

# **MIDDLETON-ON-SEA ASSOCIATION**

(Founded 1937)

## **MOSA INFRASTRUCTURE UPDATE**

### **Sea Lane Estate (East Close, West Close and South Walk) Land Drain**

In Briefing Note 1, which was circulated with the November MOSA Newsletter, I outlined the issues regarding the surface water drain which runs from East Close to West Close, connecting with a Southern Water main surface water drain at the rear of a property in West Close.

As most residents will be aware, certainly those that were living on the Estate during the heavy rains in 2012, the drainage of surface water from South Walk, East Close and West Close is almost entirely dependent on this drain, thus a resolution of the problems with the drain is crucial.

The formal position adopted by the Association was that the drain was the responsibility of the residents through whose properties the drain passed, based on legal advice obtained historically, and this position was reflected in the Constitution.

Following the localised flooding on 28<sup>th</sup> May 2018, the MOSA committee commenced a further review of the drain and carried out a full clean out and survey, in an attempt to reduce the chances of flooding whilst a more sustainable future solution was sought.

The survey discovered, amongst other matters, that the use of the drain by the properties through which it passed, appeared to be very limited, and that the bulk of water which would flow down the drain

would be from the roads, via the gullies situated in the roads in the low points in East and West Close.

A further topographical survey of the roads confirmed the extent to which the water flows through these gullies, as in effect there is nowhere else for it to go, apart from the turning area in West Close where there is a soakaway.

Given the practical barriers presented by the prevailing legal position and the knowledge that the vast bulk of usage of the pipe was from the roads owned by MOSA, further legal advice from Counsel was sought, as the Committee felt that as well as being illogical, the position would potentially be open to legal challenge.

In summary the Counsel's opinion we received concluded that, given the nature of the usage of the drain, the responsibility for the maintenance of the drain lay with the Association and any costs should be spread across all the residents of the roads which it drains, i.e. the 68 properties on South Walk, East Close and West Close. (If any resident is interested, a copy of the Counsel's opinion can be obtained from the MOSA Secretary on request.)

In the light of this, MOSA has commissioned the Surveyor who was responsible for the initial survey report to produce a specification and obtain costs for two options, outlined below. In addition, the Committee has also decided to recommend to members a two "phase" resolution to the whole question of the estate drains problem which has been with us for a number of years. Phase 1 would address the physical element of the drains themselves; whilst Phase 2 would address water reduction/mitigation strategies.

The first option, within *Phase 1*, is the repairs identified in the survey, including the replacement of two defective sections of pipe. The second option being the complete replacement of the pipes. The benefit of complete replacement would be lower maintenance costs and also the elimination of potential problems caused by root ingress which the existing drain is vulnerable to.

Meetings have also been held with Southern Water, Arun District Council and West Sussex County Council, to appraise them of the situation and to see what advice and financial support might be available.

Whilst ensuring that we deal with the estate drains, it should be recognised that, whatever the efficiency of our drains, we are still dependant on the ability of the Southern Water's main drain to cope, not only with the run off from our Estate but also the Summerly Fields Estate.

The discharge point into the sea by the western beach huts becomes 'tide locked' and does not function over high tide periods. Residents will also be aware that the incidence of extreme rainfall events is increasing, particularly outside of the winter months. Thus, any steps that can be taken to reduce the rate and volume of run off into the Southern water drain will obviously help to reduce the chance of the MOSA drains backing up and causing flooding in East Close and West Close; this would constitute our recommended *Phase 2*.

Options to achieve this include the provision of soakaways under the verges and in the turning area at the top of East Close and lowering of the verges where possible to enable the verges to act as soakage and storage areas.

In terms of funding, West Sussex County Council have been running a scheme known as 'Operation Watershed' which has a limited pot of money available for flood mitigation measures for community groups, on a first come first served basis and subject to strict criteria.

From our discussions with West Sussex County Council and Arun District Council we have established that there is no possibility of financial support for repairing or replacing the existing drain from Operation Watershed funds. However, the measures to reduce run off may well qualify subject to funds being available and any scheme meeting the necessary criteria.

As a private estate we can only qualify for grant aid if we can prove a benefit to the wider community. Our main hope in this respect is that by reducing the run off from our estate into the Southern Water system, we are reducing the chance of flooding elsewhere, particularly on the Summerley Fields estate, and also reducing the load on the foul sewerage system.

The current plan is to present the details of these phases and options to a meeting of the West Close, East Close and South Walk properties at the end of June. In addition, the Constitution will require changing to reflect the legal position and this will be put before all residents at the AGM.

Martin Burrell  
MOSA Chairman