

## Hampstead Heath Ponds – Reservoirs Act 1975

Three of the historic ponds on Hampstead Heath (Hampstead No.1, Highgate Men's Bathing Pond and Highgate Model Boating Pond) have an above ground capacity greater than 25,000 cubic metres of water. This brings them within the legal ambit of the Reservoirs Act 1975.

The Act requires the Corporation of London (the owner of the ponds):

- to employ a supervising panel engineer at all times to supervise the ponds and to keep the Corporation advised of their behaviour in any respect that could cause an uncontrolled escape of water. Currently the supervising engineer for the ponds is Dr Andy Hughes of Atkins;
- to appoint an inspecting panel engineer to inspect each pond and to make an inspection report at least once every ten years. The ponds were last inspected in May 2007 by Andrew Rowland of Black and Veatch;
- as soon as practicable to carry into effect any safety works recommended by the last inspecting engineer in his inspection report. Such works have the force of law and would be enforceable by the Environment Agency, as the enforcement authority for the Reservoirs Act 1975 in England and Wales. **However, there were no statutory safety measures in Andrew Rowland's last inspection reports. Therefore there is currently no enforceable legal requirement for the Corporation to carry out any works.**

Currently the ponds are fully compliant with the Reservoirs Act 1975.

From press articles (for example, City of London news release 20 January 2011 [https://www.cityoflondon.gov.uk/corporation/media centre/news 2011/dams ponds.htm](https://www.cityoflondon.gov.uk/corporation/media%20centre/news%202011/dams%20ponds.htm) and 'Vital upgrade for Hampstead ponds' in New Civil Engineer magazine, attached), we understand that the Corporation is planning improvement works to the spillways of some of the Hampstead Heath ponds following extensive investigations. According to the City of London FAQs, the works could take two or three years and cost at least £10 million. The FAQs confirm that the works are not a requirement of the Reservoirs Act 1975.

We assume that the works are being planned in accordance with the spillway design guidance published by the Institution of Civil Engineers (ICE) in 1996. Due to concerns that the guidance does not appropriately resolve the conflicting claims of safety and economy during a rare flood event, Defra has asked the ICE to lead a review of the guidance. The review is expected to take 18 months.

The FAQs on the City of London website indicate that one of the factors influencing the decision to progress with the improvements is the likely changes to the Reservoirs Act that will arise from the implementation of Schedule 4 of the Flood and Water Management Act 2010.

One such change will be to alter the threshold for a raised body of water to come within the Reservoirs Act from 25,000 to 10,000 cubic metres (or some other capacity yet to be determined). Another change will be to allow the combined risk of reservoirs in cascade (as is the case at Hampstead Heath) to be considered together, rather than separately (a loophole in the current Act). The timetable for this change has not yet been decided by Ministers.

# Briefing

Not protectively marked

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The City of London indicate that the proposed works may have a short-term effect on wildlife and the landscape, but there is potential to improve habitats and design the works sensitively to blend in with the environment and improve water quality for swimming. A formal planning application is planned in spring 2012.

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