

.... or, rather, mid-November 2012, owing to the early Christmas deadline; therefore much may have changed by the time you read this.

Pride of place must go to our surprise winning of the Marsh Trust's annual £1,000 award for Civic Societies who have made the greatest achievement for their communities, awarded through Civic Voice, the successor to the Civic Trust. Our grateful thanks go to whoever anonymously nominated us; it is immensely encouraging to know that all the time and effort put in by so many of us is recognised and appreciated.

The national Town Planning situation continues to exercise us and it is impossible to stand by without commenting, since the implications are major. The Government's misguided onslaught on our Town Planning system continues relentlessly, and as it will affect everything groups like ours do, we must monitor, comment and lobby as far as possible. The new Planning Minister, Nick Boles, who recently described countryside campaigners as "scaremongering latter-day Luddites" while encouraging Councils to exercise "flexibility" over Green Belt rules, comes with the reputation of being strongly anti-planning and in favour of as much deregulation as possible. We all agree that the planning system is immensely complex and needs simplifying and consolidating – even groups as familiar with it as ours have difficulty negotiating its byzantine byways and illogicalities; but simplification is not the same as weakening, and this is what is happening.

Confusion reigns after Minister for Communities and Local Government Eric Pickles stated in the House that Hackney was the worst performing planning authority in the country, subsequently corrected that to Haringey, and was in turn corrected by Haringey MP Lynne Featherstone and planning pundit Andrew Lainton (his planning website is recommended reading) who pointed out that Haringey ranked somewhat above Hackney. Further, according to other data available to his Department, Haringey is one of only eight councils to process 100% of the major planning applications it receives within the required six months. Planning appeal statistics and that Haringey lost only 33% of appeal cases in the second quarter of this year, 2% below the national average. This only heightens the concerns expressed here, and echoed by those I have spoken to on all sides of the Town Planning debate, that Eric Pickles, and presumably his staff, do not understand their own statistics, let alone the role of planning and the impact their draconian proposals will have. Organisations from the Local Government Association to the CPRE have raised major concerns over the Bill. For detailed accounts of concerns about the Bill, see www.civicvoice.org.uk/news/growth-and-infrastructure-bill and www.cpre.org.uk/resources/housing-and-planning/planning/item/3104-growth-and-infrastructure-bill-house-of-commons-second-reading

The Government maintains that all this is in response to concerns raised by the development industry and to make the planning system work more effectively. However, this is not the impression emerging from elsewhere. Opposition to the Government's attempts to weaken the planning system, on the grounds that it is holding back the economy, and make it easier to get planning permission, is growing. The Local Government Association (LGA) has severely criticised plans to allow home extensions double the size of what is currently allowed without planning permission (not in Conservation Areas – but that will surely come later?), pointing out that only 10% are refused, but that was because they were eyesores of would affect neighbours badly. In an unlikely alliance, the LGA and the British Property Federation – representing developers – are urging on Government what now seems to be realised by everyone except them: that where "development is stalled, the key obstacle has not been planning. The overwhelming problem has been a lack of financial availability... Business agreed that the planning system is not the key barrier to growth, and further reforms of the planning system are not the answer. We believe that the priority now must be to let the reformed planning system bed in." Any more changes will lead to further uncertainty which will have an adverse impact on development. The Government disdains to listen to mere nimbys and luddities such as us; perhaps they will listen to the LGA and BPF – and maybe even to one of their own stalwart Conservative Councils, the London Borough of Richmond, which has announced that if the rear extensions rules are loosened, they will refuse to implement them.

Yet they persist with their misguided proposals, and the equally alwaring Growth and Infrastructure Bill is currently going through Parliament, although we are told that parts of it will be going out to public consultation, which seems very unusual. Announcing it, the Prime Minister said "We are slashing unnecessary bureaucracy [is there "necessary" bureaucracy, then?], giving business the confidence to invest, unlocking big infrastructure projects and supporting hardworking people realise their dreams[ugh]." Its provisions include:

- remove overlapping consent regimes: for example, merging planning permission and Conservation Area Consent – which seems logical;

- transferring the deciding of planning applications to the Minister where a local planning authority is “underperforming” – which is not defined, and seems very dangerous indeed;
- allowing developers to renegotiate Section 106 Agreements which they maintain make the development unviable – understandable in some circumstances, but also a great risk that no affordable housing will be built;
- allowing the Minister to declare any energy, transport, waste, or – alarmingly - specified business or commercial development “nationally important” , and thus to be decided by the National Infrastructure Directorate – which could deprive communities of the right to proper engagement;
- cutting back on the paperwork needed to accompany applications for planning permission – which could result in having to assess many applications on the basis of information which would previously have been considered – and may well still be – inadequate;
- making it easier for local authorities to dispose of surplus land held for planning purposes, to bring more brownfield land back into use;
- allowing “major” planning applications to be made direct to the Secretary of State rather than the local authority – the complete opposite of the Localism agenda the Government has been proclaiming.
- allowing installation of telecommunications equipment in national parks and AONBs without the need for permission;
- ending local communities’ ability to protect village greens threatened with development

Further announcements to boost growth and development are anticipated in the Chancellor’s Autumn Statement. I have given considerable space to the national planning situation because the implications for us all are serious, and we will be lobbying our MP, among others, to urge the Government to listen to the warnings coming from all sides.

Everyone uses mobile phones and computers, so the masts and broad band equipment must be installed; but the companies are lobbying ministers to relax planning laws or they will be unable to meet Government targets for 4G coverage (“They are basically holding the Government to ransom,” one source was quoted as saying). The suggestion is that the 56-day consultation period elsewhere should also apply to Conservation Areas – not unreasonable in itself, but they appear to be objecting to important requirements that the masts should be concealed in flagpoles, lampposts, chimneys, etc.

A spokesman for the Mobile Operators Association said “The network operators have a long track record of constructive engagement with local councils and communities.” Not in Highgate they don’t, or anywhere else within our experience. We have tried to get meetings with them several times, and been totally ignored. What is the point of a householder or business not being able to install anything in a listed building or Conservation Area without permission, if the telecommunications companies can put masts and control boxes anywhere they like? When BT put a large control box outside the Grade II” Church House in Pond Square, Camden forced them to remove it and a less damaging site was found nearby. Even the LGA commented that “You cannot take away the rights of people to have a say on 6ft high humming junction boxes outside their window... Decisions on where to place broadband infrastructure must consider the impact on local environments rather than simply suit the convenience of companies.... Some can be large eyesores... It is more important that councils work in partnership with broadband companies to locate infrastructure sensibly.” Kensington and Chelsea recently refused 96 out of 108 planned cabinets on grounds of poor siting.

Why cannot the companies sponsor a competition for design students to produce a range of designs for control boxes and masts which would be aesthetically pleasing even in prominent locations? It is not rocket science; but our experience leads us to conclude that the companies simply do not care. Therefore the siting of the equipment therefore must remain a subject for planning control.

Through Ward Councillor Rachel Allison, we learn that Haringey’s planners are also concerned at the implications for siting and the settings of listed buildings, and would prefer to see Broadband cabinets in Conservation Areas remain within planning control, and are considering responding to the Governments consultation along those lines.

A proposed review of Planning Appeal procedures is also aimed at further restricting the rights of neighbours and other third parties from submitting objections, following the withdrawal about 4 years ago of the right to comment on “householder” appeals. In many public inquiries in which the Society has participated, the local authority was not able to represent local views adequately, or could not afford the expert legal advice fielded by the developers, and the evidence submitted by ourselves and other objectors has often been critical in persuading the Inspector to refuse the appeal. But am I being even more cynical than usual by suggesting that that is the intention - to speed the process by cutting out annoying objections which might inconveniently result in good planning instead of bad development. The

Government have already reneged on their pre-election promise to introduce a Third Party Right of Appeal and we must continue to "rage against the dying of the light"!

Indeed, when in September the Prime Minister launched an appalling attack on the planning profession, something snapped, and I penned a letter to the *Times* which, to my surprise, was published in full on the 13th. For those of you who do not read *The Thunderer* and may be interested to know what we are saying, I perhaps somewhat immodestly give it here:

"Sir: It is unacceptable for a Prime Minister to publicly tell members of any pivotal and essential national profession to "get off people's backs", and reprehensible when they are public servants – our overworked and under-resourced planners – working to government policies which they have no choice but to implement ("*Planners told to 'get off people's backs' or risk losing their right to make decisions*", Sept. 7).

The vast majority of planning applications which are approved, and the high proportion of planning appeals which are dismissed, does, on the contrary, suggest that planners are doing their job of ensuring good planning.

The alternative to "planning" is chaos. The flaws in the Government's argument for weakening planning controls were underlined yet again [*in a Times feature on Sept. 7th*], and a taste of things to come was flagged up last weekend in the revelation that developers are ready to pounce after buying up Green Belt.

If it came to a choice as to whether I would prefer the planners, or the alternative – the developers – on my back, I know what would be my choice, and that of most other communities who believed that the new localism agenda would enable them to secure holistic 'planning' for their areas."

For those of you who worry that all this is a politically-motivated tirade against the present Government, it is not; it is a tirade against bad planning policies, which is echoed by a wide range of bodies everywhere. Remember that I was equally critical of the damage inflicted on the Planning System by the previous Government. Perhaps one might say that the last Government chastised us with whips, and the present one is chastising us with scorpions.

Meanwhile, back in Highgate.... much is happening. Haringey have a new Chief Executive, Nick Walkely who comes from Barnet, where as C.E. he presided over one of the biggest privatisations of local authority services in the country, putting planning, environmental health, transport and cemeteries in the hands of private companies. Whether he was the driving force behind it or the instrument of the Barnet politicians is unclear; certainly the outsourcing of Planning in Barnet seems, if a drive through the Borough is anything to go by, to have produced a deplorable level of design standards in new development, and our perception is that amenity societies there have major concerns about planning and their ability to engage.

Good news is that our concerns that the retirement of Haringey's Conservation Officer Mortimer MacSweeney would leave them without a C.O. have been calmed with the appointment of Rowena Scrimshaw, formerly with Richmond Council. Though her responsibilities cover the whole borough, she has been very helpful with the progressing of the Conservation Area Appraisal which the Society and CAAC wrote for Haringey, and has given helpful advice with individual cases we are pursuing.

The **Planning Group** (*report from Elspeth Clements and Michael Hammerson*) continues to tackle a huge workload, and to work closely with councillors and planners; but our numbers are dwindling and new volunteers are urgently needed. Among the many cases being studied are the following:

- *Athlone House*: Although a new application is anticipated at any time, there is at the time of writing no indication of when that will be; however there is no doubt that it will involve the demolition of this much-valued 1870s mansion and its replacement with a new one of palatial proportions very similar to that which was refused previously, described by our architectural expert witness as "irredeemably vulgar". We are already taking planning and legal advice (kindly provided pro bono) and will make every effort to argue against any new application which does not respect the original undertaking to restore the house I return for the lucrative planning permission for flats which has now been realised. A new campaign to alert the public to the importance of the house and of flooding Camden with letters of objection; please be alert in the local press and on our own website and notice boards for instructions in how to support the campaign.

- *The Highgate Garden Centre* appears to have reached a dismaying impasse, with Council's rejection of the working group's proposed solution to secure a donation of most of the land, the sale of the land for a considerable sum, and its rumoured re-sale for an even larger sum. The new owners have made it quite clear that they have no wish to talk to either the Society or the Neighbourhood Forum about the future of the land, so we must anticipate yet another application for housing and yet another battle on our hands. It seems increasingly likely that, after all our efforts over the years to save the site, only a "white knight"

willing to bid for the land for the local community will now achieve anything, and the situation is therefore still fraught with uncertainty and dangers.

- The application to demolish *21 Broadlands Road* – an integral and critical element of an unspoiled street of late Victorian and Edwardian houses with a massive and singularly inappropriate Jacobean-style pastiche mansion, with huge new basement and a large classical-style garden pavilion, was not determined in time by Haringey and the owners immediately appealed for non-determination. We have submitted a long and very detailed objection to the scheme on a range of grounds, and have been supported by nearby residents, but the appeal has now taken the decision for a hugely damaging development, out of local hands. Were it to succeed, a disastrous domino-style precedent would be set for the whole Conservation Area, already threatened by Haringey's decision on 12 Denewood Road (see Summer 2012 report); this is very much a test case for whether the "Bishops" part of the Highgate Conservation Area is to survive, or whether the wave of "Bishops Avenueisation" is to sweep all before it.

To underline the implications of developments such as these, a local resident published a letter in the Ham and High on 28th October, on a subject which the Society is also taking extremely seriously – the issue of sustainability, and the carbon emissions implications of demolishing and rebuilding a house on this scale. He estimated that it would broadly equate to the savings in carbon emissions achieved by Haringey's entire domestic recycling programme over a period of three months, and that therefore the entire saving achieved by 100,000 Haringey households' rubbish recycling efforts over three months would be negated by it. Any energy savings from installing eco-friendly heating, ventilation, etc. would be minimal in relation to the energy that would be spent by building it.

It is clear that far more weight must be given by our planners to the energy implications of applications for tear down and rebuild. Our Ward Councillor has urged Executive members to produce a policy on demolition and rebuild, pointing out that four similar projects would negate all of the carbon savings from Haringey's domestic recycling, and it has already generated some debate in Haringey.

- Another appeal has been lodged for *5 Church Road*, where we supported neighbours in opposing a bad example of backland development with a basement which would threaten adjoining properties and Haringey refused the application.

- The application to build a new *Highgate Junior School*, in Bishopswood Road, to replace the now outdated 1930s building, is anticipated soon. The school invited the Society to comment on the various alternative schemes, and we are in general content with the one chosen. The land itself could have some archaeological interest, and we are urging the school that an investigation should be carried out. Following the very interesting results of the excavations at their new School block at 26 North Road, we hope that this will happen

- Another large development site with considerable archaeological potential from the prehistoric period to the middle ages is *St. Luke's Hospital, Woodside Avenue*, a proposed mixed private and retirement housing development which has been the subject of considerable local consultation by the developers. We cautiously approve of the draft proposals, but would like to see the final detailed scheme before making a final comment, and will certainly request a full archaeological investigation.

- Our long efforts to see the fine Listed, but decaying, 1850s railings round the *West Hill Reservoir* restored have at last borne fruit, and we congratulate Camden and Thames Water for carrying out an excellent job of restoration.

- *The Elms, Fitzroy Park*: This substantial Listed Georgian property, on a large site overlooking Hampstead Heath, received permission for restoration and extensions works several years ago. After a long development period, it was evident that what had been built was significantly in excess of what had been permitted. Camden's declaration of enforcement action was followed by an appeal against it, but we learn that this appeal has now been withdrawn, and we look forward to Camden taking appropriate action, not least because breach of Listed Building control is a criminal offence.

- *The Whittington and Cat Public House, Highgate Hill*: This attractive Victorian pub is the outstanding feature of a small Conservation Area, but an application has been submitted to close it down, demolish it – leaving only the façade standing – and rebuild it as flats. This would, in our view, not only destroy its integrity and significance, but result in the loss of a community asset which our neighbours of the Better Archway Forum are opposing as against the interests of the area, and we will be supporting them. We understand that it is under the same ownership as the former mid-Victorian property next door uphill, which was demolished without planning permission and the appeal against retrospective refusal dismissed. With the hideous early Victorian pastiche built on its downhill side a few years ago, any rebuild behind the façade would make that Conservation Area meaningless and vulnerable to declassification.

- The performance of Haringey's Enforcement continues to worry us. While unauthorised gates at *66 Sheldon Avenue* have been refused, our request for enforcement to secure the removal of a very damaging fence and roof erected over the front garden of 96 North Hill, a prominent corner house in a unique terrace of early 19th century cottages framing the entrance to the Conservation Area has met with a refusal to do so on grounds of lapse of the 4-year time period, even though we have seen no evidence of when it was installed. Adjoining residents' efforts to get Haringey to act on a large and very ugly rear extension at *46 Milton Park* have met with the assertion that it constitutes permitted development, which

the residents' strongly contest. Proposals for high side walls, railings and off-street parking in the front garden of *4 North Hill* have been refused, but the work – with the exception of the railings – had already been carried out, and we are pressing Haringey to take enforcement action.

- Despite refusal of the gates at 66 Sheldon Avenue (above), Haringey continue to undermine their own policies for protecting the openness of the "Bishops" part of the Conservation Area by disregarding our objections and allowing yet another set of gates and railings, this time at *13 Sheldon Avenue*. This reckless and unjustifiable trend, if not halted, will result in the destruction of some of our greenest and most open streetscapes and transform them into hostile gated developments which decades of planning policies and Appeal Decisions have fought to protect from such treatment. Haringey's record in permitting the demolition of buildings which are an integral part of the Conservation Area is another threat to the integrity of the Conservation Area which needs constant vigilance.

- Two new houses are being proposed for the site at *14 and 16 Bishopswood Road*. We have no objection in principle, but have great concerns about the proposed design, which is very office-like and would not protect or enhance the Conservation Area as required by national planning policy.

- More positive results from Archway Road, where *Sainsburys' new local supermarket* will be opening, having got permission some months ago. Their application for the design of the new shopfront was very much in "house style" and perhaps adequate for Milton Keynes, but not for a Conservation Area. Fortunately they responded to our concerns very positively, and their revised design, in a more traditional wooden shopfront style, is now acceptable and will hopefully set the precedent for better new shopfront design in Archway Road which will help its regeneration.

- Haringey's standards of Validation of Planning applications – ensuring that they contain adequate information to enable them to be assessed – are also of concern, as many of them do not and should not have been approved". A recent application for works at an early 19th century house at was strongly criticised by the Conservation officer as the required "Design and Access Statement" contains only twelve hand-scrawled words, gives no assessment of the significance of the building or the nature of and impact on it from the proposed works, has inadequate drawings, and does not have the advice of an experienced conservation architect. Likewise, an application for a swimming pool cover in Hampstead Lane has no adequate site plan or elevation, making it impossible to judge what its impact on the Conservation Area would be. Many applications to prune or fell trees contain pitifully little information to enable them to be assessed. We have expressed our concerns to Haringey and requested a re-examination of their validation procedures

- Basements remain a concern, and despite Haringey producing what we consider to be a new and stronger policy as a result of our urging, they maintain that there is no new policy and that it is only a guidance document which merely consolidates existing policy – which we contest. They also maintain that basements are "Permitted development" – i.e. that basements under the footprint of an existing building does not need permission. However, Planning Aid for London are clear that they are not. The Government will say only say that "The planning regime is evolving and under review", which is of little help.

- Another major threat to the streetscape is the encouragement by Camden and Haringey to use large plastic wheelie bins for waste and recycling. All of us (I trust) recycle as much as possible, and Highgate was used as a pilot for Haringey's operators, but the result in many streets has been a degradation of the streetscape from bins permanently stored, and highly visible, in front gardens, drives, and even pavements, sometimes compounded where the houses are in multiple occupation. We have had many complaints from members and others about the visual impact, and even more from people who have to haul the large bins up and down sets of steps, or to store them in front of their own windows if they live in basement or ground floor flats. Now Camden have issued their own wheelie Bins consultation and residents there have expressed similar concerns to us, arguing that the current system of separate bags for waste and recycling works very well and that many of their houses are not adapted to storing large wheelie bins. Do remember that in neither Borough is it compulsory; Haringey allows householders to continue to have their waste taken away in black (waste) and green (recycling) bags if they cannot accommodate the new bins, and Camden have said that they will be similarly flexible. Therefore, when deciding whether to have wheelie bins, please consider whether you have a place to store it where it will not be a public eyesore. There is little point in having all sorts of rules for protecting a Conservation Area if large plastic bins can be left lying around anywhere within it, and everyone's environment will suffer.

- This applies, too, to the proliferation of telecommunications masts and boxes cluttering our streets. Everyone uses mobile phones and we would be lost without our broad band connection; but, once again, the operators do not seem to care where they locate them, even though it is clear that less obtrusive locations can easily be found. A particular blight has been around the Spaniards Road and Whitestone Pond, the highest area of the Heath, where a battery of giant control boxes and several high and bulky masts have been installed with no regard for the environment of this sensitive and popular area, and certainly with no consultation with the City of London, who have deep concerns about the damage they have done to the area. A photograph of the two newest ones, directly opposite the newly-restored Whitestone Pond, is shown here.

- As everyone will now be aware, there are an alarming number of *threats to our trees*. A fungus and a viral disease is affecting Horse Chestnuts. Oak Leaf Wilt is affecting Oaks, and the Oak Processionary Moth has been found in London, though not yet in our area; keep a look out for its caterpillars, which literally march in a column before stripping the leaves, and their large furry egg masses on tree trunks (though don't touch them as their hairs are very irritating) and report them if you see them. A rapidly-acting fungus does not kill them but can weaken branches, making them dangerous; and no-one can now be unaware of the threat to our Ash Trees. This makes the care and protection of our native trees, including the many magnificent veteran specimens in our area, all the more important, and the Society carefully monitors all applications for works to trees, and particularly those which try to justify felling them to enable a development to take place.

Traffic and Transport (*Richard Webber*)

The previous issue of Buzz listed a number of potential improvements to Highgate's transport infrastructure for which we were awaiting further information, notably response from TfL to February's public meeting on Highgate buses, from TfL on improvements to pedestrian signage between the tube, the village and Highgate Cemetery and from Camden regarding improvements to the alignment of the carriageway outside The Flask.

The arguments put to TfL at February's public meeting have evidently not been made in vain. At a meeting with on November 15th we were assured by Leon Daniels, TfL's Head of Surface Transport, that following the inability of his route planners to present him with a viable alternative to the current turn round, he will now ask them to give detailed consideration to the Society's preferred option for the relocation of the 271 terminus. We were also asked to come up with a viable plan for rescheduling the 603 school bus service which we have agreed to do.

With the Olympics now over, TfL are now also moving ahead on the placement of not just one but two pyramidal information towers designed to help visitors find their way from the Archway Road exits to the tube to wherever they want to go. At our suggestion TfL intend to include a pedestrian directional sign at the junction of Archway Road and Southwood Lane.

TfL Surface Transport are also pressing their London Underground colleagues to improve directional information on the concourse – currently of no help to passengers wanting to know which exit to use for reaching the Village or Cemetery.

By contrast we are still awaiting consultation from Camden on their proposals to remodel the pavements in the vicinity of The Flask, building on the excellent work they have undertaken to realign the junction of West Hill and South Grove.

The inconvenience caused by the renewal of the escalators has been the source of much internal communication. We hope we can persuade TfL to update us on progress and to take every possible step to ensure the project does not overrun.

Open Spaces

The complexities of managing our major open spaces are immense, and this report could be doubled in size reporting them in full.

Hampstead Heath:

- The implications of the National Planning Policy Framework, and its "presumption in favour of sustainable development", for the City's open spaces have been set out in a detailed report. The potential impact of new development on the borders of their open spaces is now being taken very seriously, and the report recommends working with the Greater London Authority to identify means of strengthening strategic planning in London to protect and enhance its open spaces. The NPPF does not, it is considered, provide a clear enough guide for development proposals affecting the City's open spaces; the Greater London Plan is a powerful tool, and a stronger strategic policy, explicitly protecting such open spaces, would provide greater clarity and ensure that developments affecting them could be resisted. If the City can entertain such concerns about such important open spaces, the threat to other, less protected open spaces will be even greater.

- *Car parking:* Camden have now given permission for the adjustment of the East Heath car park by concerting it from a trapezoid to a rectangle, a small increase in size has allowed a 30% increase in the number of parking spaces, with significant implications for increasing Heath revenues from parking charges. In the meantime, new legislation has prohibited the clamping of cars on private land, so a new system of parking tickets, distributed by dedicated Heath staff and enforced by a new contractor in the

civil courts, has been introduced. This new arrangement in itself has introduced significant savings, and the City assure us that a soft-touch approach will be taken in its early weeks.

- *The 2013 Heath Work Plan* covers 45 detailed pages, some 600 individual tasks, and a wide diversity of subjects: for example:

-- Tree management, the particular care of the many veteran trees on the Heath (many of which suffer from ground compaction from millions of pedestrians), and measures to address the various diseases etc. threatening a number of species;

-- Community outreach work, including work experience placements and Duke of Edinburgh Award schemes for young people;

-- Control of Invasive Species: visitors not familiar with the variety of introduced flora and fauna which have such a major impact on the native ecology of the Heath may be forgiven for looking at its wildness and assuming that everything in the garden is lovely. However, nature does not manage itself in such an environment, and most of the introduced species proliferate because they are not part of the ecology and do not have natural predators and, if not carefully controlled, would seriously damage the Heath's ecology. To give you some idea, here is a schedule of some of them:

* Himalayan Balsam, a Victorian introduction which quickly becomes rampant and takes over whole habitats if not pulled up whenever it is seen; such projects as this are helped enormously by the work of the volunteer group Heath Hands;

* Giant Hogweed, a notifiable pest plant the sp of which causes skin burns;

* Yellow Balsam, another garden introduction which spreads through shaded woodlands in great carpets, smothering the native fauna;

* Bracken, one of the world's most serious plant pests; this is very difficult to eliminate except by poisoning, and the only approved herbicide for this has been banned, leaving crushing the stems with rollers the only method of control;

* Japanese Knotweed, another Victorian introduction, notoriously difficult to eradicate because of its deep and persistent roots, which actually have the power to break through concrete;

* Rats, encouraged by the food waste left by unthinking visitors, which have been particularly visible this year, having been driven out of their burrows this year by high rainfall and resultant increased ground water levels;

* Thistles, while a valuable native plant necessary for a range of wildlife, can also take over whole habitats and need to be sensitively controlled through frequent cutting;

* Ragwort, another Victorian introduction which is poisonous to grazing animals and should not be touched without gloves. Natural biological controls are being considered.

* Other plants which may be pleasant in your garden but, in the wild, can escape and smother the natural ecology, include Californian brome, Michaelmas Daisy, Canadian Goldenrod and Russian Comfrey. These need to be cut or during up to reduce their vigour and prevent seeding;

* The Horse Chestnut Leaf Miner moth, an invader from the Balkans which, while it does not kill the trees (themselves an introduced species!), severely weakens them, disfigures the leaves, and causes early leaf fall;

* American Crayfish, Asian Turtles, Canadian pondweed, and other exotic pond flora and fauna which, sadly, are regularly dumped in the ponds by irresponsible people who want to get rid of them and which have inflicted serious damage on the native wildlife – a situation which is intended to be addressed when work on the ponds is under way;

* And let's not forget the Ring-Necked Parakeets, large birds which compete with the native tree-dwelling birds, and the inevitable Grey squirrels....

- *Management of the woodlands and Hedgerows:* Some of the Hedgerows on the Heath are many hundreds of years old and are historic features which have to be carefully managed to ensure the health and longevity. A new hedgerow was planted along the wall of the Hill garden; in the course of a single night, every sapling was pulled up and destroyed. Vandalism on the Heath is a much more serious issue than most people realise, and by this I do not mean mindless damage, but prolonged and systematic vandalism, probably by a few individuals with motivations known only to themselves.

- *Other Habitat Management:* Heathland, Bog and Wetland habitats are another part of the Heath's varied ecology. Areas of Heather are being restored, Gorse on the Sandy Heath is being renewed with seedlings, and the important West heath Sphagnum Bog is being expanded. Rare Acid Grassland is being encouraged, and wildflower meadows encouraged; both need regular management if they are not to succumb to other, less rare, habitats. The Pond habitats also need management – for example, lifting branches to enable more light to reach the pond, slowing the flow of water to enable bogs to flourish, repairing erosion of the pond margins by pedestrians and dogs, and working with the anglers. The formal gardens at Golders Hill also need careful management, and the replanting of the flower beds with lower-maintenance plants to reduce the high maintenance costs of replanting with flowers every season has been successful.

- *Paths* need constant maintenance: repair with materials sympathetic to the context and geology; monitoring the creation of new erosion paths across grassland, and decompaction to allow the plants to grow again; restoration of paths which have become blocked with mud; erosion to grassland areas; ensuring proper drainage along paths. There are several *Children's playgrounds* on the Heath, all needing careful management, repair and supervision, as does the well-used *Lido* and the *Parliament Hill Athletics Ground*.

The Highgate Society is represented on the **HAMPSTEAD HEATH CONSULTATIVE COMMITTEE**, a statutory consultative group comprising representatives of local groups concerned about the Heath and its management. It meets three times a year, each preceded by a walk with the City management team to look at management issues on the ground. The previous walk, on 3rd November, looked at a wide range of issues:

- 2012 saw 136 events attended by 95,000 people, inc. 7,000 at a youth event with Camden.

- The *Affordable Art Fair*, supported by the Consultative Committee, was a success, with attendance up on 2011. The next fair will be in June 2013, and the organisers have talked to the Highgate Pond Square Fair group as both will be on the same day.

- *New East Heath Car Park layout* now has planning permission. The 10m realignment of one boundary will give a 30-40% increase in capacity. New legislation prohibits clamping on private land. A new contract has been signed with District Enforcement, with a £100 fine (£50 for prompt payment) administered by tickets and pursued through the Civil Claims Court; new signs will explain the changes. DE pay a sum and take the risk of raising sufficient revenue. They aim to take a proportionate and sensitive approach. Tickets will be issued by two new dedicated Heath staff (paid for by savings on the new contract), as has been successfully implemented at Burnham Beeches. However, the City Treasurer will take back any profits as a part of the savings required by the Heath due to the budget cuts.

- On the *Causeway between Hampstead 1 & 2 (Mixed Bathing) Ponds*, there is a serious problem of crowding on, and unauthorised swimming and diving from, the causeway; the water is shallow, and the bottom is concrete, and people irresponsibly ignore requests from the staff not to dive in, which can also lead to serious problems for staff and mother members of the public being put at risk. The Committee will be consulted on temporary barriers, signage, or other ways of preventing accidents.

- *Pryor's Field Management*: The thistle problem is increasing again; more frequent cutting is the only sustainable way of exhausting it, but the City do not want to make the area look like a mown park, and are reluctant to use herbicides. Hand-pulling is possible, but is too big a task given available resources. Bramble is allowed to grow, under control, as it is a good bird habitat. Hogweed is also becoming a problem, and oak seedlings are proliferating in the important grassland, which will need to be mowed to keep them down.

- *Tree disease* is being taken seriously on the Heath – at risk are Ash (the new fungus spreading), Oak (Leaf Wilt, and Processionary moth, not yet seen on any City open spaces), and Plane Trees (from a fungus which seriously weakens branches, causing problems of monitoring and managing the risk from falling branches as a part of the day-to-day management). There are 17,000 trees on the Heath, and assessing and managing the risks from falling branches (8 deaths nationwide in 2011) have to be judged against the far higher deaths from tree management work. The issue is a complex and uncertain legal one. There are currently 3 categories of tree "risk" – high, medium and low. A new concept, of "risk sequencing", is developing, with up to 20 categories (the City are looking at 7), prioritising the high-risk areas where work needs to focus. There is also a new mood of looking not only at risks but benefits of trees – e.g. assessing the carbon capture benefits of trees, including those on the Heath. A new HSE/Arboricultural Association document is being produced, discussing new and more balanced approaches to assessing risk, which has arisen as a result of such incidents as a recent death from a falling branch at Kew Gardens, which has a rigorous inspection regime, yet such incidents still happen, and may not be easily predictable, even by experts.

- Grassland management – the City have the problem of recycling cuttings from mowing – necessary for proper ecological management, and preventing important acid grassland from being taken over by trees. This produces around 100 tons a year, which was formerly sent to Camden's Jamestown Road depot, which no longer takes them; and the Islington dump is so full of broken glass that it has caused considerable damage to the tyres of the City's vehicles. Sending it as biomass for power stations is not practicable as the stations too far to make transport economic. There is a new composting site in north Barnet which is being explored.

Works to the Dams of the Heath Ponds: After proceeding on the basis of Government instructions that the 2010 Reservoirs Act would be implemented by the end of 2012, it appears that pressure from such lobbies as the National Farmers' Union and the Country Landowners' Association has resulted in the process being put back for an uncertain period, and the position now seems to be one of Government-introduced chaos, where the rules for predicting and preventing catastrophic floods have been tightened, but the rules for implementing them left in a state of considerable uncertainty; to some extent, the City

now feel as if they are back to Square 1. However, there are still risk assessment standards which have to be met, and there is equally no doubt that the City's Panel Engineers (appointed by law from a Government-approved list) will still be requiring some work to be carried out to make the dams secure, which he is legally empowered to do, regardless of the state of the 2010 Act. It is all becoming very complex, and if even the City find it hard to clarify the legal position, then reporting it to our membership is considerably more so!

Viaduct Pond – new Kingfisher bank to be installed behind willows on small pond to rear of viaduct.

Heath Constabulary: Staffing now up to required levels, with benefits both for Heath users and the staff themselves. Wide range of activities, including cycling (several large fines imposed recently), dogs, sexual activity on the Heath, the recent activities of a flasher, several knifepoint robberies (which have stopped with the arrest of an offender outside the Heath), and working with the Terence Higgins Trust on the West Heath to engage with and educate the night-time users. Security and safety on the Heath overall is very good; it is regarded as a safe environment, and they even meet people walking there at 1.00 in the morning because they feel they are safe there.

Equipment and furniture colours: Simon Lee is not happy with the institutional green in which bins, etc are painted, and wants a more sympathetic colour.

Whitestone Pond: new regeneration project has been successful, with even a Heron seen there. The City are very annoyed that two more large telecom masts have been erected at the very top of the Vale of Health, in a highly prominent position, apparently without even needing planning permission.

Inverforth house Pergola: Ongoing repairs needed - £40,000 spend on last round of repairs to the pergola timbers, and serious movement problems in the structure of the western end (giving view to Harrow) which will need major repairs. The serious vandalism which occurred there last year (someone cutting through many of the climbing plants) appears to have died down, but a new hedge of a native saplings planted by it recently was torn up and destroyed the next day by an unknown vandal. Vandalism on parts of the Heath, especially the West Heath area (e.g. destroying the dams to the wildlife pond), remains a problem.

Golders Hill: looked at the planting of the flower beds in accordance with the lower-maintenance regime made necessary by the cuts; staff have responded well, all agreed that the result of replacing annual bedding with more perennials was successful, and there has been a £25,000 saving in the planting costs, which has enabled a member of staff to be saved. The lake is to have its first desilting for 30 years or more.

The Heath Dams

The immensely complex question of what work is necessary to make the ***Dams of the Hampstead Heath Ponds*** compliant with new legislation continues to exercise the minds of all, and the following excessively long account is, I fear, necessary to give you any hope of understanding the background and the issues; and even then it will leave many questions unanswered and issues unresolved. However, I will do my best.

To meet some of the major concerns being expressed by local organisations as to the necessity of the work – and, remember, the City does not want to have to spend £15 million if it isn't legally obliged to do so – the City have created a *Water Management Stakeholder Group (WMSG)*, comprising representatives of 16 local groups, mainly from the Consultative Committee but also of areas such as Oak Village which could be badly affected by any floods. The Highgate Society is among the groups represented. In addition, they have appointed a *Strategic Landscape Architect (SLA)*, to act independently, representing the Stakeholders Group, challenging the methodology as it develops and acting as a champion for the Heath to ensure that whatever has to be done will respect the provisions of the 1871 Act “to maintain the Heath's wild and natural aspect as far as may be.”

The Legal situation is very complex, and remains unclear owing to confused signals coming out of Government. The main legislation is the 1975 Reservoirs Act, covering “raised reservoirs” which hold water above the surrounding land level, and defining “large raised reservoirs” as those of over 25,000 cu.m. capacity. There are three of these on the Heath; Hampstead No. 1, the Boating Pond and the men's Bathing Pond. However, the new 2010 Act, brought in as a result of more frequent storm events, imposes new definitions. A “Large Raised Reservoir” is reduced to 10,000 cu.m., the level at which a reservoir affecting a community is considered to have potential for causing loss of life if it overtops or collapses.

However, a smaller pond, such as the others on the Heath, become 'large' if part of a chain of, or connected to, other ponds. This brings *all* the ponds in the Heath chains within this definition.

The 1975 Act remains the primary legislation, but the 2010 Act amends definitions. It also introduces the concept of a "High Risk Reservoir", which is one where the Environment Agency considers there is a potential risk of any level to human life from overtopping or collapse from a major weather event – i.e. the danger to residents in Kentish Town, Oak Village and elsewhere from a sudden release of flood waters.. The City are anticipating that all the Heath Ponds will be designated as "High Risk" due to their proximity to communities; however, things will not be clear until the Regulations appear, and recent information is that, though the Act will come into effect in March 2013, the regulations are still some way off; this is not helpful. However, it is likely that the requirements of the two Acts, will mean that either three dams must be heavily engineered to make them safe, or that work securing the chain of dams can be spread across all dams to reduce the individual impact.

There is also great concern among farmers and country landowners, who will suddenly be faced with huge costs for making their own reservoirs safe, and much lobbying of Government is going on about this, confusing the situation even further. It is unlikely that the general tenor of the legislation as regards reservoirs, or chains of reservoirs, affecting communities, will alter significantly, and that some works to the dams will still be necessary. However, the purpose of the WMSG and the SLA is to question any proposed works which are considered excessive can still be questioned; but the City must proceed on the basis of what we now know, or they will be accused by the Environment Agency of not taking steps to make the dams safe, and the consequences could be that the EA will step in and do the works themselves, to a level which ignores the needs of the Heath, and charge the City with the cost.

The legal position is that Large Raised Reservoirs must be inspected every 10 years, and High Risk Reservoirs must be inspected more frequently. Further inspections can take place whenever the Panel Engineer, an independent assessor appointed from a national panel of Dam experts to monitor the reservoirs under the legislation and ensure compliance, recommends; the SE is himself legally liable if he does not make the right decision. The Heath's Panel Engineer considers the reservoirs are not fit for purpose and could force the City to do whatever work he considered necessary. However, after long association with the Heath, he is sympathetic to concerns about impact on the Heath, seems anxious to ensure that any work done will minimise that impact, and is content that the City are taking appropriate steps; he has made clear that he is identifying ways of blurring the boundaries between engineering and nature, and will make every effort to preserve the beauty and nature of the Heath and enhance it where he can. The Institute of Civil Engineers has produced Guidance on Reservoir safety which is considered to be the minimum necessary. Failure to comply with a Panel Engineer's recommendation is a criminal offence; liability for any failures, deaths, etc. comes under the 1974 Health & Safety at Work Act and the Corporate Manslaughter Act 2007. There is also the issue of civil liability, and case law is well-established that, if you choose to keep something dangerous on your land which escapes and causes damage, you are automatically liable for any damage.

Since works have to be done, improvement of the quality of the water in the Ponds, which is poor – some of them fail EU standards - due to pollution run-off, particularly from dog faeces, will be an integral element of the works

The main issue, therefore, is that of preventing overtopping and excessively fast outflow of the dams from a "1 in 10,000-year" storm [a specified level of rainfall within a given period], and keeping the water back for long enough to allow controlled, safer flow out of the Heath. Control of the outflow is therefore the critical issue, and why the initial solution was raising the heights of the dams; and therefore why Camden and Thames Water must also be involved, since both will be responsible for conducting the water away once it is on their land.

The City are now appointing the Design team; the contractor will be selected not by conventional tender, but by a new method, of "Competitive Dialogue", in which approaches and solutions will be discussed with the candidate firms before an appointment is made, to ensure that the right contractor is appointed in early 2013. A review of all the options will not commence until the whole Design team is appointed. A critical part of the SLA's job will be to challenge any parts of the final design with which the and the Stakeholders' Group are not happy. The City have made clear that, although they will be appointing the contractor ahead of any final scheme, that the aim will be to do the minimum work necessary, regardless of the price agreed for the contract and that, if necessary, the City would be prepared to meet any extra costs arising from a lower-priced scheme than covered in the contract from the allocated budget if necessary; the priority was not cost, but the most sensitive scheme for the Heath. R

The lead local group in this remains the Heath and Hampstead Society, which has carried out an immense amount of research into the whole subject, has taken expert legal advice, and has made clear both its commitment to working as closely as possible with the City of London to find a solution which addresses the legal situation while having the minimum possible impact on the Heath, and its intention of taking any final proposals through a judicial review if their legal advice convinces them that it is not the correct course of action.

However, recent signs are encouraging. The new Design Statement produced in October 2012 for the City by W.E. Atkins have taken on board most of the Heath and Hampstead Society's concerns. Visual and ecological considerations will have first priority, within the context of the legal constraints, and it is now accepted that it is important that no work is done to the dams of the Stock Pond and Bird Sanctuary pond. It is also emphasised that nothing is set in stone, nothing is predetermined, that all options will be open to public consultation, and that all alternative suggestions will be welcomed.

Highgate Wood

As one of London's most important and historic ancient woodlands, we are fortunate to have this on our doorsteps too. Though smaller than the Heath, the management issues are as diverse, and consideration is being given to having it designated as a Local Nature reserve for its ecological importance – nearly 350 species of moths alone have been recorded there. Though invasive species are much less of a problem, the issue of Oak decline is a serious one, its reasons not yet understood. Climate change may be a contributor; however, this year, for the first time in living memory, hundreds of seedlings from 2011 acorns have been germinating, even in shady conditions which oaks do not normally like. Owls, Kestrels, Hobbies, and a variety of bat species flourish there, and you will have seen the wildflower meadow created this year at the top of the sports field. The popular playground sees intensive use, and the Society was again represented at this year's annual Heritage Day event.

A revised draft of the new Conservation management Plan has been produced, currently filling some 136 pages, and the Wood's archaeological heritage gets a good deal of attention, including ambitions to put on display one of the Roman pottery kilns found during the 1970s excavations which has since languished in a basement at Bruce Castle Museum. What has particularly excited me is the opening up of the new coppiced area along the Lanchester-Onslow path, as a part of the rolling programme to woodland regeneration. This has exposed a significant stretch of the huge ancient earthwork which crosses the wood. Surveyed in part by the Museum of London some years ago, it is now far more clearly visible and is even larger and more complex than I had thought it to be. I hope that its management and display will be a major educational feature of the wood, and that some archaeological investigation can be undertaken to ascertain exactly what it is; it may be connected with the mediaeval Hunting Park of which the wood formed a part from the 11th to the 17th centuries; but it could also be a prehistoric boundary or defence work of some sort.

=====

Notes from the AGM, of the LONDON FORUM OF AMENITY AND CIVIC SOCIETIES, Oct. 17, 2012 *The London Forum is the umbrella body for about 100 amenity groups like the Highgate Society in Greater London, comprising some 100,000 members.*

Alarm was expressed by members that Local Authority Case Officers ignoring the London Plan, even when societies cite it in their responses.

Trends on Densities in Greater London – Michael Bach (Chairman of LF Planning Group and former CLG senior planner)

More high-rise housing is being allowed; but the original Parker-Morris standards for high rise were higher than they are now. Their aims were to improve conditions and to reduce population density; this lasted till the Livingstone era. LPAC advocated higher densities, but still aimed for them to be good places to live; densities were raised, but Livingstone got carried away with the idea of high-rise and high-density housing, and created 43 "Opportunity Areas", where developers interpret that they are allowed densities as high as possible. These are now reaching unacceptable levels, with the aim of maximising density, rather than achieving the right balance of housing and other uses. Developments are therefore large, and GLA officers agree to high densities –e.g. White City with 35 stories. Local planners do not appear to understand the policies in the Greater London Plan, and the GLA is promoting higher densities than its plan provides for. The challenge is now serious as high-density development is now out of control.

Peter Eversden (Chairman, LF) said that the new London Plan had strong policies, but the GLA was still promoting the old Livingstone policies and case officers still cite the previous (2008) Plan as if it were still in effect. Case studies show that all London's housing needs could be met at the mid-point of density. We are building the slums of tomorrow, with no play space, no private amenity space, and severe

overlooking – yet lots of flats are also being built in London which sell for millions. The Government has introduced the idea of viability as a criterion for how much can be crammed onto a site, against which it is difficult to argue if a developer claims that he cannot make an adequate profit at less than a certain density. The Government is also now allowing developers to walk away from S.106 Agreements to provide affordable housing on land released by the Government and the GLA, and there is thus no money to build affordable housing. It is therefore essential to ensure that the current London Plan is observed.

Sir Richard MacCormac (Internationally-known architect and President of LF) said it was realised back in the 1960s that people with large families should not live too far off the ground, or they cannot shout down to children playing below, are dependent on lifts, and access to homes only by lift means there is no social contact between neighbours. The new drive for high rise is increasing these problems. However developers are also not building for families; their profit is in 1- and 2-bed flats for young professionals who want to live near the centre. We are therefore building ghettos for transient populations, not communities, and London is turning into a dormitory. The huge Elephant and Castle scheme, for example, has little family housing. The issue is not density per se, but the implications for the type of accommodation being provided. In Hong Kong, density is so high that the result is tens of thousands of people living over all the necessary facilities down below at ground level.

The concern is that planners do not understand how to evaluate density. Family housing should be 50 dph, mews-style housing 70-80. In Barnet, average densities of 15/35 dph are being achieved with combinations of 4-5 story apartment blocks and family housing of 40-100 dph, showing that tower blocks are not necessary. Planners do not have the capacity, or the “tool-kit”, to pre-empt developers who claim that prescribed family housing densities are uneconomical; this is nonsense – family housing is a small proportion of any development and can still be provided economically with decent gardens.

The facts are that developers find small units the most profitable, are allowed to get away with it, and are not building communities. There is also a high demand for rented housing in London from young people who form a transient population in central London until they can afford to move out. In addition, 60% of new build is currently by overseas investment companies; it is all rented, but young people in areas such as Highbury, where it is being built, cannot afford it – and where developers are registered in such places as the Cayman Islands, local authorities cannot even contact them to negotiate with them. Issues such as this are being addressed in Denmark and New Zealand by controlling land ownership.

In this sense, it could be argued that London is no longer a part of England. Appeal Inspectors usually give permission on grounds of “need for housing”.

There is also the problem of houses being converted into flats, which is eroding communities (e.g. in Lewisham), creating polarised communities. Profitable flats push up house prices for people who want to stay in the area, whereas new build of 1-2 bed flats could bring down price pressure on family housing. Local Authority plans do not talk about creating “communities” and, if they do, case officers ignore it. Planners must use the Greater London Plan to answer developers’ arguments and defeat appeals. Even Berkeley Homes have commissioned a report on “Social Sustainability”.

Peter Eversden said that infrastructure is also needed, but few LPAs have schedules of the new Community Infrastructure Levy charges and what the money will be used for, so developers will demand infrastructure for their developments without the LPA being able to require the money for it.

Michael Bach said that, for most people, “Planning” = Development Control, not “Planning for what we want tomorrow”. Planners do not understand Planning either – only “Development control”. There is also the “gentrification” effect of houses divided into flats being converted back into expensive single dwellings, which decreases the supply of housing.

The idea of “Net” and “gross” density has been lost, and new dwellings are now substandard – e.g. kitchens, dining facilities and sitting rooms all occupying the same space.

Developers complain about “viability” but never show the actual figures; we need advice on how to address this.

I flagged up the issue of 170,000 vacant units in London and 400,000 unimplemented planning permissions nationwide as an unacceptable situation. The developers had bought these sites as investments, and now were not building these permitted units because prices were not high enough and were complaining that they were not viable unless they were allowed to renege on S.106 agreements. They are in effect asking the community to subsidise their bad investments. The problem was theirs; they should not have bought at speculatively high prices, and should be required either to build or sell on the site to someone who will. There was some assent among the audience.

PE expressed concern that Ealing and Hounslow were now as a matter of practice deciding applications by delegated powers even where there were objections.

How can younger people be brought in more to the issue of engaging with the Forum to press for better planning and development? The situation all too commonly was that a specific focussed campaign can bring them out in numbers, but once that is over, they go away again and avoid wider involvement. Some groups have done surveys of local schoolchildren, their likes and dislikes, which alerts them to the existence of a local civic society which they might join when they are older.