

Representation and evidence for an Emergency Meeting of Sedlescombe Parish Council on Tuesday 2 February 2010: Agenda item C09/10.115 "Land Drainage of Spring Water from Red Barn Field Nature Reserve and Current Building Works at School House, Balcombe Green, Sedlescombe" requested by Mr Colin Bates and Ms Mary-lyne Durrell, owner of Masters Cottage, The Street, Sedlescombe.

C09/10.113 Public participation session

We wish to make representation and give evidence with regard to agenda item C09/10.115. At the Chairman's discretion, we hope to be allowed to speak for about 10 minutes preferably at the beginning of the agenda item. We have about 2 pages of A4 notes which we hope will be minuted; with or without amendment. At the Chairman's discretion, a copy of these notes can be handed to Committee members.

(1) We would like to thank Sedlescombe Parish Council (SPC) for holding an Emergency Council meeting at such short notice. It is greatly appreciated. We would like briefly to outline the problem from our perspective, some aspects of its context, and, just raise the question of what can be done to put matters right. We wish Ms Elizabeth Simpson, the owner of School House (SH), every success with her plans and positively welcome the development of SH provided it complies fully with Rother District Council (RDC) Planning and Building Control and Parish Regulations. We have to trust that official surveyors will ensure that current building works at SH are in compliance. As senior citizens, we do not exactly relish having to deal with these matters but builders and spring waters have combined, over Christmas and New Year 2009-2010, to put us in a position we cannot ignore.

(2) In our letter to Mr Nick May, RDC Planning (enforcement and appeal), dated 26 January 2010, we allege that builders at SH have disrupted spring lines on Red Barn Field (RBF) Nature Reserve, probably sometime during the week ending Friday 22nd January 2010, causing uncontrolled spring water to drain into the grounds of Masters Cottage (MC). We refer to this as "*a nightmare scenario*" for both the owner of SH and us. We believe that MC is in immediate jeopardy.

(3) External building works at SH commenced in frozen conditions on 16 December 2009. The builders told us that they had discovered a spring in the NW bottom corner of SH grounds. We were surprised at this sudden development and needed some reassurance and advice. In the absence of a simple enquiry form on the RDC internet portal we had to submit an Enforcement Complaints Form to RDC Planning. The builders returned early in January 2010 and started various foundation excavations, unfortunately, with unforeseen and unintended consequences. The builders' excavations to underpin SH appear to have disturbed the fragile ecobalance of existing natural spring lines resulting in water-filled trenches, particularly at the NE corner of SH, about one metre deep with water creeping above the damp proof course. In these abnormal building conditions, foundation concrete is not setting properly. We estimate that there are thousands of litres of uncontrolled spring water gravitating directly to our home in The Street directly below SH. The underpinning trenches are now diverting water, intentionally or otherwise, towards a dormant pipeline across our back garden. It is important to reiterate that the Rights to Passage of Drainage in our Deeds are designed to cope with a single residence, SH, and not as a potential conduit for spring water sourced from a Parish owned and maintained Nature Reserve, known as RBF. We do not know whether a physical connection has been made, or is going to be made, to this old pipeline. Whether or not, the fact remains that there is excessive drainage down our back garden. What is going on underground is anyone's guess in the absence of objective geophysical tests and any information from SH and RDC Building.

4) So why are we so upset, exercised and challenged about these matters? There is a clutch of public issues concerning RDC and, as such, may be outside the remit of SPC. Essentially, these issues concern RDC's response to our initial enquiries about building works at SH during the first month of development. Mr Nick May's initial response was prompt and promising. However, we think his subsequent research is incomplete with regard to ground water drainage and thus unsatisfactory. His communication with colleagues at District and Parish levels of administration appears to be limited to those concerns about the drainage of foul water and how it is being dealt with by RDC building control service. In his letter of 15th January 2010 he states, "*My file will now be archived and I*

thank you for bringing this matter to my attention". There is no mention of the drainage of ground water and spring water other than to advise us that any concerns we have regarding land drainage from SH should be addressed to the council's Amenity Service. Full circle. We did this on 2nd December 2009 with Mr. Alan Dodge. In these circumstances, we think that it is most premature and totally unacceptable that Mr Nick May has concluded his investigation on behalf of RDC Planning.

(5) To date, RDC Planning (Mr. Nick May), RDC Building (Mr. Drew Campbell) and RDC Amenity (Mr Alan Dodge), have all advised us, on separate occasions (21/12/09, 5/01/10, and 02/12/09 respectively), that our concerns about hillside stability, potential localised landslip, land drainage of ground water and spring water are entirely private matters. We disagree. Various public Authorities have some responsibility for these issues.

(6) A core problem we encountered during the first month of building works at SH, from 16th December 2009 to about the 22nd January 2010, is that we could not access basic information which we think ought to have been in the domain of public accountability. It is very worrying not to know how building works at SH might affect our home. When we asked for advice, help, and information from RDC little was forthcoming apart from being consistently told that our concerns were private matters, that SH did not require planning consent, that plans had been submitted and that work at SH was proceeding with full Building Control Approval. A Senior Surveyor, Mr Kennedy, was going to get further details of development plans for the drainage of foul water at SH. Please put yourselves in our position. We only learned yesterday from a noted architect that we do have a right to public scrutiny. We do indeed have a right to look at the plans lodged with Building Control, even pay to take photocopies. So it is puzzling why RDC Planning and Building did not inform us of our rights, that SH building plans were open to public inspection, and invite us to look at them at an early date. Consequently, we intend to exercise our newly discovered right to scrutinise the development plans for SH, as soon as possible, and with particular regard to the actual dates of submission and levels of specification.

(7) Although it is probably better to look forward rather than back, we would like to see evidence which indicates that RDC Building site supervision did exercise sufficient control during the first month of development at SH with particular regard to the usual building stages of Commencement, Foundation Excavation and Foundation Concrete.

(8) Turning to what can be done to put matters right in the short and long terms, we have every confidence that SPC will lead the way in this endeavour. We think that the problem of land drainage from SH and RBF needs to be controlled as a matter of priority. From our perspective, this is an urgent environmental matter which is not good for our personal health, safety, and amenity. Ensuring that the hillside above MC is safe, decreasing the pressure on our hillside retaining walls, and solving potential problems of damp penetration is likely to have a positive effect upon our well being and the value of MC. We are working to settle these matters but we need and welcome the help of others. We have to face up to these issues together and try to resolve them satisfactorily. Our main hope is that all the individuals and Authorities involved can work together constructively towards this end. Please note that our representation has adhered strictly to how this problem affects MC. At the Chairman's discretion, others may wish to speak about this agenda item in relation to their own property.

(9) Finally, may we respectfully suggest that longer term public issues concerning the RBF Management Plan, with particular reference to springs and the control of land drainage, be deferred to a later Council meeting. Thank you.

(Mary-lynn Durrell & Colin Bates, Masters Cottage, 2nd February 2010)