

DATED

27th January

2015

(1) THE MAYOR AND COMMONALTY AND CITIZENS OF THE CITY OF LONDON

and

**(2) THE MAYOR AND BURGESSES OF
THE LONDON BOROUGH OF CAMDEN**

A G R E E M E N T
relating to land forming part of
Hampstead Heath, London
pursuant to Section 106 of the Town and Country Planning
Act 1990 (as amended)
Section 278 of the Highways Act 1980

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CLS/COM/LMM/1685.

THIS AGREEMENT is made the 27th day of January 2015

BETWEEN:

- i. **THE MAYOR AND COMMONALTY AND CITIZENS OF THE CITY OF LONDON** care of The Comptroller and City Solicitor, The City of London Corporation, Guildhall, P O Box 270, London EC2P 2EJ and of DX121783, Guildhall (hereinafter called "the Owner") of the first part; and
- ii. **THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF CAMDEN** of Town Hall, Judd Street, London WC1H 9LP (hereinafter called "the Council") of the second part

1. WHEREAS

- 1.1 The Property is vested in the Owner pursuant to the London Government Reorganisation (Hampstead Heath) Order 1989 for open space purposes and the Owner is registered at the Land Registry as the freehold proprietor with Title absolute of the Property under Title Number NGL918887.
- 1.2 The Owner is the freehold owner of and is interested in the Property for the purposes of Section 106 of the Act.
- 1.3 A Planning Application for the development of the Property was submitted to the Council and validated on 9 July 2014 and the Council resolved to grant permission conditionally under reference number 2014/4332/P subject to conclusion of this legal Agreement.
- 1.4 The Council is the local planning authority for the purposes of the Act for the area in which the Property is situated and considers it expedient in the interests of the proper planning of its area that the development of the Property should be restricted or regulated in accordance with this Agreement.
- 1.5 As local highway authority the Council considers the Highways Works to be carried out pursuant to this section 278 Agreement to be in the public benefit.

1.6 For that purpose the Owner is willing to enter into this Agreement pursuant to the provisions of Section 106 of the Act.

2. **DEFINITIONS**

In this Agreement the following expressions (arranged in alphabetical order) shall unless the context otherwise requires have the following meanings:-

- 2.1 "the Act" the Town and Country Planning Act 1990 (as amended)
- 2.2 "the Agreement" this Planning Obligation made pursuant to Section 106 of the Act
- 2.3. "the Certificate of Practical Completion" the certificate issued by the Owner's contractor architect or project manager certifying that the Development has been completed
- 2.4 "Community Working Group" means a working group which the Owner shall use to facilitate consultation with the local community in respect of matters relating to construction works associated with the management of the Construction Phase of the Development so as to minimise disruption damage to amenity and the environmental effect on the local community arising from the construction of the Development
- 2.4 "Construction Management Plan" a plan submitted using the Council's standard template setting out the measures that the Owner will adopt in undertaking the construction of the Development using good site practices in accordance with the Council's Considerate

Contractor Manual to ensure the Construction Phase of the Development can be carried out safely and with minimal possible impact on and disturbance to the surrounding environment and highway network including (but not limited to):-

- (i) a statement to be submitted to the Council giving details of the environmental protection highways safety and community liaison measures proposed to be adopted by the Owner in order to mitigate and offset potential or likely effects and impacts arising from the demolition of the Existing Buildings or structures on the Property and the building out of the Development;
- (ii) incorporation of the provisions set out in the First Schedule annexed hereto;
- (iii) measures to ensure that public safety is not compromised by construction vehicles travelling to and from Hampstead Heath, and through Hampstead Heath between the various access points and the ponds where works are proposed;
- (iv) measures to ensure that non-native/invasive species are not introduced during the Construction Phase having regard to the GB non-native species secretariat 'check, clean , dry' campaign;
- (v) amelioration and monitoring effects on the health and amenity of local

residences site construction workers local businesses and adjoining developments undergoing construction;

- (vi) amelioration and monitoring measures over construction traffic including procedures for notifying the owners and or occupiers of the residences and businesses in the locality in advance of major operations delivery schedules and amendments to normal traffic arrangements (if any);
- (vii) the inclusion of a waste management strategy for handling and disposing of construction waste; and
- (viii) identifying means of ensuring the provision of information to the Council and provision of a mechanism for monitoring and reviewing as required from time to time

2.5 "the Construction Phase"

the whole period between

- (i) the Implementation Date and
- (ii) the date of issue of the Certificate of Practical Completion

2.6 "the Council's Considerate Contractor Manual"

the document produced by the Council from time to time entitled "Guide for Contractors Working in Camden" relating to the good practice for developers engaged in building activities in the London Borough of Camden

2.7 "the Development"

Proposed engineering works to the Hampstead and Highgate chains of ponds comprising dam raising at Model Boating Pond (2.5m) and Mixed Bathing Pond (1m), new walls along dam crest to increase the height of the dams at Men's Bathing Pond (1m) and Highgate No.1 Pond (1.25m), a 0.19m kerb along part of the crest at Hampstead No.2 Pond, a new flood storage dam (5.6m) in the catchpit area, grass-lined spillways at most ponds, dam crest restoration, pond enlargement at Model Boating Pond, a replacement changing room building at Ladies Bathing Pond and associated landscaping, habitat creation and de-silting as shown on the Site Location Plan and drawing numbers

A. Stock Pond Planning Drawings and Design by Atkins dated July 2014, including 5117039-ATK-P1-ZZ-DR-L-7002 Rev P5; -7003 Rev P3; -7005 Rev P2 Whole Pond Section; -7005 Rev P2 Spillway Section; -7006 Rev P2; -7007 Rev P2; 5117039-ATK-ZZ-ZZ-DR-L-0001 Rev P1; 5117039-ATK-P1-P6-ZZ-DR-L-7004 Rev P3;

B. Kenwood Ladies' Bathing Pond Planning Drawings and Design by Atkins dated July 2014, including 5117039-ATK-P2-ZZ-DR-L-7004 Rev P5; -7005 Rev P3; -7006 Rev P3; -7007 Rev P3; -7008 Rev P2; -7009 Rev P2; 5117039-ATK-ZZ-ZZ-DR-L-0001 Rev P1; 5117039-ATK-P1-P6-ZZ-DR-L-7004 Rev P3;

C. Bird Sanctuary Pond Planning Drawings and Design by Atkins dated July 2014, including 5117039-ATK-P3-ZZ-DR-L-7006 Rev P5; -7007

Rev P3; -7008 Rev P2; -7009 Rev P2;
5117039-ATK-ZZ-ZZ-DR-L-0001 Rev P1;
5117039-ATK-P1-P6-ZZ-DR-L-7004 Rev P3;

D. Model Boating Pond Planning Drawings and Design by Atkins dated July 2014, including 5117039-ATK-P4-ZZ-DR-L-7006 Rev P5; -7007 Rev P3; -7008 Rev P2; -7009 Rev P2; -7010 Rev P1 Spillway; -7010 Rev P2 Detail Section; -7011 Rev P1; 5117039-ATK-ZZ-ZZ-DR-L-0002 Rev P1; 5117039-ATK-ZZ-ZZ-DR-L-0001 Rev P1; 5117039-ATK-P1-P6-ZZ-DR-L-7004 Rev P3;

E. Men's Bathing Pond Planning Drawings and Design by Atkins dated July 2014, including 5117039-ATK-P5-ZZ-DR-L-7006 Rev P5; -7007 Rev P3; -7008 Rev P2; -7009 Rev P2; -7010 Rev P2; -7011 Rev P2; -7012 Rev P2; 5117039-ATK-ZZ-ZZ-DR-L-0001 Rev P1; 5117039-ATK-P1-P6-ZZ-DR-L-7004 Rev P3;

F. Highgate No. 1 Pond Planning Drawings and Design by Atkins dated July 2014, including 5117039-ATK-P6-ZZ-DR-L-7004 Rev P5; -7005 Rev P3; -7006 Rev P2; -7007 Rev P2; -7008 Rev P2; -7009 Rev P2; 5117039-ATK-ZZ-ZZ-DR-L-0001 Rev P1; 5117039-ATK-P1-P6-ZZ-DR-L-7004 Rev P3;

G. Vale of Health Pond Planning Drawings and Design by Atkins dated July 2014, including 5117039-ATK-P11-ZZ-DR-L-7004 Rev P5; -7005 Rev P3; -7006 Rev P2; -7007 Rev P2; -7008 Rev P2; -7009 Rev P1; 5117039-ATK-ZZ-

ZZ-DR-L-0001 Rev P1; 5117039-ATK-P7-P12-
ZZ-DR-L-7004 Rev P3;

H. Viaduct Pond Planning Drawings and Design
by Atkins dated July 2014, including 5117039-
ATK-P7-ZZ-DR-L-7004 Rev P5; -7005 Rev P3;
-7006 Rev P2; -7007 Rev P2; -7008 Rev P2;
5117039-ATK-ZZ-ZZ-DR-L-0001 Rev P1;
5117039-ATK-P7-P12-ZZ-DR-L-7004 Rev P3;

I. Catchpit Planning Drawings and Design by
Atkins dated July 2014, including 5117039-ATK-
P12-ZZ-DR-L-7002 Rev P5; -7003 Rev P3; -
7004 Rev P1; -7005 Rev P2; -7007 Rev P2; -
7008 Rev P2; 5117039-ATK-ZZ-ZZ-DR-L-0001
Rev P1; 5117039-ATK-P7-P12-ZZ-DR-L-7004
Rev P3;

J. Mixed Bathing Pond Planning Drawings and
Design by Atkins dated July 2014, including
5117039-ATK-P8-ZZ-DR-L-7004 Rev P5; -7005
Rev P3; -7006 Rev P2; -7007 Rev P2;
5117039-ATK-ZZ-ZZ-DR-L-0001 Rev P1;
5117039-ATK-P7-P12-ZZ-DR-L-7004 Rev P3;

K. Hampstead No. 2 Pond Planning Drawings
and Design by Atkins dated July 2014, including
5117039-ATK-P9-ZZ-DR-L-7004 Rev P5; -7005
Rev P3; -7006 Rev P2; -7007 Rev P2; -7008
Rev P2; -7009 Rev P2; 5117039-ATK-ZZ-ZZ-
DR-L-0001 Rev P1; 5117039-ATK-P7-P12-ZZ-
DR-L-7004 Rev P3;

L. Hampstead No. 1 Pond Planning Drawings
and Design by Atkins dated July 2014, including
5117039-ATK-P10-ZZ-DR-L-7004 Rev P5; -

7005 Rev P3; -7006 Rev P2; -7007 Rev P2;
5117039-ATK-ZZ-ZZ-DR-L-0001 Rev P1;
5117039-ATK-P7-P12-ZZ-DR-L-7004 Rev P3;

Highgate and Hampstead Chains Overview
Planning Drawings and Design by Atkins dated
July 2014, including 5117039-ATK-P1-P6-ZZ-
DR-L-7003 Rev P2; 5117039-ATK-P7-P12-ZZ-
DR-L-7003 Rev P2; 5117039-ATK-ZZ-ZZ-DR-L-
0001 Rev P1;

Kenwood Ladies' Bathing Pond New Changing
Facility Design and Access Statement by Atkins
dated July 2014, Rev 2.0, including HH5064/1A;
-2; -01/B; -03; -04; -05; -E; -02/B; PD1000;
PD1010; PD1011; PD1200; PD1201; PD1202;
PD1300; PD1301; PD1302; PD1303;

Planning, Design and Access Statement by
Atkins, dated July 2014 Ref
5117039/62/DG/197 Rev 2; Verified Views
(photomontages) by Atkins, dated July 2014;
Letter from Atkins dated 4 July 2014 Ref
5117039; Statement of Community Involvement
by Atkins, dated July 2014 Ref
5117039/62/DG/196 Rev 2; Environmental
Statement Non Technical Summary (Volume 1)
by Atkins dated July 2014 Rev 2.0;
Environmental Statement Main Report (Volume
2) by Atkins dated July 2014 Rev 2.0;
Environmental Statement Appendices (Volume
3) by Atkins dated July 2014 Rev 1.0; Transport
Statement by Atkins, dated July 2014 Ref
5117039/62/DG/199 Rev 2; Flood Risk
Assessment by Atkins, dated July 2014 Ref
5117039/62/DG/202 Rev 3; Sustainability

Statement by Atkins, dated July 2014 Ref 5117039/62/DG/201 Rev 1.0; Project Management Plan (including Construction Management Plan) by Bam Nuttall Dated July 2014 Ref BAM1700 PMP B Rev B; Outline Specification by Atkins dated July 2014; Arboricultural Impact Assessment by Atkins, dated July 2014 Ref 5117039 Rev 2.0, including plans: 5117039-ATK-ZZ-ZZ-DR-Y-2000 P3; 5117039-ATK-P1-ZZ-DR-Y-2000 P3; -P2-ZZ-DR-Y-2000 P4; -P3-ZZ-DR-Y-2000 P3; -P4-ZZ-DR-Y-2000 P3; -P4-ZZ-DR-Y-2001 P3; -P4-ZZ-DR-Y-2002 P3; -P5-ZZ-DR-Y-2000 P3; -P6-ZZ-DR-Y-2000 P4; -P6-ZZ-DR-Y-2001 P4; -P7-ZZ-DR-Y-2000 P3; -P8-ZZ-DR-Y-2000 P3; -P9-ZZ-DR-Y-2000 P4; -P10-ZZ-DR-Y-2000 P3; -P11-ZZ-DR-Y-2000 P3; -P12-ZZ-DR-Y-2000 P4; -P12-ZZ-DR-Y-2001 P4.

Additional information submitted during the course of the application:

5117039-ATK-P4-ZZ-DR-Y-2001 P3 and 5117039-ATK-P4-ZZ-DR-Y-2002 P3 within Arboricultural Impact Assessment (as submitted 22/07/14); Ladies' Bathing Pond MOL Assessment Technical Note by Atkins, dated 23/07/14; 2. Brief, submitted 23/07/14; Annotated plan of PD1010, as submitted 23/07/14; Letter from Atkins dated 24/07/2014 to Environment Agency, Ref 5117039/Silt options/je.rev1; Addendum to Chapter 10 Community Assessment, as submitted 05/08/2014; Environment Statement Revised Appendix 3.1, as received 05/08/2014; Atkins response to LB Camden Feedback_Ecology, as

received 16/09/14; Email from Atkins, Emergency planning, dated 16/09/14; Atkins response to LB Camden Feedback_Trees, as received 16/09/14; Atkins response to LB Camden Feedback_Flood Risk, as received 18/09/14; Bat Roost Characterisation Surveys by the Ecology Consultancy Ref 140819, as submitted 04/10/2014; Invertebrate Assessment by the Ecology Consultancy Ref 140587, as submitted 04/10/2014; Highgate No. 1 Downstream Maps, as received 14/10/14; Email from City of London dated 30/07/2014, as submitted 14/10/14 & attachments; Atkins Response to comments from LBC Landscape and Conservation Officer Technical Note, dated 23/10/14 and attached figures 2 and 3; MOLA Impacts to Model Boating Pond, dated 22/10/14; Atkins Statement of Habitat Losses and Gains Ref 5117039 / 62 / DG / 231 / Rev1, dated 13/11/14; MOLA and Atkins Response to Feedback from LBC on Model Boating Pond, Ref 5117039, dated 14/11/14; Email from Atkins, dated 24/11/2014; Bat Tree Inspection Report by the Ecology Consultancy, dated 11/12/2014; and Visual material by Atkins of the Model Boating Pond, as received 14/01/2015

Information submitted to AECOM to inform independent review:

Email from Atkins to Aecom dated 14/10/14; Hampstead Heath Ponds Project QRA Update Memo dated 05/11/2014 Ref 5117039; Consequence Analysis Technical Note Draft Rev 1.0, dated 30/09/2014; Email from Atkins to Aecom dated 21/10/14; HH Duration

investigation IS check; Email from Atkins to Aecom dated 15/10/2014; Atkins initial response to Aecom request for information, update 21/10/14; Email from Atkins to Aecom, dated 14/10/2014; Email from Atkins to Aecom, dated 17/10/2014; HH Pref Option May 14 Results - Highgate 1 only; Hydrograph RFI checklist; Modelled Hamp1 HG1 Pipe Flows for TW Oct 14; PMF and breaching Hydrographs; Hampstead No. 1 Reservoir Routing - 1:100 Existing; - 1:100 Proposed; 1:1000 Existing; 1:1000 Proposed; 1:10000 Existing; 1:10000 Proposed; PMF Existing; PMF Proposed; Email from Atkins to Aecom, dated 03/11/2014; Email from Atkins to Aecom, dated 24/10/2014; Email from Atkins to Aecom, dated 23/10/2014; Email from Atkins to Aecom, dated 15/10/2014; Email from Aecom to Atkins, dated 03/11/2014; RE: Independent review - RFI 12 re Outflow pipe rating curves follow-up query by Atkins; Highgate 1 Workbook questions A - update - 14-04-14; Overflow from Highgate No 1 Comments on 03/10/2014 by Professor K R Rushton; Email from Atkins to LB Camden, dated 21/10/2014; Note from Atkins, data requested from Aecom final status 26/11/2014; Assessment of Design Flood by Atkins, dated 25/03/2013 Rev 4; Hydrology and Hydraulic Modelling Presentation by Atkins, from meeting with Aecom, dated 01/10/2014; Panel Engineer Presentation by Atkins, from meeting with Aecom, dated 01/10/2014.

Independent Review of Hampstead Heath Ponds Project by AECOM Rev 02 dated

01/12/2014; R (Heath and Hampstead Society v Mayor (et al) of London & Anr 2014

2.8 "the Employment and Training Plan"

a plan setting out a package of measures to be adopted by the Owner in order to maximise employment opportunities within the Development and for it to satisfy the obligations contained in clause 4.3, 4.4 and 4.5 of this Agreement through (but not be limited to) the following:-

1. ensuring advertising of all construction vacancies exclusively through Kings Cross Construction Centre for a period of no less than one week before promoting more widely; and
2. make provision during the Construction Phase for no less than 3 work placements

2.9 "the Highways Contribution"

the sum of £18,700 (eighteen thousand seven hundred pounds) to be paid by the Owner to the Council in accordance with the terms of this Agreement and to be applied by the Council in event of receipt for the carrying out of works to the public highway and associated measures in the vicinity of the Property such works to include the following ("the Highways Works"):-

- (a) to repair any damage caused to the public highway in the vicinity of the site as a result of carrying out the Development;

(b) any other works the Council acting reasonably requires as a direct result of the Development

all works will be subject to final measure and any level adjustment required and for the avoidance of doubt the Council in accepting this sum does not undertake any responsibility in connection with any required statutory undertakers works and excludes any statutory undertakers costs

2.10 "the Implementation Date"

the date of implementation of the Development by the carrying out of a material operation (other than a Preparatory Operation) as defined in Section 56 of the Act and references to "Implementation" and "Implement" shall be construed accordingly

2.11 "King's Cross Construction Centre"

the Council's flagship skills construction training centre providing advice and information on finding work in the construction industry

2.12 "the Level Plans"

plans demonstrating the levels at the interface of the Development the boundary of the Property and the Public Highway

2.13 "the Parties"

mean the Council and the Owner

2.14 "the Planning Application"

a planning application in respect of the development of the Property submitted to the Council and validated on 9 July 2014 for which a resolution to grant permission has been passed conditionally under reference number

2014/4332/P subject to conclusion of this Agreement

2.15 "Planning Obligations Monitoring Officer"

a planning officer of the Council from time to time allocated to deal with all planning obligations pursuant to S106 of the Act to whom all notices, correspondence, approvals etc must be sent in the manner prescribed at clause 6.1 hereof

2.16 "the Planning Permission"

a planning permission granted for the Development substantially in the draft form annexed hereto

2.17 "Local Procurement Code"

the code annexed to the Second Schedule hereto

2.18 "Preparatory Operation"

an operation or item of work of or connected with or ancillary to archaeological investigation, exploratory boreholes and trial pits, survey of existing structures, demolition, site clearance and excavation (including associated temporary works) and/or site preparation, site reclamation and site remediation works, preliminary landscaping, diversion, decommissioning and/or laying of services for the supply or carriage of water, sewerage, gas, electricity, telecommunications or other media or utilities, the erection of fences, hoardings and scaffolding and construction of temporary access and service roads, soil and sediment testing and other works and site establishment preparatory to the commencement of construction including temporary extinguishment and closure of public rights affecting the Site and operations permitted

by the Town and Country Planning (General Permitted Development) Order 1995

- 2.19 "the Property" the land forming part of Hampstead Heath, London the same as shown edged red on the plan annexed hereto
- 2.20 "the Public Highway" any carriageway footway and/or verge adjoining the Property maintainable at public expense

3. **NOW THIS DEED WITNESSETH** as follows:-

- 3.1 This Agreement is made in pursuance of Section 106 of the Act, and is a planning obligation for the purposes of Section 106 as aforesaid, and shall be enforceable by the Council against the Owner as provided herein and against any person deriving title to any part of the Property from the Owner and insofar as it is not a planning obligation its provisions may be enforceable by the Council under any relevant statutory powers.
- 3.2 Words importing the singular shall include the plural and vice versa and any words denoting actual persons shall include companies corporations and other artificial persons.
- 3.3 Any reference to a specific statute or statutes include any statutory extension or modification amendment or re-enactment of such statute and any regulation or orders made under such statute.
- 3.4 The clause and paragraph headings do not form part of this Agreement and shall not be taken into account in its construction or interpretation.
- 3.5 It is hereby agreed between the Parties that save for the provisions of clauses 1, 2, 3, 5, 6 and 7 hereof all of which shall come into effect on the date hereof the covenants undertakings and obligations contained within this Agreement shall become binding upon the Owner upon the Implementation Date.

3.6 The Council hereby agrees to grant the Planning Permission on the date hereof.

3.7 The Parties save where the context states otherwise shall include their successors in title.

4. **OBLIGATIONS OF THE OWNER**

The Owner hereby covenants with the Council as follows:-

4.1 **HIGHWAYS CONTRIBUTION**

4.1.1 On or prior to the Implementation Date to:-

- (i) pay to the Council the Highways Contribution in full; and
- (ii) submit to the Council the Level Plans for approval.

4.1.2 Not to Implement or to allow Implementation until such time as the Council has:-

- (i) received the Highways Contribution in full; and
- (ii) approved the Level Plans as demonstrated by written notice to that effect.

4.1.3 For the avoidance of doubt the Owner acknowledges that the Council has the right reserved to it to construct the Public Highway to levels it considers appropriate and does not undertake any responsibility in connection with any required statutory undertakers works and that the Highways Contribution excludes any statutory undertakers costs.

4.1.4 On completion of the Highway Works the Council may provide to the Owner a certificate specifying the reasonable and proper sum ("the Certified Sum") expended by the Council in carrying out the Highway Works.

4.1.5 If the Certified Sum exceeds the Highway Contribution then the Owner shall within fourteen days of the issuing of the said certificate pay to the Council the amount of the excess.

4.2 CONSTRUCTION MANAGEMENT PLAN

- 4.2.1 On or prior to the Implementation Date to provide the Council for approval a draft Construction Management Plan.
- 4.2.2 Not to Implement nor allow Implementation of the Development until such time as the Council has approved the Construction Management Plan as demonstrated by written notice to that effect.
- 4.2.3 The Owner acknowledges and agrees that the Council will not approve the Construction Management Plan unless it demonstrates to the Council's reasonable satisfaction that the Construction Phase of the Development can be carried out safely and with minimal possible impact on and disturbance to the surrounding environment and highway network.
- 4.2.4 To ensure that throughout the Construction Phase the Development shall not be carried out otherwise than in strict accordance with the requirements of the Construction Management Plan and not to permit the carrying out of any works comprised in demolition or building out the Development at any time when the requirements of the Construction Management Plan are not being complied with and in the event of non-compliance with this sub-clause the Owner shall forthwith take any steps required to remedy such non-compliance.
- 4.2.5 During the Construction Phase, the Owner shall at its own expense:
- (a) convene the Community Working Group from such persons (subject to a maximum of 12 people or such other number as the Owner and the Council shall agree) as the Council shall nominate (having first consulted with the Owner) as having a direct interest in the carrying out of the Development and/or local residents associations, local organisations and local schools and ensuring that there are representatives from within each of the Highgate, Gospel Oak and Hampstead Town wards;
 - (b) procure that the project managers for the Development or their nominated deputies and a representative from the relevant contractor (and any other

appropriate professional representatives of the Owner) shall be members of the Community Working Group and shall attend all meetings of the Community Working Group;

- (c) appoint a person (the "**Liaison Officer**") responsible for liaising with the Council residents' groups, local people and organisations and other interested parties about the operation of the Community Working Group and the management of the Construction Phase such person or his representative to organise and attend all meetings of the Community Working Group all such meetings to take place within easy walking distance of the Property;
- (d) give a minimum of seven days written notice of each meeting of the Community Working Group to all members of such working group and to provide suitable facilities for the meetings of the Community Working Group;
- (e) ensure that meetings of the Community Working Group shall take place every month during the Construction Phase (unless otherwise agreed) **ALWAYS PROVIDED** that the Community Working Group shall by a majority be entitled on reasonable grounds of urgency which cannot reasonably be left until the next scheduled meeting by giving written notice of not less than 10 days to the Liaison Officer to request a meeting of the Community Working Group (except in an emergency in which case such notice can specify a shorter period) be convened and a meeting of the Community Working Group so convened if in response to such request shall consider matters specified in the notice as requiring discussion and **PROVIDED ALSO** that if the Community Working Group decide to meet less frequently than is provided above during the Construction Phase, meetings of the working group shall be convened at such intervals as the Community Working Group decides;
- (f) ensure that an accurate written minute is kept of each meeting of the Community Working Group recording discussion and any decisions taken by the Community Working Group (this to be circulated by the Owner to all members of the group within seven days of each meeting);
- (g) in the event of the majority of members of the Community Working Group (having particular regard to the Council's Considerate Constructor Manual)

voting in favour of making a recommendation to the Owner in respect of the management of the Construction Phase (each member of the group having one vote on any motion proposed) use reasonable endeavours to give effect to implementing any reasonable recommendation and in the event of any reasonable recommendation not being adopted by the Owner the Owner shall notify the next meeting of the Community Working Group of this fact together with written reasons as to why this is the case; and

- (h) provide (i) a telephone complaints service that shall be available for 24 hours per day to local residents such line to be staffed by a representative of the Owner having control over the Construction Phase during all periods of construction activity and an answer phone service outside periods of construction activity (ii) a fully operable and accessible computer web site setting out information about the progress of the Construction Phase and measures being taken to limit its impact on the amenity of the local community (with particular emphasis being placed on identifying key dates when "high impact" construction activities are programmed to take place and the measures designed to address such impacts) and the Owner shall expeditiously take any action reasonably necessary to deal with any such reasonable complaints (and shall give each meeting of the Community Working Group written information about any such complaints received and action taken in respect of them).

4.3 EMPLOYMENT AND TRAINING PLAN

- 4.3.1 On or prior to the Implementation Date to submit to the Council for approval the Employment and Training Plan.
- 4.3.2 Not to Implement nor permit Implementation until such time as the Council has approved the Employment and Training Plan as demonstrated by written notice to that effect.
- 4.3.3 To ensure that throughout the Construction Phase the Development shall not be carried out otherwise than in strict accordance with the requirements of the Employment and Training Plan and not to permit the carrying out of any works comprised in demolition or building out the Development at any time when the requirements of the Employment and Training Plan are not being complied with and

in the event of non-compliance with this sub-clause the Owner shall forthwith take any steps required to remedy such non-compliance.

4.4 LOCAL EMPLOYMENT

4.4.1 In carrying out the works comprised in the Construction Phase of the Development (save to the extent that the Owner has already put contracts in place and the contractors already have staff employed to undertake works under such contracts) the Owner shall use its reasonable endeavours to ensure that no less than 20% of the work force is comprised of residents of the London Borough of Camden.

4.4.2 In order to facilitate compliance with the requirements of sub-clause 4.4.1 above the Owner shall use reasonable endeavours to work in partnership with (i) the King's Cross Construction Centre; and (ii) take the following specific measures to ensure:-

- a) all contractors and sub-contractors provide information about all vacancies arising as a result of the Construction Phase of the Development to the King's Cross Construction Centre;
- b) the King's Cross Construction Centre is notified of all vacancies, arising from the building contract for the Development for employees, self-employees, contractors and sub-contractors;
- c) that the King's Cross Construction Centre is supplied with a full labour programme for the lifetime of the Development (with six-monthly updates) demonstrating (i) what skills and employment are needed through the life of the programme, and (ii) measures to ensure that these needs are met as far as possible through the provision of local labour from residents of the London Borough of Camden; and
- d) the Council is provided with a detailed six-monthly labour return for monitoring the employment and self-employment profile of all workers referred by the Kings Cross Construction Centre and employed during the Construction Phase.

4.4.3 The Owner shall ensure that at all times during the Construction Phase no less than 3 apprentices shall be employed on Hampstead Heath always ensuring each apprentice shall:-

- a) be offered employment for a period of not less than 52 weeks;
- b) be paid at a rate not less than the national minimum wage;
- c) be provided with appropriate day release to undertake training at a further education college; and
- d) be supported with a **£1,500** contribution to be paid by the Owner to the Council and to be applied by the Council towards the cost of recruitment and training for the apprentice ("the Training and Employment Contribution").

4.4.4 If the Owner is unable to provide the apprentices in accordance with Clause 4.4.3 of this Agreement for reasons demonstrated to the satisfaction of the Council it shall forthwith pay the Council a contribution of **£7,000** in lieu in respect of each apprentice place not provided and for the avoidance of doubt this is to be paid in addition to the Training and Employment Contribution and not in substitution of the same.

4.4.5 Notwithstanding the provisions in clause 4.4.4 of this Agreement, during the Construction Phase the Owner shall use reasonable endeavours to provide training opportunities on site for employees resident within the London Borough of Camden and to provide a six-monthly statement setting out the details of candidates employed to the Kings Cross Construction Centre.

4.4.6 The Owner shall provide 3 work placement opportunities of not less than 2 weeks each, to be recruited through the Council's Economic Development Team.

4.5 LOCAL PROCUREMENT

4.5.1 Prior to Implementation to agree a programme during the construction of the Development to provide opportunities for local businesses to bid/tender for the provision of goods and services to the Development in accordance with the Council's Local Procurement Code (save to the extent that the provision of those goods and services has already been tendered).

4.5.2 On or prior to Implementation to meet with the Council's Economic Development Local Procurement Team (or any successor department) at least one month before tendering contracts to agree the specific steps that will be taken to give effect to the Local Procurement Code.

4.5.3 To ensure that throughout the construction of the Development shall not be carried out otherwise than in accordance with the requirements of the Local Procurement Code and in the event of non-compliance with this sub-clause the Owner shall forthwith take any steps required to remedy such non-compliance.

5. **NOTICE TO THE COUNCIL/OTHER MATTERS**

5.1 The Owner shall give written notice to the Council on or prior to the Implementation Date specifying that Implementation of the Planning Permission has taken or is about to take place.

5.2 Within seven days following completion of the Development the Owner shall certify in writing to the Planning Obligations Monitoring Officer in the manner outlined at clause 6.1 hereof quoting the Planning Permission reference 2014/4332/P the date upon which the Development is ready for Occupation.

5.3 The Owner shall act in good faith and shall co-operate with the Council to facilitate the discharge and performance of all obligations contained herein and the Owner shall comply with any reasonable requests of the Council to have access to any part of the Property or any requests to provide documentation within the Owner's possession (at the Owner's expense) for the purposes of monitoring compliance with the obligations contained herein.

5.4 The Owner agrees declares and covenants with the Council that it shall observe and perform the conditions restrictions and other matters mentioned herein.

5.5 If satisfied as to the compliance of the Owner in respect of any obligation in this Agreement the Council shall (if requested to do so in writing and subject to payment of a fee of £1,000 in respect of each such obligation) provide through its Head of

Legal Services a formal written certification of compliance, partial compliance or ongoing compliance (as and if appropriate) with the provisions of any such obligation.

- 5.6 Submission of any plan for approval by the Council under the terms of this Agreement shall be made by the Owner to the Council sending the full document and any appendices in electronic format (where practicable) to the Planning Obligations Monitoring Officer referring to the names dates and Parties to this Agreement and citing the specific clause of this Agreement to which such plan relates quoting the Planning Permission reference 2014/4332/P.
- 5.7 Payment of the Highways Contribution pursuant to Clause 4.1 of this Agreement shall be made by the Owner to the Council sending the full amount via electronic transfer (where practicable) The owner shall notify the Planning Obligations Monitoring Officer that payment has been made referring to names date and Parties to this Agreement and citing the specific clause of this Agreement to which such contribution relates quoting the planning reference 2014/4332/P Electronic Transfer be made directly to the Co-operative Bank Plc of 1 Islington High Street London N1 9TR quoting Sort Code 08-90-33 and London Borough of Camden General Account no. 61030019
- 5.7 All consideration given in accordance with the terms of this Agreement shall be exclusive of any value added tax properly payable in respect thereof and all parties other than the Council shall pay and indemnify the Council against any such value added tax properly payable on any sums paid to the Council under this Agreement upon presentation of an appropriate value added tax invoice addressed to the Owner.
- 5.8 Any sums referred to in this Agreement as payable or to be applied by any party other than the Council under this Agreement shall be paid or applied TOGETHER WITH if such payment or application is made more than three months from the date of this Agreement a further sum ("A") being equal to the original sum payable ("B") multiplied by a figure being a fraction of which the All Items of Retail Prices ("the AllIRP") figure last published by the Central Statistical Office at the date hereof is the denominator ("X") and the last AllIRP figure published before the date such payment or application is made ("Y") less the last published AllIRP figure at the date hereof ("X") is the numerator so that

$$A = B \times \frac{(Y-X)}{X}$$

5.9 All costs and expenses payable to the Council under this Agreement shall bear interest at the rate of 4% above the Base Rate of the National Westminster Bank plc from time to time being charged from the date such payment is due until payment is made.

6. **IT IS HEREBY AGREED AND DECLARED** by the Parties hereto that:-

6.1 The provisions of Section 196 of the Law of Property Act 1925 (as amended) shall apply to any notice or approval or agreement to be served under or in connection with this Agreement and any such notice or approval shall be in writing and shall specifically refer to the name, date and Parties to the Agreement and shall cite the clause of the Agreement to which it relates and in the case of notice to the Council shall be addressed to the London Borough of Camden, Planning Obligations Officer, Urban Design and Renewal, Planning and Public Protection, Culture and Environment Directorate, Town Hall Annex, Argyle Street, London WC1H 9LP quoting the Planning Permission reference number 2014/4332/P and in the case of any notice or approval or agreement from the Council this shall be signed by a representative of the Council's Environment Department.

6.2 This Agreement shall be registered as a Local Land Charge.

6.3 The Owner agrees to pay the Council its proper and reasonable legal costs incurred in preparing this Agreement on or prior to the date of completion of the Agreement.

6.4 The Owner hereby covenants with the Council that it will within 28 days from the date hereof apply to the Chief Land Registrar of the Land Registry to register this Agreement in the Charges Register of the title to the Property and will furnish the Council forthwith on written demand with official copies of such title to show the entry of this Agreement in the Charges Register of the title to the Property.

6.5 Nothing contained or implied in this Agreement shall prejudice or affect the Council's powers to enforce any specific obligation term or condition nor shall anything contained or implied herein prejudice or affect any provisions, rights, powers, duties

and obligations of the Council in the exercise of its functions as Local Planning Authority for the purposes of the Act or as a local authority generally and its rights, powers, duties and obligations under all public and private statutes, bye laws and regulations may be as fully and effectually exercised as if the Council were not a party to this Agreement.

- 6.6 The Council covenants that upon submission by or on behalf of the Owner of any request for its approval pursuant to this Agreement the Council will respond within 10 days advising whether or not approval is granted. If approval is not granted the Council will, at the same time as so advising, indicate to the Owner why approval has been withheld and what changes are required to enable approval to be given. The Council further covenants to respond in the same manner upon resubmission of a request for approval. The Council further covenants that without prejudice to the foregoing, it will not unreasonably withhold or delay the giving of approvals pursuant to this Agreement.
- 6.7 Neither the Owner nor its successors in title nor any person deriving title from them shall be bound by the obligations in this Agreement in respect of any period during which it no longer has an interest in the Property but without prejudice to liability for any breach committed prior to the time it disposed of its interest.
- 6.8 For the avoidance of doubt the provisions of this Agreement (other than those contained in this sub-clause) shall not have any effect until this Agreement has been dated.
- 6.9 If the Planning Permission is quashed or revoked or otherwise withdrawn or expires before effluxion of time for the commencement of development this Agreement shall forthwith determine and cease to have effect.

7. RIGHTS OF THIRD PARTIES

- 7.1 The Contracts (Rights of Third Parties) Act 1999 shall not apply to this Agreement

IN WITNESS whereof the Council and the Owner have caused their respective common seals to be hereunto affixed the day and year first before written

THE COMMON SEAL OF THE MAYOR)
 AND COMMONALTY AND CITIZENS OF)
 THE CITY OF LONDON was hereunto)
 Affixed by Order:-)



..... *Deborah*

Authorised Signatory

THE COMMON SEAL OF THE MAYOR)
 AND BURGESSES OF THE LONDON)
 BOROUGH OF CAMDEN was hereunto)
 Affixed by Order:-)





..... *JR*

Authorised Signatory

Examined	DC
Ctee/Court	Project Bus # 19, 11/15 by me wood + DC
Date	21/11/15 20/11/15
Passed for Sealing	DC
Fund	City Cash
Power	S.S London quart. Newg (Hampstead Heath) a/c 14/84
Seal Folio No.	2015/045

DO NOT SCALE



-  Planning Application Red Line Boundary
-  Land within City of London Corporation Ownership

- A** Stock Pond
- B** Kenwood Ladies' Bathing Pond
- C** Bird Sanctuary Pond
- D** Model Boating Pond
- E** Men's Bathing Pond
- F** Highgate No.1 Pond
- G** Vale of Health Pond
- H** Viaduct Pond
- I** Catchpit
- J** Mixed Bathing Pond
- K** Hampstead No.2 Pond
- L** Hampstead No.1 Pond
- M** Borrow Pit
- N** Borrow Pit
- O** Borrow Pit
- P** Borrow Pit

R

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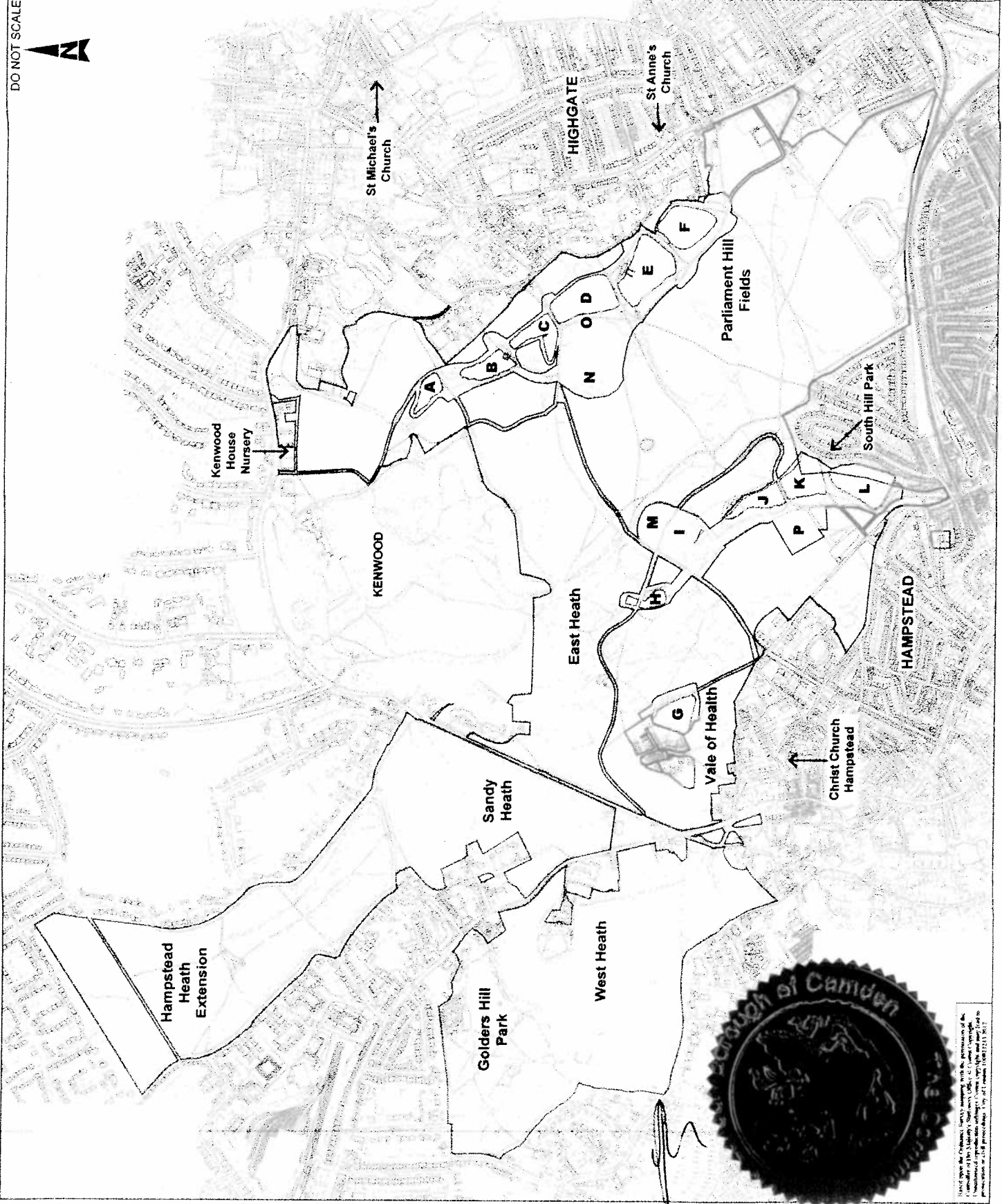
City of London Corporation

HAMPSTEAD HEATH PONDS PROJECT

PLANNING APPLICATION BOUNDARY

Area	1,000	Area	1,000	Area	1,000
Volume	1,000	Volume	1,000	Volume	1,000
Depth	1,000	Depth	1,000	Depth	1,000
Width	1,000	Width	1,000	Width	1,000
Height	1,000	Height	1,000	Height	1,000

FIGURE 1.1



1:1000 Scale
 City of London Corporation
 Planning Department
 15th Floor, 100 Broad Street
 London EC2M 2JF
 T: +44 (0)20 7461 2000
 F: +44 (0)20 7461 2001
 E: info@cityoflondon.gov.uk
 www.cityoflondon.gov.uk

Atkins
Epsom Gateway
2 Ashley Avenue
Epsom
Surrey
KT18 5AL

Tel 020 7974 4444
Fax 020 7974 1930
Textlink 020 7974 6866

planning@camden.gov.uk
www.camden.gov.uk/planning

Application Ref: **2014/4332/P**

Dear Sir/Madam

DRAFT

FOR INFORMATION ONLY - THIS IS NOT A FORMAL DECISION
Town and Country Planning Act 1990 (as amended)

DECISION SUBJECT TO A SECTION 106 LEGAL AGREEMENT

Address:
Hampstead and Highgate chains of ponds
Hampstead Heath
London

DECISION

Proposal:
Proposed engineering works to the Hampstead and Highgate chains of ponds comprising dam raising at Model Boating Pond (2.5m) and Mixed Bathing Pond (1m), new walls along dam crest to increase the height of the dams at Men's Bathing Pond (1m) and Highgate No.1 Pond (1.25m), a 0.19m kerb along part of the crest at Hampstead No.2 Pond, a new flood storage dam (5.6m) in the catchpit area, grass-lined spillways at most ponds, dam crest restoration, pond enlargement at Model Boating Pond, a replacement changing room building at Ladies Bathing Pond and associated landscaping, habitat creation and de-silting. This application is accompanied by an Environmental Statement.

Drawing Nos: Information submitted to AECOM to inform independent review:

Email from Atkins to Aecom dated 14/10/14; Hampstead Heath Ponds Project QRA Update Memo dated 05/11/2014 Ref 5117039; Consequence Analysis Technical Note Draft Rev 1.0, dated 30/09/2014; Email from Atkins to Aecom dated 21/10/14; HH Duration investigation IS check; Email from Atkins to Aecom dated 15/10/2014; Atkins initial response to Aecom request for information, update 21/10/14; Email from Atkins to Aecom, dated 14/10/2014; Email from Atkins to Aecom, dated 17/10/2014; HH Pref Option May 14 Results - Highgate 1 only; Hydrograph RFI checklist; Modelled Hamp1 HG1 Pipe Flows for TW Oct 14; PMF and breaching Hydrographs; Hampstead No. 1 Reservoir Routing - 1:100 Existing; - 1:100 Proposed; 1:1000 Existing; 1:1000 Proposed; 1:10000 Existing; 1:10000 Proposed; PMF Existing; PMF Proposed; Email from Atkins to Aecom, dated 03/11/2014;

Email from Atkins to Aecom, dated 24/10/2014; Email from Atkins to Aecom, dated 23/10/2014; Email from Atkins to Aecom, dated 15/10/2014; Email from Aecom to Atkins, dated 03/11/2014; RE: Independent review - RFI 12 re Outflow pipe rating curves follow-up query by Atkins; Highgate 1 Workbook questions A - update - 14-04-14; Overflow from Highgate No 1 Comments on 03/10/2014 by Professor K R Rushton; Email from Atkins to LB Camden, dated 21/10/2014; Note from Atkins, data requested from Aecom final status 26/11/2014; Assessment of Design Flood by Atkins, dated 25/03/2013 Rev 4; Hydrology and Hydraulic Modelling Presentation by Atkins, from meeting with Aecom, dated 01/10/2014; Panel Engineer Presentation by Atkins, from meeting with Aecom, dated 01/10/2014.

Independent Review of Hampstead Heath Ponds Project by AECOM Rev 02 dated 01/12/2014; R (Heath and Hampstead Society v Mayor (et al) of London & Anr 2014 Additional information submitted during the course of the application:

5117039-ATK-P4-ZZ-DR-Y-2001 P3 and 5117039-ATK-P4-ZZ-DR-Y-2002 P3 within Arboricultural Impact Assessment (as submitted 22/07/14); Ladies' Bathing Pond MOL Assessment Technical Note by Atkins, dated 23/07/14; 2. Brief, submitted 23/07/14; Annotated plan of PD1010, as submitted 23/07/14; Letter from Atkins dated 24/07/2014 to Environment Agency, Ref 5117039/Silt options/je.rev1; Addendum to Chapter 10 Community Assessment, as submitted 05/08/2014; Environment Statement Revised Appendix 3.1, as received 05/08/2014; Atkins response to LB Camden Feedback_Ecology, as received 16/09/14; Email from Atkins, Emergency planning, dated 16/09/14; Atkins response to LB Camden Feedback_Trees, as received 16/09/14; Atkins response to LB Camden Feedback_Flood Risk, as received 18/09/14; Bat Roost Characterisation Surveys by the Ecology Consultancy Ref 140819, as submitted 04/10/2014; Invertebrate Assessment by the Ecology Consultancy Ref 140587, as submitted 04/10/2014; Highgate No. 1 Downstream Maps, as received 14/10/14; Email from City of London dated 30/07/2014, as submitted 14/10/14 & attachments; Atkins Response to comments from LBC Landscape and Conservation Officer Technical Note, dated 23/10/14 and attached figures 2 and 3; MOLA Impacts to Model Boating Pond, dated 22/10/14; Atkins Statement of Habitat Losses and Gains Ref 5117039 / 62 / DG / 231 / Rev1, dated 13/11/14; MOLA and Atkins Response to Feedback from LBC on Model Boating Pond, Ref 5117039, dated 14/11/14; Email from Atkins, dated 24/11/2014; Bat Tree Inspection Report by the Ecology Consultancy, dated 11/12/2014; Visual material by Atkins of the Model Boating Pond, as received 14/01/2015.

Kenwood Ladies' Bathing Pond New Changing Facility Design and Access Statement by Atkins dated July 2014, Rev 2.0, including HH5064/1A; -2; -01/B; -03; -04; -05; -E; -02/B; PD1000; PD1010; PD1011; PD1200; PD1201; PD1202; PD1300; PD1301; PD1302; PD1303;

Planning, Design and Access Statement by Atkins, dated July 2014 Ref 5117039/62/DG/197 Rev 2; Verified Views (photomontages) by Atkins, dated July 2014; Letter from Atkins dated 4 July 2014 Ref 5117039; Statement of Community Involvement by Atkins, dated July 2014 Ref 5117039/62/DG/196 Rev 2; Environmental Statement Non Technical Summary (Volume 1) by Atkins dated July 2014 Rev 2.0; Environmental Statement Main Report (Volume 2) by Atkins dated July 2014 Rev 2.0; Environmental Statement Appendices (Volume 3) by Atkins dated July 2014 Rev 1.0; Transport Statement by Atkins, dated July 2014 Ref 5117039/62/DG/199 Rev 2; Flood Risk Assessment by

Atkins, dated July 2014 Ref 5117039/62/DG/202 Rev 3; Sustainability Statement by Atkins, dated July 2014 Ref 5117039/62/DG/201 Rev 1.0; Project Management Plan (including Construction Management Plan) by Bam Nuttall Dated July 2014 Ref BAM1700 PMP B Rev B; Outline Specification by Atkins dated July 2014; Arboricultural Impact Assessment by Atkins, dated July 2014 Ref 5117039 Rev 2.0, including plans: 5117039-ATK-ZZ-ZZ-DR-Y-2000 P3; 5117039-ATK-P1-ZZ-DR-Y-2000 P3; -P2-ZZ-DR-Y-2000 P4; -P3-ZZ-DR-Y-2000 P3; -P4-ZZ-DR-Y-2000 P3; -P4-ZZ-DR-Y-2001 P3; -P4-ZZ-DR-Y-2002 P3; -P5-ZZ-DR-Y-2000 P3; -P6-ZZ-DR-Y-2000 P4; -P6-ZZ-DR-Y-2001 P4; -P7-ZZ-DR-Y-2000 P3; -P8-ZZ-DR-Y-2000 P3; -P9-ZZ-DR-Y-2000 P4; -P10-ZZ-DR-Y-2000 P3; -P11-ZZ-DR-Y-2000 P3; -P12-ZZ-DR-Y-2000 P4; -P12-ZZ-DR-Y-2001 P4.

G. Vale of Health Pond Planning Drawings and Design by Atkins dated July 2014, including 5117039-ATK-P11-ZZ-DR-L-7004 Rev P5; -7005 Rev P3; -7006 Rev P2; -7007 Rev P2; -7008 Rev P2; -7009 Rev P1; 5117039-ATK-ZZ-ZZ-DR-L-0001 Rev P1; 5117039-ATK-P7-P12-ZZ-DR-L-7004 Rev P3;

H. Viaduct Pond Planning Drawings and Design by Atkins dated July 2014, including 5117039-ATK-P7-ZZ-DR-L-7004 Rev P5; -7005 Rev P3; -7006 Rev P2; -7007 Rev P2; -7008 Rev P2; 5117039-ATK-ZZ-ZZ-DR-L-0001 Rev P1; 5117039-ATK-P7-P12-ZZ-DR-L-7004 Rev P3;

I. Catchpit Planning Drawings and Design by Atkins dated July 2014, including 5117039-ATK-P12-ZZ-DR-L-7002 Rev P5; -7003 Rev P3; -7004 Rev P1; -7005 Rev P2; -7007 Rev P2; -7008 Rev P2; 5117039-ATK-ZZ-ZZ-DR-L-0001 Rev P1; 5117039-ATK-P7-P12-ZZ-DR-L-7004 Rev P3;

J. Mixed Bathing Pond Planning Drawings and Design by Atkins dated July 2014, including 5117039-ATK-P8-ZZ-DR-L-7004 Rev P5; -7005 Rev P3; -7006 Rev P2; -7007 Rev P2; 5117039-ATK-ZZ-ZZ-DR-L-0001 Rev P1; 5117039-ATK-P7-P12-ZZ-DR-L-7004 Rev P3;

K. Hampstead No. 2 Pond Planning Drawings and Design by Atkins dated July 2014, including 5117039-ATK-P9-ZZ-DR-L-7004 Rev P5; -7005 Rev P3; -7006 Rev P2; -7007 Rev P2; -7008 Rev P2; -7009 Rev P2; 5117039-ATK-ZZ-ZZ-DR-L-0001 Rev P1; 5117039-ATK-P7-P12-ZZ-DR-L-7004 Rev P3;

L. Hampstead No. 1 Pond Planning Drawings and Design by Atkins dated July 2014, including 5117039-ATK-P10-ZZ-DR-L-7004 Rev P5; -7005 Rev P3; -7006 Rev P2; -7007 Rev P2; 5117039-ATK-ZZ-ZZ-DR-L-0001 Rev P1; 5117039-ATK-P7-P12-ZZ-DR-L-7004 Rev P3;

Highgate and Hampstead Chains Overview Planning Drawings and Design by Atkins dated July 2014, including 5117039-ATK-P1-P6-ZZ-DR-L-7003 Rev P2; 5117039-ATK-P7-P12-ZZ-DR-L-7003 Rev P2; 5117039-ATK-ZZ-ZZ-DR-L-0001 Rev P1;

Site Location Plan Figure 1.1;

A. Stock Pond Planning Drawings and Design by Atkins dated July 2014, including 5117039-ATK-P1-ZZ-DR-L-7002 Rev P5; -7003 Rev P3; -7005 Rev P2 Whole Pond Section; -7005 Rev P2 Spillway Section; -7006 Rev P2; -7007 Rev P2; 5117039-ATK-ZZ-

ZZ-DR-L-0001 Rev P1; 5117039-ATK-P1-P6-ZZ-DR-L-7004 Rev P3;

B. Kenwood Ladies' Bathing Pond Planning Drawings and Design by Atkins dated July 2014, including 5117039-ATK-P2-ZZ-DR-L-7004 Rev P5; -7005 Rev P3; -7006 Rev P3; -7007 Rev P3; -7008 Rev P2; -7009 Rev P2; 5117039-ATK-ZZ-ZZ-DR-L-0001 Rev P1; 5117039-ATK-P1-P6-ZZ-DR-L-7004 Rev P3;

C. Bird Sanctuary Pond Planning Drawings and Design by Atkins dated July 2014, including 5117039-ATK-P3-ZZ-DR-L-7006 Rev P5; -7007 Rev P3; -7008 Rev P2; -7009 Rev P2; 5117039-ATK-ZZ-ZZ-DR-L-0001 Rev P1; 5117039-ATK-P1-P6-ZZ-DR-L-7004 Rev P3;

D. Model Boating Pond Planning Drawings and Design by Atkins dated July 2014, including 5117039-ATK-P4-ZZ-DR-L-7006 Rev P5; -7007 Rev P3; -7008 Rev P2; -7009 Rev P2; -7010 Rev P1 Spillway; -7010 Rev P2 Detail Section; -7011 Rev P1; 5117039-ATK-ZZ-ZZ-DR-L-0002 Rev P1; 5117039-ATK-ZZ-ZZ-DR-L-0001 Rev P1; 5117039-ATK-P1-P6-ZZ-DR-L-7004 Rev P3;

E. Men's Bathing Pond Planning Drawings and Design by Atkins dated July 2014, including 5117039-ATK-P5-ZZ-DR-L-7006 Rev P5; -7007 Rev P3; -7008 Rev P2; -7009 Rev P2; -7010 Rev P2; -7011 Rev P2; -7012 Rev P2; 5117039-ATK-ZZ-ZZ-DR-L-0001 Rev P1; 5117039-ATK-P1-P6-ZZ-DR-L-7004 Rev P3;

F. Highgate No. 1 Pond Planning Drawings and Design by Atkins dated July 2014, including 5117039-ATK-P6-ZZ-DR-L-7004 Rev P5; -7005 Rev P3; -7006 Rev P2; -7007 Rev P2; -7008 Rev P2; -7009 Rev P2; 5117039-ATK-ZZ-ZZ-DR-L-0001 Rev P1; 5117039-ATK-P1-P6-ZZ-DR-L-7004 Rev P3;

The Council has considered your application and decided to grant permission subject to the conditions and informatives (if applicable) listed below **AND** subject to the successful conclusion of a Section 106 Legal Agreement.

The matter has been referred to the Council's Legal Department and you will be contacted shortly. If you wish to discuss the matter please contact **Aidan Brookes** in the Legal Department on **020 7 974 1947**.

Once the Legal Agreement has been concluded, the formal decision letter will be sent to you.

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture of those existing, unless otherwise specified in the approved application.

Reason: To safeguard the character and appearance of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 3 All work shall be carried out in accordance with the relevant recommendations of British Standard 3998: 2010. (Recommendation for Tree Work)

Reason: To ensure the preservation of the amenity value and health of the trees in accordance with the requirements of policies CS14 and CS15 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies.

- 4 The relevant part of the works shall not take place until full details of hard and soft landscaping and means of enclosure of all un-built, open areas have been submitted to and approved by the local planning authority in writing. Such details shall include details of any proposed earthworks including grading, mounding and other changes in ground levels. The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To ensure that the development achieves a high quality of landscaping which contributes to the visual amenity and character of the area in accordance with the requirements of policies CS14 and CS15 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies.

- 5 All hard and soft landscaping works shall be carried out in accordance with the approved landscape details by not later than the end of the planting season following completion of the development or any phase of the development, whichever is the sooner. Any trees or areas of planting which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced as soon as is reasonably possible and, in any case, by not later than the end of the following planting season, with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason: To ensure that the landscaping is carried out within a reasonable period and to maintain a high quality of visual amenity in the scheme in accordance with the requirements of policy CS14 and CS15 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies.

- 6 Prior to the relevant part of the works commencing, details demonstrating how nearby trees to be retained shall be protected during construction work shall be submitted to and approved by the Council in writing. Such details shall follow guidelines and standards set out in BS5837:2012 "Trees in Relation to Design, Demolition and Construction". All trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected from damage in accordance with the approved protection details.

Reason: To ensure that the development will not have an adverse effect on existing trees and in order to maintain the character and amenity of the area in accordance with the requirements of policy CS15 of the London Borough of Camden Local Development Framework Core Strategy.

- 7 Detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is begun:

a) Typical details of new 1.25m wall at Highgate No. 1 Pond at a scale of 1:10;

b) Typical details of new 1m wall at Men's Bathing Pond at a scale of 1:10;

c) Typical details of new 0.5m wall at Mixed Bathing Pond at a scale of 1:10.

d) Details including sections at 1:10 of all windows (including jambs, head and cill), external doors and gates associated with the replacement Kenwood Ladies' Pond Changing facility.

e) Manufacturer's specification details of all facing materials (to be submitted to the Local Planning Authority) and samples of those materials (to be provided on site) associated with the replacement Kenwood Ladies' Pond Changing facility.

The relevant part of the works shall be carried out in accordance with the details thus approved and all approved samples shall be retained on site during the course of the works.

Reason: To safeguard the character and appearance of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 8 Prior to the relevant parts of the proposed development commencing the applicant (or their heirs and successors in title) will secure the implementation of a programme of archaeological investigation in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved in writing by the local planning authority. The relevant parts of the development shall not take place other than in accordance with the Written Scheme of Investigation.

Reason: Heritage assets of archaeological interest are expected to survive on the site. The planning authority wishes to secure the provision of appropriate archaeological investigation, including the publication of results, in accordance with

the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 9 No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: To safeguard the amenity of existing and future occupiers in the area as the proposed works are in close proximity to underground sewerage utility infrastructure and to safeguard existing below ground public utility infrastructure and controlled waters, in accordance with the requirements of policies CS5 and CS13 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

- 10 Prior to the first use of the replacement Kenwood Ladies' Pond Changing facility a plan showing details of the sedum roofs including species, planting density, substrate and a section at scale 1:20 showing that adequate depth is available in terms of the construction and long term viability of the sedum roofs, and a programme for a scheme of maintenance shall be submitted to and approved in writing by the local planning authority. The sedum roofs shall be fully provided in accordance with the approved details prior to first use of the replacement Kenwood Ladies' Pond Changing facility and thereafter retained and maintained in accordance with the approved scheme of maintenance.

Reason: To ensure that a green or brown roof is suitably designed and maintained to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with the requirements of policies CS13, CS14, CS15 and CS16 of the London Borough of Camden Local Development Framework Core Strategy and policies DP22, DP23, DP24 and DP32 of the London Borough of Camden Local Development Framework Development Policies.

- 11 Prior to the commencement of building works associated with the replacement Kenwood Ladies' Bathing Pond Changing facility, an energy strategy demonstrating consideration as to how the proposal will seek to meet the 35% carbon dioxide improvement target beyond Part L 2013 shall be submitted to and approved by the local planning authority. The strategy will include full details of the rainwater harvesting tanks proposed. The replacement Kenwood Ladies' Bathing Pond Changing facility shall thereafter not proceed other than in complete accordance with all the measures as recommended in the approved strategy, which shall be permanently retained thereafter unless agreed in writing with the local planning authority.

Reason: In order to secure the optimum energy and resource efficiency measures in accordance policies CS13 and CS16 of the London Borough of Camden Local Development Framework Core Strategy and policies DP22, DP23 and DP32 of the London Borough of Camden Local Development Framework Development Policies.

- 12 No development at the borrow pits at the Highgate Chain and the Model Boating Pond shall take place until full details of the air quality dust monitoring regime has been submitted to and approved by the local planning authority in writing. Such details shall include the location, number and specification of the monitors, including evidence of the fact that they have been installed in line with guidance outlined in the GLA's Control of Dust and Emissions during Construction and Demolition Supplementary Planning Guidance and have been in place for 3 months prior to the proposed implementation date of works at these locations. The monitors shall be retained and maintained on site for the duration of the development in accordance with the details thus approved.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies CS5 and CS16 of the London Borough of Camden Local Development Framework Core Strategy and policies DP22 and DP32 of the London Borough of Camden Local Development Framework Development Policies.

- 13 Prior to the relevant part of the works taking place, A Bat Mitigation Strategy will be submitted to and approved by the Local Planning Authority. The strategy should clearly set out how impacts will be mitigated during the demolition, construction and operational phases. All mitigation measures specified in the approved strategy shall be implemented throughout the works. The strategy should include details of bat boxes to be installed including the exact location, specification and design, and proposed installation dates. There should be no fewer than three boxes installed for each potential roosting opportunity lost. The boxes shall be installed at the earliest opportunity and strictly in accordance with the details so approved and shall be maintained as such thereafter.

Reason: To ensure the development contributes towards the protection and creation of habitats and valuable areas for biodiversity, ensuring compliance with the Habitats Regulations and the Wildlife & Countryside Act 1981 (as amended) and in accordance with policy CS15 (Protecting and improving our parks and open spaces and encouraging biodiversity) of the London Borough of Camden Local Development Framework Core Strategy.

- 14 If more than one year passes between the most recent bat survey and the commencement of demolition and/or tree works, an updated bat survey must be undertaken as close as if practically possible prior to demolition or tree works by a licensed bat worker. Evidence that the survey has been undertaken shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of demolition and/or tree works.

Reason: To ensure the development contributes towards the protection and creation of habitats and valuable areas for biodiversity, ensuring compliance with the Habitats

Regulations and the Wildlife & Countryside Act 1981 (as amended) and in accordance with policy CS15 (Protecting and improving our parks and open spaces and encouraging biodiversity) of the London Borough of Camden Local Development Framework Core Strategy.

- 15 The applicant must apply for a European Protected Species Licence from Natural England due to planned modifications to a known bat roost. Evidence that the Licence has been granted shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the relevant part of the works.

Reason: To ensure the development contributes towards the protection of habitats and valuable areas for biodiversity, ensuring compliance with the Habitats Regulations and the Wildlife & Countryside Act 1981 (as amended) and in accordance with policy CS15 (Protecting and improving our parks and open spaces and encouraging biodiversity) of the London Borough of Camden Local Development Framework Core Strategy.

- 16 Statements detailing precautionary working methods where protected species might be present should be prepared, submitted to and approved by the Local Planning Authority prior to the relevant parts of the development commencing. All site operatives must be made aware of the possible presence of protected species during works. If any protected species are found, works should stop immediately and Natural England informed.

Reason: To ensure the development contributes towards the protection and creation of habitats and valuable areas for biodiversity, ensuring compliance with the Habitats Regulations and the Wildlife & Countryside Act 1981 (as amended) and in accordance with policy CS15 (Protecting and improving our parks and open spaces and encouraging biodiversity) of the London Borough of Camden Local Development Framework Core Strategy.

- 17 All removal of trees, hedgerows, shrubs, scrub or tall herbaceous vegetation shall be undertaken between September and February inclusive. If this is not possible then a suitably qualified ecologist shall check the areas concerned immediately prior to the clearance works to ensure that no nesting or nest-building birds are present. If any nesting birds are present then the vegetation supporting the nest and an appropriate buffer, to be determined by a suitably qualified ecologist, shall not be removed until the fledglings have left the nest.

Reason: To ensure the development contributes towards the protection of any existing habitats and valuable areas for biodiversity, as all wild birds, their nests and young are protected during the nesting period under The Wildlife and Countryside Act 1981 (as amended) and in accordance with policy CS15 of the London Borough of Camden Local Development Framework Core Strategy.

- 18 Prior to commencement of development details of a drainage statement, demonstrating that the greenfield run off rate (or as a minimum a 50% reduction in run off rates) has been achieved across the site through SuDS and decompaction of compacted areas, including a future maintenance plan, shall be submitted and approved in writing by the local planning authority. The approved statement shall be implemented as part of the development and thereafter retained and maintained.

Reason: To provide details of the greenfield run off rate to limit the impact on the storm-water drainage system in accordance with policies CS13 and CS16 of the London Borough of Camden Local Development Framework Core Strategy and policies DP22, DP23 and DP32 of the London Borough of Camden Local Development Framework Development Policies.

- 19 The development hereby permitted shall be carried out in accordance with the following approved plans

Site Location Plan Figure 1.1;

A. Stock Pond Planning Drawings and Design by Atkins dated July 2014, including 5117039-ATK-P1-ZZ-DR-L-7002 Rev P5; -7003 Rev P3; -7005 Rev P2 Whole Pond Section; -7005 Rev P2 Spillway Section; -7006 Rev P2; -7007 Rev P2; 5117039-ATK-ZZ-ZZ-DR-L-0001 Rev P1; 5117039-ATK-P1-P6-ZZ-DR-L-7004 Rev P3;

B. Kenwood Ladies' Bathing Pond Planning Drawings and Design by Atkins dated July 2014, including 5117039-ATK-P2-ZZ-DR-L-7004 Rev P5; -7005 Rev P3; -7006 Rev P3; -7007 Rev P3; -7008 Rev P2; -7009 Rev P2; 5117039-ATK-ZZ-ZZ-DR-L-0001 Rev P1; 5117039-ATK-P1-P6-ZZ-DR-L-7004 Rev P3;

C. Bird Sanctuary Pond Planning Drawings and Design by Atkins dated July 2014, including 5117039-ATK-P3-ZZ-DR-L-7006 Rev P5; -7007 Rev P3; -7008 Rev P2; -7009 Rev P2; 5117039-ATK-ZZ-ZZ-DR-L-0001 Rev P1; 5117039-ATK-P1-P6-ZZ-DR-L-7004 Rev P3;

D. Model Boating Pond Planning Drawings and Design by Atkins dated July 2014, including 5117039-ATK-P4-ZZ-DR-L-7006 Rev P5; -7007 Rev P3; -7008 Rev P2; -7009 Rev P2; -7010 Rev P1 Spillway; -7010 Rev P2 Detail Section; -7011 Rev P1; 5117039-ATK-ZZ-ZZ-DR-L-0002 Rev P1; 5117039-ATK-ZZ-ZZ-DR-L-0001 Rev P1; 5117039-ATK-P1-P6-ZZ-DR-L-7004 Rev P3;

E. Men's Bathing Pond Planning Drawings and Design by Atkins dated July 2014, including 5117039-ATK-P5-ZZ-DR-L-7006 Rev P5; -7007 Rev P3; -7008 Rev P2; -7009 Rev P2; -7010 Rev P2; -7011 Rev P2; -7012 Rev P2; 5117039-ATK-ZZ-ZZ-DR-L-0001 Rev P1; 5117039-ATK-P1-P6-ZZ-DR-L-7004 Rev P3;

F. Highgate No. 1 Pond Planning Drawings and Design by Atkins dated July 2014, including 5117039-ATK-P6-ZZ-DR-L-7004 Rev P5; -7005 Rev P3; -7006 Rev P2; -7007 Rev P2; -7008 Rev P2; -7009 Rev P2; 5117039-ATK-ZZ-ZZ-DR-L-0001 Rev P1; 5117039-ATK-P1-P6-ZZ-DR-L-7004 Rev P3;

G. Vale of Health Pond Planning Drawings and Design by Atkins dated July 2014,

including 5117039-ATK-P11-ZZ-DR-L-7004 Rev P5; -7005 Rev P3; -7006 Rev P2; -7007 Rev P2; -7008 Rev P2; -7009 Rev P1; 5117039-ATK-ZZ-ZZ-DR-L-0001 Rev P1; 5117039-ATK-P7-P12-ZZ-DR-L-7004 Rev P3;

H. Viaduct Pond Planning Drawings and Design by Atkins dated July 2014, including 5117039-ATK-P7-ZZ-DR-L-7004 Rev P5; -7005 Rev P3; -7006 Rev P2; -7007 Rev P2; -7008 Rev P2; 5117039-ATK-ZZ-ZZ-DR-L-0001 Rev P1; 5117039-ATK-P7-P12-ZZ-DR-L-7004 Rev P3;

I. Catchpit Planning Drawings and Design by Atkins dated July 2014, including 5117039-ATK-P12-ZZ-DR-L-7002 Rev P5; -7003 Rev P3; -7004 Rev P1; -7005 Rev P2; -7007 Rev P2; -7008 Rev P2; 5117039-ATK-ZZ-ZZ-DR-L-0001 Rev P1; 5117039-ATK-P7-P12-ZZ-DR-L-7004 Rev P3;

J. Mixed Bathing Pond Planning Drawings and Design by Atkins dated July 2014, including 5117039-ATK-P8-ZZ-DR-L-7004 Rev P5; -7005 Rev P3; -7006 Rev P2; -7007 Rev P2; 5117039-ATK-ZZ-ZZ-DR-L-0001 Rev P1; 5117039-ATK-P7-P12-ZZ-DR-L-7004 Rev P3;

K. Hampstead No. 2 Pond Planning Drawings and Design by Atkins dated July 2014, including 5117039-ATK-P9-ZZ-DR-L-7004 Rev P5; -7005 Rev P3; -7006 Rev P2; -7007 Rev P2; -7008 Rev P2; -7009 Rev P2; 5117039-ATK-ZZ-ZZ-DR-L-0001 Rev P1; 5117039-ATK-P7-P12-ZZ-DR-L-7004 Rev P3;

L. Hampstead No. 1 Pond Planning Drawings and Design by Atkins dated July 2014, including 5117039-ATK-P10-ZZ-DR-L-7004 Rev P5; -7005 Rev P3; -7006 Rev P2; -7007 Rev P2; 5117039-ATK-ZZ-ZZ-DR-L-0001 Rev P1; 5117039-ATK-P7-P12-ZZ-DR-L-7004 Rev P3;

Highgate and Hampstead Chains Overview Planning Drawings and Design by Atkins dated July 2014, including 5117039-ATK-P1-P6-ZZ-DR-L-7003 Rev P2; 5117039-ATK-P7-P12-ZZ-DR-L-7003 Rev P2; 5117039-ATK-ZZ-ZZ-DR-L-0001 Rev P1;

Kenwood Ladies' Bathing Pond New Changing Facility Design and Access Statement by Atkins dated July 2014, Rev 2.0, including HH5064/1A; -2; -01/B; -03; -04; -05; -E; -02/B; PD1000; PD1010; PD1011; PD1200; PD1201; PD1202; PD1300; PD1301; PD1302; PD1303;

- 20 Planning, Design and Access Statement by Atkins, dated July 2014 Ref 5117039/62/DG/197 Rev 2; Verified Views (photomontages) by Atkins, dated July 2014; Letter from Atkins dated 4 July 2014 Ref 5117039; Statement of Community Involvement by Atkins, dated July 2014 Ref 5117039/62/DG/196 Rev 2; Environmental Statement Non Technical Summary (Volume 1) by Atkins dated July 2014 Rev 2.0; Environmental Statement Main Report (Volume 2) by Atkins dated July 2014 Rev 2.0; Environmental Statement Appendices (Volume 3) by Atkins dated July 2014 Rev 1.0; Transport Statement by Atkins, dated July 2014 Ref 5117039/62/DG/199 Rev 2; Flood Risk Assessment by Atkins, dated July 2014 Ref 5117039/62/DG/202 Rev 3; Sustainability Statement by Atkins, dated July 2014 Ref

5117039/62/DG/201 Rev 1.0; Project Management Plan (including Construction Management Plan) by Bam Nuttall Dated July 2014 Ref BAM1700 PMP B Rev B; Outline Specification by Atkins dated July 2014; Arboricultural Impact Assessment by Atkins, dated July 2014 Ref 5117039 Rev 2.0, including plans: 5117039-ATK-ZZ-ZZ-DR-Y-2000 P3; 5117039-ATK-P1-ZZ-DR-Y-2000 P3; -P2-ZZ-DR-Y-2000 P4; -P3-ZZ-DR-Y-2000 P3; -P4-ZZ-DR-Y-2000 P3; -P4-ZZ-DR-Y-2001 P3; -P4-ZZ-DR-Y-2002 P3; -P5-ZZ-DR-Y-2000 P3; -P6-ZZ-DR-Y-2000 P4; -P6-ZZ-DR-Y-2001 P4; -P7-ZZ-DR-Y-2000 P3; -P8-ZZ-DR-Y-2000 P3; -P9-ZZ-DR-Y-2000 P4; -P10-ZZ-DR-Y-2000 P3; -P11-ZZ-DR-Y-2000 P3; -P12-ZZ-DR-Y-2000 P4; -P12-ZZ-DR-Y-2001 P4.

Additional information submitted during the course of the application:

5117039-ATK-P4-ZZ-DR-Y-2001 P3 and 5117039-ATK-P4-ZZ-DR-Y-2002 P3 within Arboricultural Impact Assessment (as submitted 22/07/14); Ladies' Bathing Pond MOL Assessment Technical Note by Atkins, dated 23/07/14; 2. Brief, submitted 23/07/14; Annotated plan of PD1010, as submitted 23/07/14; Letter from Atkins dated 24/07/2014 to Environment Agency, Ref 5117039/Silt options/je.rev1; Addendum to Chapter 10 Community Assessment, as submitted 05/08/2014; Environment Statement Revised Appendix 3.1, as received 05/08/2014; Atkins response to LB Camden Feedback_Ecology, as received 16/09/14; Email from Atkins, Emergency planning, dated 16/09/14; Atkins response to LB Camden Feedback_Trees, as received 16/09/14; Atkins response to LB Camden Feedback_Flood Risk, as received 18/09/14; Bat Roost Characterisation Surveys by the Ecology Consultancy Ref 140819, as submitted 04/10/2014; Invertebrate Assessment by the Ecology Consultancy Ref 140587, as submitted 04/10/2014; Highgate No. 1 Downstream Maps, as received 14/10/14; Email from City of London dated 30/07/2014, as submitted 14/10/14 & attachments; Atkins Response to comments from LBC Landscape and Conservation Officer Technical Note, dated 23/10/14 and attached figures 2 and 3; MOLA Impacts to Model Boating Pond, dated 22/10/14; Atkins Statement of Habitat Losses and Gains Ref 5117039 / 62 / DG / 231 / Rev1, dated 13/11/14; MOLA and Atkins Response to Feedback from LBC on Model Boating Pond, Ref 5117039, dated 14/11/14; Email from Atkins, dated 24/11/2014; Bat Tree Inspection Report by the Ecology Consultancy, dated 11/12/2014; Visual material by Atkins of the Model Boating Pond, as received 14/01/2015.

21 Information submitted to AECOM to inform independent review:

Email from Atkins to Aecom dated 14/10/14; Hampstead Heath Ponds Project QRA Update Memo dated 05/11/2014 Ref 5117039; Consequence Analysis Technical Note Draft Rev 1.0, dated 30/09/2014; Email from Atkins to Aecom dated 21/10/14; HH Duration investigation IS check; Email from Atkins to Aecom dated 15/10/2014; Atkins initial response to Aecom request for information, update 21/10/14; Email from Atkins to Aecom, dated 14/10/2014; Email from Atkins to Aecom, dated 17/10/2014; HH Pref Option May 14 Results - Highgate 1 only; Hydrograph RFI checklist; Modelled Hamp1 HG1 Pipe Flows for TW Oct 14; PMF and breaching Hydrographs; Hampstead No. 1 Reservoir Routing - 1:100 Existing; - 1:100 Proposed; 1:1000 Existing; 1:1000 Proposed; 1:10000 Existing; 1:10000 Proposed; PMF Existing; PMF Proposed; Email from Atkins to Aecom, dated 03/11/2014; Email from Atkins to Aecom, dated 24/10/2014; Email from Atkins to Aecom, dated 23/10/2014; Email from Atkins to Aecom, dated 15/10/2014; Email from Aecom to Atkins, dated

03/11/2014; RE: Independent review - RFI 12 re Outflow pipe rating curves follow-up query by Atkins; Highgate 1 Workbook questions A - update - 14-04-14; Overflow from Highgate No 1 Comments on 03/10/2014 by Professor K R Rushton; Email from Atkins to LB Camden, dated 21/10/2014; Note from Atkins, data requested from Aecom final status 26/11/2014; Assessment of Design Flood by Atkins, dated 25/03/2013 Rev 4; Hydrology and Hydraulic Modelling Presentation by Atkins, from meeting with Aecom, dated 01/10/2014; Panel Engineer Presentation by Atkins, from meeting with Aecom, dated 01/10/2014.

Independent Review of Hampstead Heath Ponds Project by AECOM Rev 02 dated 01/12/2014; R (Heath and Hampstead Society v Mayor (et al) of London & Anr 2014

Reason: For the avoidance of doubt and in the interest of proper planning.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).
- 2 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Compliance and Enforcement team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
- 3 Please note that any approval given by the Council does not give an exemption from the requirements to comply with the Wildlife and Countryside Act 1981 (as amended), or any other Acts offering protection to wildlife. Of particular note is the protection offered to bats, birds and their nests from construction works. For further information contact Natural England on 0300 060 4911 or www.naturalengland.org.uk.
- 4 It is not an offence to have Japanese knotweed growing on land, however it is listed on Schedule 9, Part II of the Wildlife and Countryside Act 1981 (as amended) making it an offence under Section 14 (2) (a) of the Act to "plant or otherwise cause Japanese knotweed to grow in the wild". The council suggests that, as best practice, efforts are made to eradicate this species from the site. Details on Japanese knotweed and appropriate methods of treatment can be found in the Environment Agency's knotweed code of practice. <http://www.environment->

agency.gov.uk/homeandleisure/wildlife/130079.aspx This is to ensure compliance with the Wildlife and Countryside Act 1981 (as amended) and to support the Camden Biodiversity Action Plan 2013-18

5 The applicant is advised that the biodiversity information/ecological assessment provided as part of this application will be made available to Greenspace Information for Greater London [GIGL], the capital's environmental records centre. This is to ensure ongoing improvement biodiversity data holdings for Camden to better inform planning and land management decisions.

6 Regarding precautionary working methods for protected species, Further information can be found on the Natural England Website as follows: Protected species general advice:<http://www.naturalengland.org.uk/ourwork/planningdevelopment/spatialplanning/standingadvice/>

Regarding the European Protected Species Licence, further information can be found on the Natural England Website as follows: The EU protected species license

<http://www.naturalengland.org.uk/ourwork/regulation/wildlife/species/europeanprotectedspecies.aspx>

7 Thames Water advises that piling has the potential to impact on local underground sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the details of the piling method statement.

8 This site is within an area of archaeological significance/archaeological potential where development is likely to result in the destruction of ancient remains. Your attention is drawn to the British Archaeologists and Developers Liaison Group Code of Practice agreed by the British Property Federation and the Standing Conference of Archaeological Unit Managers. The Council recognises and endorses this Code and will expect the developer and approved archaeological organisations to abide by its provisions.

9 English Heritage's Greater London Archaeological Advisory Service (GLAAS) advises that the written scheme of investigation will need to be prepared and implemented by a suitably qualified archaeological practice in accordance with English Heritage Greater London Archaeology guidelines. It must be approved by the planning authority before any on-site development related activity occurs.

10 English Heritage's Greater London Archaeological Advisory Service (GLAAS) advises that the archaeological fieldwork should comprise the following:

Redesign - Consider redesign of proposed alterations to the Model Boating Pond to minimise changes to its shape and surroundings and provision for minor alterations to preserve significant discoveries in-situ.

Historic Landscape Survey - Historic landscape survey uses historic map, documentary and field survey to establish the landscape history of a site to identify features of historic significance and how the history of the site contributes to

landscape character. It is usually used as part of an assessment to inform a planning decision. Landscape survey is relevant to understanding both designed parkland landscapes and ancient/historic landscapes such as woodlands and field systems. It may include measured survey of archaeological earthworks.

Working from existing information, in this case an integrated approach to survey should encompass the form of the ponds, embankments, channels and structures in order to better understand their development and operation. This should be linked to investigation of below ground remains.

Evaluation - An archaeological field evaluation involves exploratory fieldwork to determine if significant remains are present on a site and if so to define their character, extent, quality and preservation. Field evaluation may involve one or more techniques depending on the nature of the site and its archaeological potential. It will normally include excavation of trial trenches. A field evaluation report will usually be used to inform a planning decision (pre-determination evaluation) but can also be required by condition to refine a mitigation strategy after permission has been granted. Consider trial excavation to assess risk and mitigation requirements in advance of more substantive or sensitively located groundworks.

Watching Brief - A watching brief involves the proactive engagement with the development groundworks to permit investigation and recording of features of archaeological interest which are revealed. A suitable working method with contingency arrangements for significant discoveries will need to be agreed. The outcome will be a report and archive. Different levels of watching brief will be need to be specified for particular types of groundworks.

The archaeological mitigation set out above should be specified in a single written scheme of investigation and implemented and reported as an integrated study of the water supply system. Other remains (if present) might best be reported separately. Options for public engagement should be considered and incorporated where appropriate.

- 11 The Environment Agency advises, in terms of ecology, biodiversity and conservation, that you should consider more closely the timings of the works in order to minimise the disturbance to the wildlife.
- 12 The Environment Agency strongly recommends you improve the sewerage systems as part of the development. In the long term, EA advises you to work with the local sewerage provider to identify and rectify misconnections and leaking sewers to improve the quality of the groundwater in the catchment area for the ponds as well as the local surface water courses.
- 13 The Environment Agency advises, owing to the excavation of clays from borrow pits to provide construction material, the following advice is relevant: The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or

have ceased to be waste. You will need to ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

- 14 The Environment Agency recommends you refer to the EA: Position statement on the Definition of Waste: Development Industry Code of Practice and; Website at www.environment-agency.gov.uk for further guidance. Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes: Duty of Care Regulations 1991; Hazardous Waste (England and Wales) Regulations 2005; Environmental Permitting (England and Wales) Regulations 2010; The Waste (England and Wales) Regulations 2011. You should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standards BS EN 14899:2005 'Characterisation of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays. If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to our website at www.environment-agency.gov.uk for more information.
- 15 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.
- 16 The City of London Corporation is requested to share the results of future periodic inspections of the dams with the Council's Emergency Management team.
- 17 Prior to works starting on site, the applicant will need to apply to the Lead Local Flood Authority (LLFA) for Ordinary Watercourse Consent for each relevant structure in accordance with section 23 of the Land Drainage Act 1991. The purpose of Ordinary Watercourse consent is to manage proposed activities affecting Ordinary Watercourses, to ensure that flood risk is managed appropriately. The amended Land drainage Act 1991 defines activities requiring consent as:

The erection of any mill dam, weir or other like obstruction to the flow of any ordinary watercourse or the raising or otherwise alteration of any such obstruction, or;

The erection of a culvert in an ordinary watercourse, or;

The alteration of a culvert in a manner that would be likely to affect the flow of an ordinary watercourse.

Further details can be provided by the LLFA upon request, and the applicant is advised to seek early advice from the LLFA on the format and content of the

application(s).

In determining applications for ordinary watercourse consent the LLFA will consider other Legislation including, but not exclusively: The Environment Act; the Habitats Regulations; the Water Framework Directive (WFD); the Countryside and Rights of Way Act; the Salmon and Freshwater Fisheries Act; the Eel Regulations.

- 18 The applicant is strongly advised, with regard to conditions 7d and 7e (materials associated with Kenwood Ladies' Bathing Pond replacement changing room facilities), to consult with representatives of the Kenwood Ladies' Bathing Pond and other relevant stakeholders prior to the formal submission of these details to the local planning authority. Ideally the applicant should provide a statement detailing what consultations were undertaken and how these informed the subsequent submission(s). Furthermore, although there is no statutory requirement for the local planning authority to consult third parties on approval of details applications, the local planning authority may be minded to do so on this occasion. This is given the discussions at the Development Control Committee on 15/01/2015 and prior third party representations received during the course of the application.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Yours faithfully

Culture and Environment Directorate

DECISION



THE FIRST SCHEDULE Construction Management Plan Highway Measures

A Construction Management Plan outlines how construction work will be carried out and how this work will be serviced (e.g. delivery of materials, set down and collection of skips), with the objective of minimising traffic disruption and avoiding dangerous situations and minimising the impact on local amenity. A Construction Management Plan should cover both demolition and construction phases of development. Details of the Construction Management Plan will relate to the scale and kind and location of the development and they should assess the impact on transport and on local amenity including road user amenity. Should any one of these criteria be considered not to be relevant, then specific justification, as to why that particular criterion is not relevant, will need to be provided. The Construction Management Plan should demonstrate that the following has been considered and where necessary the impacts mitigated:

(Note the term 'vehicles' used here refers to all vehicles associated with the implementation of the development, e.g. demolition, site clearing, delivering of plant, material and construction, staff parking etc)

- b) A brief description of the site, surrounding area and development proposals for which the Construction Management Plan applies.
- c) Proposed start and end dates for each phase of construction.
- d) The proposed working hours within which vehicles will arrive and depart.
- e) The access arrangements for vehicles.
- f) Proposed routes for vehicles between the site and the Transport for London Road Network (TLRN). Consideration should also be given to weight restrictions, low bridges and cumulative affects of construction on the highway. A map of the TLRN can be downloaded from the following site:-
http://www.tfl.gov.uk/assets/downloads/TFL_Base_Map_Master.pdf
- g) Typical sizes of all vehicles and the approximate frequency and times of day when they will need access to the site, for each phase of construction.
- h) Swept path drawings for any tight manoeuvres on vehicle routes to the site.
- i) Details (including accurate scaled drawings) of any highway works necessary to enable construction to take place.
- j) Parking and loading arrangement of vehicles and delivery of materials and plant to the site.

- k) Details of proposed parking bays suspensions and temporary traffic management orders.
- l) Proposed overhang (if any) of the public highway (scaffolding, cranes etc.).
- m) Details of hoarding required or any other occupation of the public highway.
- n) Details of how pedestrian and cyclist safety will be maintained, including any proposed alternative routes (if necessary), and any Banksman arrangements.
- o) Details of how traffic associated with the Development will be managed in order to reduce congestion.
- p) Details of any other measures designed to reduce the impact of associated traffic (such as the use of construction material consolidation centres).
- q) Details of how any significant amounts of dirt or dust that may be spread onto the public highway will be cleaned or prevented.
- r) Details of consultation on a draft Construction Management Plan with local residents, business, local groups (e.g. residents/tenants and business associations) and Ward Councillors. Details should include who was consulted, how the consultation was conducted and the comments received in response to the consultation. In response to the comments received, the Construction Management Plan should then be amended where appropriate and where not appropriate a reason should be given why not. The revised Construction Management Plan should also include a list of all the comments received. You are advised to check your proposed approach to consultation with the Council before carrying it out.
- s) Details of any schemes such as the "Considerate Contractors Scheme" that the project will be signed up to should form part of the consultation and be notified to the Council. Contractors will also be required to follow the "Guide for Contractors Working in Camden" also referred to as "Camden's Considerate Contractor's Manual"
- t) Details of other construction sites in the local area and how your Construction Management Plan takes into consideration the cumulative effects of construction local to your site.
- u) All contractors and sub-contractors operating large vehicles over 3.5 tonnes must meet all of the following conditions:-
 - 1) Operators must be a member of TfL's Fleet Operator Recognition Scheme (www.tfl.gov.uk/fors) or similar at the Bronze level.
 - 2) All drivers must have undertaken cycle awareness training such as the Safe Urban Driver module through FORS or similar.
 - 3) All vehicles associated with the construction of the Development must:

- i. Have Side Guards fitted, unless it can be demonstrated to the reasonable satisfaction of the Employer, that the Lorry will not perform the function, for which it was built, if Side Guards are fitted.
 - ii. Have a close proximity warning system fitted comprising of a front mounted, rear facing CCTV camera (or Fresnel Lens where this provides a reliable alternative), a Close Proximity Sensor, an in-cab warning device (visual or audible) and an external warning device to make any road user in close proximity aware of the driver's planned manoeuvre.
 - iii. Have a Class VI Mirror
 - iv. Bear prominent signage on the rear of the vehicle to warn cyclists of the dangers of passing the vehicle on the inside.
- v) Any other relevant information with regard to traffic and transport.
- w) The Construction Management Plan should also include the following statement:-
"The agreed contents of the Construction Management Plan must be complied with unless otherwise agreed with the Council. The project manager shall work with the Council to review this Construction Management Plan if problems arise in relation to the construction of the Development. Any future revised plan must be approved by the Council and complied with thereafter."

It should be noted that any agreed Construction Management Plan does not prejudice further agreement that may be required for things such as road closures or hoarding licences

THE SECOND SCHEDULE LOCAL PROCUREMENT CODE

1. INTRODUCTION

The use of local procurement agreements is a useful tool in helping the Council to improve economic prosperity and diversity in the local area which is a key aim of the Camden Community Strategy and the Local Development Framework (adopted November 2010). The sourcing of goods and services locally will also help to achieve a more sustainable pattern of land use and reduce the need to travel. The use of section 106 Agreements attached to the grant of planning permission will be used as a mechanism to secure appropriate levels of local procurement of goods and services.

A fuller explanation of the policy background and the justification for the use of local procurement agreements and when they will be required is contained with Sections 32 and 33 of the Camden Planning Guidance (adopted December 2006) which can be viewed on the Council's web site. This document is in line with the objectives of other organizations such as the London Development Agency and Government Office for London.

The purpose of this code is to maximise the opportunities available to Local Businesses in Camden from larger property developments taking place in Camden both during and after the construction phase. The local procurement code describes how the Owner in partnership with Camden Labour Market & Economy Service will ensure that Local Businesses benefit directly from the opportunities arising from both the Construction Phase of the Development and the end use of the Property.

The requirements of the local procurement code apply to the Owner, main contractor and subcontractors appointed by them as well as tenants subsequently occupying the building. The code is designed to support Owners and contractors in fulfilling their commitments to the planning agreements by

clarifying what is required from the outset. Although the wording is emphatic, Camden Labour Market & Economy Service seeks to work in partnership with contractors to assist them in meeting specifications and in finding suitable local companies. They will provide a regularly updated pre-screened directory of local companies in construction, fitting-out and furnishing trades in support of local procurement agreements.

2) MAIN REQUIREMENTS OF THE CODE

CONSTRUCTION.

We will request that the Owner meets with London Borough of Camden's Labour Market & Economy Service's Local Procurement Team ("the Local Procurement Team") at least 1 month in advance of tendering contracts to clarify how the local procurement code will work and the co-operation required from the Owner, main contractor and subcontractors.

The Council will seek to ensure that the Owner inserts the following clauses in the tender documentation issued to the main contractor:

2.1 Actions & Responsibilities of Main Contractor

1. The main contractor will provide the Local Procurement Team with information on the estimated timing of their procurement programme and a schedule of works packages to be let ("the Procurement Schedule") and to provide updates of the Procurement Schedule as and when it is updated or revised.
2. The main contractor will work with the Local Procurement Team to: include local companies on their tender lists wherever possible and to aim to achieve the procurement of construction contracts and goods and services from companies and organisations based in Camden towards a target of 20% of the total value of the construction contract (in respect of those sub-contracts not tendered at the date of this Agreement).

3. The main contractor is required to provide regular monitoring information to the Local Procurement Team every six to eight weeks during the construction phase, via e-mail, phone, fax or liaison meeting providing details of:
 - all local companies which are sent a tender enquiry or a tender invitation detailing the date and the works package or items concerned;
 - the outcome of all works packages tendered, where there is a local company on the tender list, stating whether the local company was unsuccessful, successful or declined to tender and the contract value in the case of a contract being awarded to a local company.
 - All local wholesalers and building materials suppliers which are asked to provide prices and the value of any purchases of materials and other wholesaler supplies procured.

(The Local Procurement Team can provide a pro forma local procurement log to assist in the monitoring process)
 - Full contact details of all subcontractors appointed (whether local or from elsewhere)
4. The main contractor should include a written statement in the tender documentation sent out to sub contractors informing them of their s106 requirement obligations as set out in section 2.2 below and ensure cooperation is agreed as a prerequisite to accepting sub contract tenders
5. The main contractor should provide an opportunity for the Local Procurement Team to brief subcontractors on the requirements of the Local Procurement code.
6. The main contractor will identify any actions that are required in order to overcome known barriers to Local Businesses to accessing their supply chain in respect of the Construction Phase.

2.2 Actions And Responsibilities of Sub-Contractors

1. All sub-contractors appointed will be required to work with the Local Procurement Team and to aim to achieve the procurement of construction goods and services from companies and organisations based in Camden towards a target of 20% of the total value of their construction sub-contract (in respect of those sub-contracts not tendered at the date of this Agreement). (A regularly updated sub-directory of local suppliers will be supplied to subcontractors by the Local Procurement Team).

2. All subcontractors are required to provide regular monitoring information either to the main contractor or directly to the Local Procurement Team every six to eight weeks during the construction phase, via e-mail, phone, fax or liaison meeting providing details of :
 - All local wholesalers and building materials suppliers which are asked to provide prices and the value of any subsequent purchases of materials and other wholesaler supplies procured.

 - All local companies which are sent a tender enquiry or a tender invitation detailing the date and the works package concerned and the outcome of all sub-contracts tendered.