trees, topography and ground conditions are also being commissioned.
 - Bird surveys – 2 visits completed 2 further to be undertaken over the next 3 weeks, a report will be drafted once the site visits are complete.
 - Great crested newt survey – initial pond assessment completed, focussed site visits undertaken on selected ponds over the next 3 weeks.
 - Bat survey – Currently confirming timetable.
 - Aquatic survey – Early season survey work completed Thursday 23rd May. Late season survey and fish survey programmed to take place in July. However as these require pond closures the dates are subject to change.
 - Archaeology – Museum of London Archaeology Service (MOLA) to complete report by the end of May.
 - Water quality – Atkins are undertaking these surveys.

Procurement

11. Consultant appointments have been made along with placement of orders for the various survey works.
12. There has been a delay incurred in the tendering for the main contractor. This was caused when three out of four tenderers withdrew within a short space of each other during the first tender process for the contractor.
13. City of London officers have now started a new procurement process and are utilising the London Tenders Portal and a shortened version of the competitive dialogue process. It is now anticipated that the procurement dialogue process will take place in July through to September with participants submitting a tender proposal in October and the appointment will follow in November 2013.

Potential for Judicial review and other Legal challenges

14. The possibility of a Judicial Review application remains. Based on previous statements, it is likely that this would focus on the relationship between Reservoirs Act 1975 and the Hampstead Heath Act 1871, and the assessment of risk / appropriate safety standards under national industry guidelines on which the project is based. It is not clear when such a challenge might materialised, this may be a judgement based on the final designs and whether

they are considered acceptable in terms of their impact on the Heath landscape. The City Corporation has received a letter from the Heath & Hampstead Society setting out advice that it has sought in relation to the ponds project. Any planning decision could also be the subject of further challenge.

Corporate & Strategic Implications

15. The works support the strategic aim 'To provide valued services to London and the nation'. The scheme will improve community facilities, conserve/enhance landscape and biodiversity and contribute to a reduction in water pollution whilst meeting the City Corporation's legal obligations. The risk of any dam breach and serious downstream flooding of communities (and consequent harm to the City's reputation) is mitigated.

Implications

16. The risk of embankment failure at Hampstead Heath is assessed as a high risk on the City of London Corporations Strategic Risk Register. In addition to the current measures to mitigate risks, there are other risks that also need to be considered, including the resources needed for on-going consultation and the potential threat of legal challenge that could still potentially delay the project.

Conclusion

17. The design process is continuing, following the Design Flood Assessment approval by the Hampstead Heath, Queen's Park and Highgate Wood Committee in May 2013. The revised project timetable provides stakeholders and the wider public more time to participate in meaningful consultation which will assist the development and agreement of the design. In the meantime the appointment of the main contractor will be undertaken and environmental surveys on the Heath continue.

Appendices

- Appendix 1 – Overview of options development process (flow-chart)
- Appendix 2 – Communications and Engagement Strategy

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