SUMMARY

Thames Water Utilities Ltd have put proposals to the Council to use the existing ponds within Fishponds Open Space to alleviate flooding problems experienced in the vicinity of Browns Road and King Charles Crescent, Surbiton. Thames Water are aware that a number of properties are currently at risk from internal and external flooding at times of heavy rainfall and seek to use the ponds to achieve a Sustainable Urban Drainage System. The Committee is asked to consider what the effect of the proposals would be and the terms on which agreement can be recommended.

RECOMMENDATIONS

It is RECOMMENDED that:

1. the use of the ponds within Fishponds Open Space for flood alleviation purposes on the basis set out in the report be agreed; and

2. the Executive be informed of any matters to take into account when it considers the grant of an appropriate easement to Thames Water Utilities Ltd.

REASON FOR RECOMMENDATIONS

To assist in alleviating flooding problems experienced by residents in the vicinity of Browns Road and King Charles Crescent, Surbiton by means of a Sustainable Urban Drainage System, and to secure improvements to the system of ponds within Fishponds Open Space.

BACKGROUND

1. At its meeting on 25 May 2006, the Neighbourhood Committee was informed of proposals put forward by Thames Water Utilities Ltd (‘Thames Water’) to alleviate flooding problems experienced in the vicinity of Browns Road and King Charles Crescent, Surbiton. These proposals involve using the existing system of ponds within Fishponds Open Space (‘Fishponds’) and would achieve a Sustainable Urban Drainage System. Since then, officers have been in discussion with Thames Water concerning the details of this proposal, the effect it would have on Fishponds, and what maintenance and financial implications it could have for the Council.
2. As part of its programme for dealing with flooding, Thames Water has been considering how it could deal with a problem experienced by residents within the vicinity of Browns Road and King Charles Crescent, Surbiton. A number of properties are at risk from internal and external flooding at times of heavy rainfall and Thames Water has received reports of internal flooding on 5 occasions since 1999. This problem, therefore, has a high priority in Thames Water’s programme of flooding projects.

OPTIONS

3. Thames Water has identified the following options for dealing with this problem:

OPTION 1 Upsize the existing surface water sewer in Browns Road, King Charles Crescent and King Charles Road.

OPTION 2 Construct, within the north and east part of Fishponds, a new 600mm diameter public sewer and an underground storage tank (in the order of 750 cu.m), with a pumped return to the existing sewer in King Charles Road.

OPTION 3 Utilise the existing ponds in Fishponds to attenuate the flows before outfalling to the surface water sewer in Hollyfield Road.

4. Thames Water has discounted OPTION 1 because of the difficulties of constructing what would need to be a 600mm diameter sewer in narrow streets and the disruption it would cause, the impact on the outfall at the playground off King Charles Road and the high cost. It has also discounted OPTION 2 because of the difficulties of constructing a 600mm diameter pipe and large storage tank in an environmentally sensitive area, the impact on trees within Fishponds and the high cost. Consequently, it wishes to proceed with OPTION 3.

5. The Neighbourhood Highways Maintenance Manager agrees that OPTION 1 and OPTION 2 would cause major disruption to residents and traffic during the construction period. This would be more significant in the case of OPTION 1, although OPTION 2 would also cause disruption within Fishponds. In addition, these 2 options would have outfalls directly into the Hogsmill Tributary No.1 with the risk of significantly increasing the flow in this tributary at times of heavy rainfall. This would be of concern, as it is already known that Alexandra Drive and Ditton Road suffer flooding problems as a result of already high flows into this tributary. However, the flood attenuation that OPTION 3 would offer should reduce that risk.

PROPOSED WORKS

6. OPTION 3 would include the following works within Fishponds:

- Construction of a high level overflow weir in Browns Road, in order to divert flows from the existing surface water public sewer into the ponds in Fishponds.
- Within the areas shown hatched on plan number EM4712/3 at Annex 1 (“the Plan”), new public sewers.
- At the position marked by letter C on the Plan, construction of an oil interceptor to minimise the chance of contaminated water entering the ponds.
- Raising some sections of bank around ponds 1, 2 and 4 shown on the Plan.
- Modification to existing weirs controlling flow between the ponds to allow additional storage, including the construction of new pipes at the positions marked by letters D and E on the Plan.
- Reinstatement to restore and enhance landscaping within the ponds.
A more detailed summary of these works is attached at Annex 2.

7. In order to undertake these works, Thames Water’s contractor would establish a temporary compound within the area shown cross hatched on the Plan and access the ponds and associated working areas along and off the existing footpath within Fishponds, as indicated by large black arrows on the Plan. Access into Fishponds would be from Ewell Road (at letter A) and from Browns Road (at letter B).

PLANNING PERMISSION

8. As the works would not be on ‘operational land’ within the terms of Thames Water’s statutory powers, planning permission is required and this was granted on 11 September 2006. The permission includes a number of conditions which address matters such as safeguarding existing habitats, protecting trees, landscaping, regular water monitoring and remediation works, and hours of working.

SCOPE FOR ENVIRONMENTAL IMPROVEMENTS

9. Thames Water has commissioned a Wetland Management Plan from external consultants, including a survey of the existing ponds, impact of the proposals and recommendation for future maintenance. This provides recommendations to:
   - Improve the water quality within the ponds
   - Improve the area for wildlife including birds, mammals and invertebrates
   - Improve the visual aesthetics of the ponds for the community

10. The Council’s Environmental Co-ordinator comments that at present the ponds are not of a particularly high ecological value, although provide an attractive feature in this urban park. The water is turbid hence there is a lack of submerged and bank side vegetation.

11. Using the ponds in the way proposed by Thames Water would achieve a Sustainable Urban Drainage System and invigorate the ponds. This would involve some restoration work in the form of re-profiling the wetland banks, widening the stream and installing hazel spillings to stabilise the banks, dredging silt and planting marginal reed beds. Other enhancements suggested are floating rafts as refuges for nesting birds and mammal ledges within the culvert and interceptors. The end result will be a flowing system (from top ponds along the stream in the large bottom pond) with increased marginal and submerged vegetation that will add to the aesthetic and biodiversity value of the park.

12. However, the proposal will only be beneficial for the ponds if a robust and sensitive management programme is followed. This should include regular monitoring of the water quality and levels with the appropriate remediation practices put into place. The main problem will be the silting of the ponds and the requirement for regular dredging (approximately every five years or sooner). The ponds will silt much faster as a result of the storm water and the cost of dredging all three ponds could be expensive if the nature of the silt means that it requires special treatment before disposal.

LAND USAGE

13. Currently, the system of ponds is only an aesthetic and environmental feature for Fishponds, water being circulated within this ‘closed’ system by means of a pump.
However, if Thames Water’s scheme were to go ahead, it would have short term and long term effects.

14. In the short term, Fishponds would suffer undoubted, and perhaps significant, disruption for at least the duration of the works. A scheme for working arrangements, reinstatement and environmental improvements would need to be agreed with Thames Water. Having regard to difficulties experienced with similar works and schemes within the Borough, a scheme for Fishponds would need to be detailed, robust and frequently monitored.

15. In the long term, the function of the system of ponds would change, as they would need to deal with surface water from public sewers at times of flooding. This could result, for example, in the system overflowing (if Thames Waters’ current calculations proved incorrect or if circumstances changed). There would certainly need to be more frequent maintenance to the system, and these financial and legal implications would need to be covered by an appropriate agreement with Thames Water.

LEGAL IMPLICATIONS

16. Thames Water has statutory powers to construct new public sewers within the areas shown hatched on the Plan (as referred to in paragraph 5 above) and has served on the Council requisite Notices under the Water Industry Act, 1991. However, Thames Water does not have statutory powers to use the ponds in the way proposed nor to carry out the other works referred to in paragraph 6, for which the agreement of the Council, as landowner, is required.

17. Thames Water also need to obtain the agreement of the private owner of Fishponds House located within Fishponds close to Browns Road, this bungalow having been sold by the Council under the Right to Buy provisions affecting Council dwellings. It is understood that Thames Water are in discussions with the private owner concerning such agreement and how his property can be safeguarded.

18. The Council’s agreement to its land being used in the way proposed would need to be by way of the grant of an easement to Thames Water. Such a land transaction, and its terms, would need to be approved by the Executive. The Council would also need to advertise its intention to grant an easement affecting this area of public open space and to consider any representations or objections that might be received. This would be in order to comply with the requirements of the Local Government Act, 1972.

19. If Thames Water is unable to secure the Council’s agreement to OPTION 3, it would most likely proceed with OPTION 2, for which Thames Water is understood to have statutory powers.

CURRENT POSITION

20. In view of the problems of flooding experienced by residents and the potential benefits for Fishponds of OPTION 3 that has been proposed, discussions have taken place with Thames Water with a view to identifying a basis on which agreement to this option proceeding could be recommended. Such a basis has been identified and is outlined in the terms summarised at Annex 3. These terms include a short-term arrangement prescribing the way in which the works would be undertaken by Thames Water’s contractor, and provide for the changed long term monitoring and maintenance requirements that would be necessary, including a continuing commitment to by Thames Water to share the costs of such
requirements. Quadron have been consulted on these terms and consider them to be reasonable and appropriate.

21. However, these discussions have been conditional upon a report from appropriate consultants being obtained, at the expense of Thames Water, in order to provide the Council with independent advice on the effect of the proposal. Quadron commissioned, at Thames Water’s cost, a report from Peter Brett Associates, (engineering and environmental consultants), which was received in October 2007. The conclusion of the report is that Thames Water’s design for the proposed works comprising OPTION 3 are generally well founded and that they would not be inappropriate for Fishponds. The report does make some detailed recommendations, which Thames Water has agreed it would address and which would be reflected, as appropriate, in the terms summarised at Annex 3.

TIMESCALE

22. Thames Water estimates the works should be completed within 3 months, but would need to start no later than September 2008 if funding for the scheme is to be assured.

TREES

23. Any effect on trees is addressed by the conditions attached to the planning permission dated 11 September 2006 (as referred to in paragraph 8 above), and the terms summarised at Annex 3.

FINANCIAL IMPLICATIONS

24. The cost of the proposed works would be met wholly by Thames Water. The grant of an easement permitting the works would be subject to the capital receipt to the Council referred to in the terms summarised at Annex 3. Any increased cost of maintaining the ponds would be met by Thames Water, as also referred to in the terms summarised at Annex 3.

ENVIRONMENTAL IMPLICATIONS

25. Any environmental implications are addressed by the conditions attached to the planning permission dated 11 September 2006 (as referred to in paragraph 8 above), and the terms summarised at Annex 3. Environmental improvements would also be undertaken, at the cost of Thames Water, as provided by the Wetland Management Plan referred to at paragraphs 9 to 12 above.

PUBLIC CONSULTATION

26. In connection with the planning application referred to at paragraph 8 above, 268 neighbour consultation letters were sent out by the Council and site and press notices were posted. No responses were received.

27. In May 2006 Thames Water sent a letter outlining the details of the proposed scheme to about 300 residents in the locality. On 7 June 2006, Thames Water held a ‘drop in session’ at the former Red Cross Centre in King Charles Road, in order to provide more details on the proposals and to answer questions. The session was attended by 14 customers, including 2 Councillors. The reaction to the scheme ranged from neutral to very positive and there were no objections.
28. Thames Water proposes sending a further letter to local residents to inform them of the current position.

SUMMARY AND CONCLUSION

29. The works proposed by Thames Water would alleviate the problem of flooding experienced by residents in the vicinity of Browns Road and King Charles Crescent. The preferred OPTION 3 would also be environmentally sensitive, use and enhance existing water features, encourage wild-life habitat and add to the vegetation, aesthetic and biodiversity value of the park. In so doing, it would be regarded as a Sustainable Urban Drainage System, which the Council commends as solutions to drainage problems.

30. Agreement to the proposal would also:

- Assist Thames Water meet its target agreed with the regulator
- Assist local residents in dealing with a flooding problem in an environmentally acceptable way
- Secure a commitment from Thames Water to funding the management of the system of ponds
- Minimise any increase in the discharge to the watercourse (Tributary 1 of the Hogsmill River), thus avoiding the risk of flooding other properties downstream.

31. The terms (at Annex 3) on which it is recommended that such agreement be made would also ensure that a formal and robust long-term monitoring and maintenance regime would be put in place that recognises a continuing responsibility by Thames Water without any undue financial or legal implications for the Council. They would also secure improvements for the ponds and the park, which the Council might otherwise find it difficult to undertake.

32. For these reasons, it is considered that agreement to OPTION 3 identified and proposed by Thames Water can be recommended.

Background papers: held by John Mitchell (author of report), Principal Valuer – 020 8547 5680, e-mail: john.mitchell@rbk.kingston.gov.uk

1. Borough Valuer’s file, including correspondence with Thames Water
2. Report to Surbiton Neighbourhood Committee 25 May 2006
3. Report by the Director of Environmental Services to the Development Control Committee 30 August 2006
4. Report dated October 2007 from Peter Brett Associates