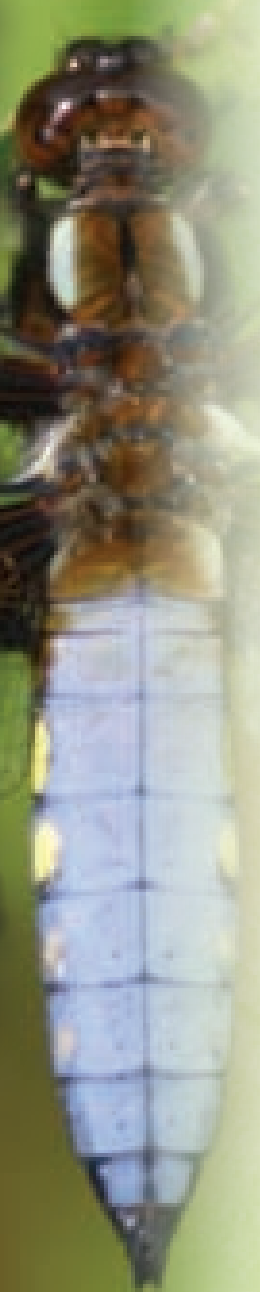


the HEATH

bulletin | May 2011



Hampstead Heath Flood and Water Management Project, May 2011

Summary

The scale of the flood and water management work required on the Hampstead Heath has been brought into question.

The City of London Corporation wants to assure the public that it is acting extremely responsibly, considering the best interests of Hampstead Heath, meeting our obligations under the Hampstead Heath Act of 1871, and considering the interests of the surrounding population and property. We are acting on the best advice available that has been thoroughly checked through peer reviews.

The City of London does not wish to incur a higher level of expenditure than is absolutely necessary on this project.

The course of action that the City of London proposes meets the advice of the Panel Engineer, who is an independent civil engineer from a panel maintained by DEFRA.

Proposals

In looking to provide a long term sustainable solution and meet the necessary guidance for dam design, the City has had to consider a number of complex issues:

- The Hampstead Heath Act of 1871, the foundation legislation governing management of the Heath, requires the City to “preserve as far as maybe the natural aspect of the Heath”.
- Currently only three of the ponds are statutory reservoirs: Highgate Men’s and Boating Pond and Hampstead No. 1 Pond. These ponds are covered by the Reservoirs Act 1975 and are deemed as such because they hold more than 25,000 cubic metres of water.
- The implications arising from the Flood and Water Management Act 2010. It is anticipated that new regulations will provide for all ponds in a chain that have a combined volume of 10,000 cubic metres to be classed as large raised reservoirs, which would include all of the ponds in the Hampstead and Highgate chains. It is also anticipated that these Heath ponds will be assessed as high-risk reservoirs because of their location next to a densely populated urban area.

One possible option that has been considered is removal of the dams. Having sought the advice of leading counsel, this is likely to be contrary to the 1871 legislation and the City’s duties to maintain the semi-rural aspect that is the Heath’s greatest attraction.

Another option would be to just carry out works to meet the new requirements under the 1975 Act on the three current statutory dams. This would involve substantial hard engineering, with enormous concrete spillways across the width of the entire dams, likely to disfigure the Heath and contrary to the 1871 Act. It would cost circa £6m, however, it would still leave Highgate No 1 dam, which is not currently a statutory dam, without any works and potentially liable to fail, with extensive vulnerable housing south of the pond potentially subject to flooding. Again, the City could also face potential legal challenge because of the obtrusive level of work and its lasting impact on the character of the Heath. If the 2010 Act does ultimately become law then overall there will have been more work, spread over a longer period of time, more disruption and all at a much higher cost.

The Flood and Water Management Act 2010, if and when it comes in, would require works to all the dams, even if work had already been carried out to three dams to meet the current requirements under the 1975 Act. If the City undertakes works to the 2010 Act now, these works would also satisfy the 1975 Act requirements and would have much less impact on the Heath. The impact of works would be dissipated through “softer” works over more ponds, much more in keeping with the Heath environment. In this way the string of individual reservoirs would be managed as a single entity, as a chain. The cost of these works is estimated to be circa £14m. This cost would be met entirely from the City’s own private funds, and not from any public funds.

The great benefit in considering this option, regardless of whether the Act ultimately becomes law, is that it allows the load to be spread and shared between all the dams within the Hampstead and Highgate chain. This significantly reduces the engineering impact on the lower ponds. This is particularly important in helping to mitigate the impact of works enabling the designers to consider

“softer” engineering solutions, much more in sympathy with the Heath environment and City’s duties to preserve its natural character. This gives us a much better aesthetic and hydrological solution and allows us to work within our requirements for the Hampstead Heath Act of 1871.

Following five years of extensive research and advice from the best possible sources the City knows the extent of the risk to life and property and it must now act regardless of whether the Flood and Water Management Act 2010 becomes law. To fail to do so could leave the City open to prosecution under other legislation such as the Corporate Manslaughter and Corporate Homicide Act 2007 and possibly liable under common law. To fail to do so would be grossly irresponsible.

Regardless of any legal obligation the approach suggested is the best solution for Hampstead Heath, meeting our obligations under the Hampstead Heath Act of 1871, and the best solution for the surrounding population and property.

The City of London does not wish to incur a higher level of expenditure than is absolutely necessary on this project. We are acting on the best advice available that has been thoroughly checked through peer reviews.

Soon the City will appoint a team to bring the project to the detailed design stage. Detailed design approval is not anticipated until April 2013. By then, an assessment can be made on the appropriate scope of the design work taking into account the status of the 2010 Act. No major expenditure will be incurred before April 2013.

To do nothing is not an option because that would leave the City of London Corporation open to enforcement proceedings regarding its existing obligations under the 1975 Act. The outcome of this would be that the Environment Agency could, without consultation, undertake any works it considered necessary and recharge the costs to the City of London Corporation.

We consider that, in this complicated and awkward situation, the correct course of action is to prepare a scheme meeting the requirements of the 2010 Act having regard to safety, preserving as far as possible the Heath's natural environment and in the long run delivering the most economically advantageous project.

Any comments should be sent to: damsandponds@cityoflondon.gov.uk

For further information: www.cityoflondon.gov.uk/damsandponds

Email: hampstead.heath@cityoflondon.gov.uk

Superintendent's office: 020 7332 3322 | Constabulary: 020 8340 5260

Hampstead Heath is a registered charity (No. 803392)

