

# Preliminary Report of the Executive Committee

To be submitted to the meeting of the General Committee called for Friday, May 19th,  
at 6 o'clock, at the Schools, Sandgate.

LADIES AND GENTLEMEN,

The Executive Committee was appointed on March 17th, after the following resolution had been passed:—

"That no person who owns any property in the damaged area shall be eligible for the Executive Committee, nor shall any person who sells or has sold his property be entitled to any aid from the Relief Fund, nor shall any claim preferred by any member of the Committee for compensation from the funds be entertained."

At the same meeting the General Committee passed the following resolution:—

"That the Executive Committee be requested to at once consider and relieve urgent cases of distress, and that with a view to the fund being utilised for the purpose of relieving *the town as a whole*, by a reinstatement of the wrecked houses, they should make an enquiry into every case of damage done to buildings by the subsidence, employing such professional or other assistance as may be necessary to enable them to report to the Committee with the least possible delay, with estimates of the cost of reinstatement in each case."

Since the appointment of the Executive Committee, the Honorary Secretaries, appointed by the Public Meeting when the General Committee was formed, having resigned, the Executive Committee appointed Mr. A. G. Sellon as Honorary Secretary.

The Executive Committee relieved all urgent cases of distress, and have granted amounts in aid of repairing or rebuilding certain of the wrecked houses.

The following owners or occupiers within the affected area, all of whom suffered serious loss by the landslip, have made no claim on the fund:—Miss Reilly, Lord Radnor, Mr. Wilfred Cripps, c.b., Mr. DuBoulay, j.p., Mr. J. C. Keene, Mrs. Christie, Rev. T. Lloyd Coghlan, Mr. Fred Ralph, Mrs. Crighton, Mr. A. F. Clark, Mr. Campion, Miss Charlton, Mr. Mark Judge, Mr. J. Pearson, Mr. W. B. Horton, Lieut.-Col. R. J. Fynmore, Mr. J. J. Jones, Major Kelly, Dr. Reynolds, Miss Robinson.

As the losses sustained by the above cannot be correctly estimated, no claims having been sent in, the Executive have no reliable data upon which to base accurate figures, still there can be no doubt that the loss is heavy not merely in actual reparable damage but also in the injury than can only be remedied by rebuilding.

This depreciation of house property applies more or less to the whole of the effected area, and it seems desirable to state that in all cases in which relief has been offered to claimants this is a factor which the Executive and its advisers have been compelled to ignore.

After a careful examination of the dwellings in the effected district, an estimate was made of damage done to the houses; these estimates, however, did not take into account any damage which might have been done to drains, nor did the estimates have any pretence to cover that depreciation which may be classed under the head of necessary ultimate depreciation of the fabric after the most advantageous expenditure has been spent on the repairs of the buildings.

NAME OF HOUSE.	AMOUNT OF GRANT. £ s. d.	NAME OF HOUSE.	AMOUNT OF GRANT. £ s. d.
Valentine Villa ...	25 0 0	9, Wellington Terrace	40 0 0
Shorncliffe House ...	25 0 0	10, " " ...	60 0 0
Varne View ...	5 0 0	Wesley Cottage ...	30 0 0
1, Gloster Terrace ...	10 0 0	5, Wellington Place ...	20 0 0
2, " " ...	30 0 0	6, " " ...	20 0 0
3, " " ...	40 0 0	House and Cottages, Camp Road ...	200 0 0
4, " " ...	30 0 0	Back of Castle House	10 0 0
5, " " ...	20 0 0	Prospect House ...	60 0 0
6, " " ...	20 0 0	1, Prospect Place ...	15 0 0
West Grove House ...	30 0 0	2, " " ...	35 0 0
Gloucester Villa ...	25 0 0	3, " " ...	50 0 0
1, Wellington Place ...	10 0 0	Somerville House ...	60 0 0
Stanhope Villa ...	10 0 0	1 & 2, Hillside ...	20 0 0
Back Gloucester Villa	10 0 0	Spring House ...	200 0 0
Queen's Mews ...	65 0 0	Spring Cottage ...	150 0 0
1, Wellington Terrace	30 0 0	Back of Spring House	20 0 0
2, " " " ...	40 0 0	Store, Yard, Stable, and Cottage, Chapel Street	20 0 0
3, " " " ...	40 0 0	1, 2, 3, Chapel Street, if repaired ...	50 0 0
4, " " " ...	40 0 0	If rebuilt ...	100 0 0
5, " " " ...	45 0 0	Barton House ...	25 0 0
6, " " " ...	40 0 0		
7, " " " ...	40 0 0		
8, " " " ...	40 0 0		



# THE SANDGATE SOIL SLIP

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## *TOM MALTBY'S GUIDE.*

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**U**PON your arrival at Sandgate Station, and enquiring the road to the ruins, any man on the station, from the courteous Station-master, Mr. Caudell, to the boy who collects tickets will direct you to "Keep to the left." Presuming you are here met by a Guide to whom the locality is known, he will first—at short distance from the Station—point out to you a vacated residence known as Littlebourne Lodge. In reality Littlebourne Lodge has borne a great deal, and is considerably dislodged, the walls and ceilings being badly cracked. Turning up an opening on the left you are shown Cheriton Cliff Villa. The doors of this domicile are owing to the Landslip rendered unfit for opening and shutting, and furniture and goods were at considerable risk lowered to the ground from the windows. On the sea front opposite you'll notice a badly damaged groyne. Re-crossing the road and still keeping to the left you reach a terrace of seven houses, known as Sunnyside. The tenants here mainly depended on summer boarders for maintenance and support, but owing to severe damage to the houses—both inside and out—it is scarcely likely, unless repairs are rapidly proceeded with, that the usually comfortable and charming apartments therein will this year be occupied by visitors.

At the back of Sunnyside Terrace you may be shown one of the gardens belonging to Tavenor Bros., fruiterers and florists, of Sandgate. This garden is in a generally upheaved condition. Adjacent stands Wellington Place, situated on an elevation at the rear of Wellington Terrace. The houses on the Terrace and in Wellington Place are also deserted by the tenants. The apartments in Wellington and Gloucester Terraces have for years been among those most sought after by visitors, and the calamity means a terrible loss to their late tenants. Keeping to the left of Wellington Place you



reach the Clarendon Inn, which, notwithstanding the dilapidated condition of the houses on either side, stands tolerably firm in comparison. Business, up to the time of writing, is still carried on, though very great inconvenience has been caused to the landlord and his wife not having been able to procure proper food, in consequence of the damage done to the stoves. Neighbourly assistance has, however, been forthcoming.

Adjoining the Clarendon stands (so far) three cottages, the lower two being completely parted. The gardens in this neighbourhood are also in a terrible condition. While inspecting the Clarendon Inn and adjacent cottages you stand on Brewer's Hill, a much frequented road leading to Shorncliffe Camp. Almost exactly half-way up this Hill a spacious gap in the path occurred, and for some time the water from a broken drainpipe rushed with great violence towards the sea. Men have been at work here since Sunday, and the roadway is now partially restored.

Descending Brewer's Hill and turning again to the left Castle House is brought to view. This house was occupied by Mr. Mark Judge, a gentleman of influence, who since the catastrophe has come prominently and worthily forward in the interests of the sufferers. The east wall of this residence is parted in the centre, and the ceilings and floors are in a state bordering on collapse. On the left of Castle House stands Prospect Place, consisting of five houses, each being more or less damaged, and, like the others, deserted. Three other smaller houses at the rear of Prospect Place are in a similar condition. In a garden immediately at the rear of the houses referred to above the visitor will be surprised at the sight of greenhouses and vineries fallen and falling, flower beds upheaved, and stone steps and palings lying in startling confusion. This garden is also the property of Tavenor Bros.

Retracing your steps and bearing to the left you reach Farleigh House, which, though considerably damaged inside and out, has been purchased since the disaster by Mr. J. J. Jones, of Beach Rocks. On the left of Farleigh House you enter the gates of Encombe, the property of Miss Reilly, by whose kindness visitors have been enabled—by paying sixpence at the gates—to witness some of the most strange and serious results of the Landslip. The money paid for admission is added to the Relief Fund, and it may with satisfaction be chronicled that during the first four days the grounds were thus opened to the public nearly one hundred pounds were in this way collected.



On leaving the grounds of "Enchanting Encombe" and again turning to the left, you will not fail to observe that more than ordinary attention is directed towards Spring House and the cottages on either side. Spring House is THE sensation of the subsidence, and by the time this pamphlet is in the printer's hands it may have collapsed altogether.

With but a shed intervening stands the house and bakery, built by the late occupier, Mr. Ludlow, for whom much sympathy is felt, the house and bakery having been but recently completed. Barton House and the Rose Inn are but slightly affected, and are still occupied. On the opposite side of the street you will notice the Station till lately occupied by the Sandgate Coastguards, who are now in safer—though less official—quarters. The flagstones in front of the outer wall were thrown completely out of place, and the appearance of the wall itself is at present decidedly zig-zag.

By observing the wall facing the sea and the condition of the row of houses, it is made evident that the authorities were wise in directing the men to remove their families and goods into other quarters. Adjacent stands M. Offredi's café, which is considerably damaged, as is also the sea wall and surface of the Esplanade round about.

Recrossing the road, the much-talked of ruins in Chapel Street, will be witnessed. It is difficult and unnecessary to describe the pranks played by Nature in this locality. Considerable attention has been given it, by the illustrated press, by reporters, and photographers.

Retracing your steps into the High Street, you will pass an imposing building known as Beach Rocks Convalescent Home, which is in a perfectly safe and sound condition.

A little further on; you'll stop and refresh at The Alexandra Hotel, which adjoins that favourite public resort well known as Maltby's Mansion of Mirth, the New Alhambra Theatre of Varieties, where every evening, throughout the year, may be witnessed a first-class entertainment of refined variety.

Having reached this Haven of rest, you reward your guide, who leaves you to Wander at Will.



**THE  
SANDGATE SENSATIONAL SOIL SUBSIDENCE**

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**TOM MALTBY'S GUIDE.**



**PRICE ONE PENNY.**

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The net proceeds of sale of this Guide will be given to the Relief Fund



FOLKESTONE EXPRESS 8th March 1893

TERRIBLE LANDSLIP AT SANDGATE

GREAT DESTRUCTION OF PROPERTY

SEVENTY HOUSES DAMAGED

- 1.1 Between seven and eight o'clock on Saturday evening, a female rushed out of Coastguard Cottages, Sandgate, exclaiming "There's an earthquake, the house and ground are all of a tremble."
- 1.2 Simultaneously some hundreds in other houses were terror stricken with similar experience of what turned out to be a serious landslip which has worked havoc amongst the homes, roadway and property in all directions in this charming watering place.
- 1.3 That there were indications of what was likely to happen is only now too palpable.
- 1.4 Witness the evidence of Mr. Turner, a lodging house keeper of Wellington Terrace. He says that on the previous night, he heard a rumbling sound, and remarked to his wife about the peculiarity, and the next day there was an ominous crack in the wall of a back room. On Saturday evening there was the same rumbling sound, a sense of rocking, a crash at the back, and a rush out of the house terror stricken, only to find neighbours in the roadway suffering from the same awful experience. Then the news flew far and wide that Sandgate was falling, an earthquake or some other terrible calamity had happened to the place.
- 1.5 They came rushing down from the hillsides, people dazed with fright got out of their residences in Chapel Street and in several houses at the back of Sandgate, mothers held clinging children in their nightshirts, men terrified about their household treasures and themselves. From fire, possessions can be saved, but who cares about clearing out houses with large cracks in them? Small houses too, which for a sudden seemed to sink into the ground and to lean over.
- 1.6 The pavements in the streets were jerked up, falling tiles rattled upon the ground, and every now and then there was a sound like the tearing of calico, which meant a crack in the wall or a breach in a building or a gap in some structure.
- 1.7 Reverting to Mr. Turner's house, as an instance of the force of the movement, the outhouses at the back were displaced. The wash-house the coal house and outbuildings seemed suddenly squeezed together, and the door of the coal cellar cannow now be forced to remove a full stock of coal for fear of the whole of the building collapsing. This is but a sample of the injury done to the whole of this terrace. No overdrawn picture can be made of the people, who, from the hour of the wreckage, right through that fearful night, were to be met with flying from Sandgate to Hythe, or to Folkestone for

/shelter



shelter. No one can have any idea of the mischief unless they know Sandgate. Most people look upon the town as one street. But on the hillsides, in sheltered nooks, are cottages, villas and artisan's dwellings with gardens attached, and here this awful visitation becomes more apparent.

- 1.8 The cause perhaps is not far to seek. The heavy rains acting upon a treacherous subsoil, had loosened the earth, which must have swept down like a torrent of moving matter, and sent upheavals in all directions.
- 1.9 Let us take the beach for instance. The sea wall has given away from time to time, no doubt through the want of protecting groynes.
- 1.10 Groynes have been put up by the Sandgate Local Board, with the result that the beach has lately largely accumulated. But this mighty force has actually made splits in the Parade, it has come with such an impetus that one groyne is split in twain, and another turned into a zig zag, splintering the wood, which makes this strange curve.
- 1.11 There opposite one sees paving stones upheaved, cracks in walls, seams in the fronts of houses - everywhere the effects of this remarkable subsidence.
- 1.12 The Coastguard Station seems, however, to have felt the severe brunt of the shock. Not only has the boundary wall been split, and the cottages mutilated in every possible way, plaster falling, fissures in the walls, and staircases doubled up, but the land has moved and the roadway in front of the houses has been jagged and ruffled and strained out of shape.
- 1.13 In this general detail, for other particulars of this event are elsewhere given, we must draw special attention to Encombe. Probably most of our readers will remember this lovely place, for in the summer the owner Miss Reilly, opened it to the public for the benefit of charities. The land rose in lovely green woods, with dales and dells and in uneven patches, prolific in emerald verdure, but probably only too suggestive of the treacherous soil beneath. It was a land bursting with springs. Here, years ago Mr. Morris had a house which was injured by gradual land subsidences, and was eventually pulled down. The effects of the landscape can be seen here with plain suggestiveness. Picquets were told off of military and police to prevent people going there, for greenhouses in heaps of ruins, falling masses of earth, gaps in the pathway, fissures in all directions, fallen trees the roots almost wrenched out of the soil, told only too plainly that the mischief, to a great extent, arose in this direction.
- READING  
+  
TYPE  
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- 1.14 The most remarkable circumstances in connection with the event is the variety of damage done, and the limited area over which it spread. Experts must decide the cause, but a cursory inspection almost confirms the opinion that the slip is purely local and confined to one part, that is wherever the shock touched, which does not appear to have affected the east side of the town, certainly not near the railway station and probably this confinement of the evil may hold out the hope of tracing its source and somewhat mitigating fears of future calamity. The houses facing the sea within the area of mischief, Gloucester Terrace, Castle House, Lymington House and Mr. Birch's residence, below the Clarendon Inn on Brewer's Hill, have severely suffered but in contradistinction to this and showing the eccentric course of the landslip, it may be instanced that Beach Rocks Convalescent Homes escaped injury.
- 1.15 Spring House seems to be the most notable instance of damage done. The house is half capsized and the particular form of injury is evidenced in several houses on the hillside, particularly near Brewer's Hill.
- 1.16 Here there has been a subsidence in the hill just above the Clarendon Inn, and men were busy on Monday digging up the soil, endeavouring to reach the drain pipes beneath.
- 1.17 Of course such a subsidence has seriously injured the drains, the water pipes, and the gas pipes, and so the difficulties affecting these has greatly added to the misery of the situation.
- 1.18 Sunnyside, Prospect House, Portland Villa, Littlebowne Lodge, the Homestead, Stanhope Villas, Glenart House, and Devonshire Terrace, all these houses are more or less rendered uninhabitable.
- 1.19 The vacant houses at Seabrook and Hythe have been taken by families, and all Sunday and Monday was occupied in the removal of goods, whilst thousands came to inspect the scene of havoc
- 2.1 In Chapel Street, where the damage has been most severe, the artisans and the labouring classes are the sufferers, also that class has occupied many humble dwellings with which the back of Sandgate abounds, and it was pitiable to see them removing in the panic their goods on Saturday night.
- 2.2 Through the kindness of the Rev. Russell Wakefield, the National Schools were utilized for sleeping purposes. The rev. gentleman has been most energetic in this grave crisis, and his kindness, forethought and promptitude in action have been of great service.
- 2.3 The half past nine o'clock bus was besieged by a number

*Went to S.E. of  
6. 1/2 mile from  
Wellington*



of married women who had taken just enough clothes for the night's use and were going to Hythe in search of lodgings. The White Hart, the Swan, and the Seabrook Hotels being speedily filled by the refugees.

2.4

It was not until about nine o'clock that the news became generally known, and as it was a lovely moonlight night, crowds soon assembled and discussed the situation. It must be spoken to the credit of Sandgate people that those whose property was safe, speedily extended hospitality to their distressed neighbours. When the first shock was over, men and women settled themselves down to the inevitable consideration of what was to be done for the night. It is in such cases that we realize the truth of the saying "one touch of nature makes all the world akin", for frightened children were caressed and weeping women comforted. Unlike a fire, there was no need to remove the furniture, there was time the next day to survey ruined homes, and to remove the household goods long into the night the stragglers were seen with bundles seeking a resting place.

2.5

All the occupants of the Coastguards cottages were cleared out, and perhaps sympathy was not needed in their case so much as with others, as the Government will see these out of the difficulty.

2.6

Early next morning people were astir. Police and military provosts had guarded the town during the night and with early morning, came streams of people, thousands, who inspected the ruinous scene. Now men and women wearing troubled looks and children whose laughter was hushed, were seen overhauling the furniture, some removing it into the road or the gardens attached. Then the suffering such a calamity entails became apparent. People went in search of cottage property in Seabrook and Hythe. There is very little in either to let, and that available was eagerly snatched up. In Folkestone they probably fared a little better. But if the artisans and labouring classes suffered, the lodging house keepers perhaps in comparison suffered more. Several of them have invested the whole of their capital in furniture, spring cleaning has been going on and they were preparing for the season. The injury that furniture has received, the difficulty of getting other houses, the loss of all hope of a return this season, means absolute ruin. It would be unfair, if we did not put the deplorable plight of these people in the most forcible light. Sandgate is ruined for this season. With the loss of lodging houses, will be the decline of trade, lack of work for the labouring class, and if ever public sympathy should flow in a genuine channel of relief, this is one.



2.7 Happily, the Local Board were alive to their responsibilities. A meeting was held on Sunday, report of which appears in another part of the paper. Unfortunately for Sandgate, a most ill-judged report was sent to the Sunday papers. In all conscience the affair is bad enough without piling on the agony a report likely to do further damage to the town. There is a difference between a landslip and an earthquake which perhaps the scribe could hardly understand.

2.8 It must not be taken that all the houses affected will be rendered uninhabitable this year. Some probably will be repaired but confidence will have to be restored.

On Monday morning and throughout the day crowds visited Sandgate, coming from all parts of the neighbourhood, indeed greater numbers than visited the Bienvenue wreck on November 11th, 1891. Mr. and Mrs. Kennett, early in the morning, distributed tea, coffee and bread and butter to the night occupants of the National School rooms, the Congregational Chapel and those who had taken refuge in other welcome retreats. Mr. J.J. Jones of the Convalescent Home, was also most indefatigable in his endeavours to give assistance and relief.

2.9 The effects of the catastrophe cannot be estimated by the appearance of the outsides of the buildings, except in the case of Spring House and Mr. Birch's stables. But through the kindness of the Rev. Russell Wakefield, who generously spared the time to conduct one of our representatives through the ruins and obtained permission for him to inspect the houses which had suffered most severely, we are able to give our readers a fairly well detailed account of the mischief wrought.

2.10 Somerville House, the residence of Mrs. Hallett, was first visited. It lies up on the bank. There is a large opening in the south east of the boundary wall and a huge crack in the garden. The cullinary offices and lavatory were built at the back of the main building. They are all in ruins. This house was occupied by an elderly lady Mr. Hallett and the owner is Mr. William Pledge, who, it may be remarked is one of the largest sufferers by this calamity.

2.11 Mrs. Hallett was first alarmed at seven o'clock on Saturday evening by ominous sounds. On Monday morning she was leaving, obviously with reluctance, the house in which she had lived and begged of those around to tell her if she might remain with safety.

2.12 Adjacent on Hill Side, are Enbrook Villas which are very much shaken and two cottages occupied by Mr. Hogben and Mr. Lee, of which Mr. Purday is owner, are considerably damaged. Mr. Hogben was sorely troubled all Saturday night and did not go to bed until four o'clock on Sunday morning.

2.13 At three o'clock she went out into the front garden with a light and saw the fissures in the ground. At nine o'clock at night the path had subsided four inches. She was awakened by her son soon after six who called out to all the inmates to get out as the house was falling. They took chairs and went and sat under some trees on the hillside and awaited in anticipation the destruction of the house, but it did not suffer much.

2.14 But the adjacent house, Spring House, occupied as a lodging house by Mrs. Kemp and owned by Mr. Gains was an absolute wreck. Our illustration shows it as it was on Sunday, shored up by the wooden house, "Spring Cottage" adjoining.



- 2.15 It's condition was so perilous that people feared to enter and it was not until the evening that Mr. W.B. Kennett, captain of the Fire Brigade entered and brought out a quantity of valuable articles belonging to an officer and his wife.
- 2.16 Then we crossed to Coastguard Cottages, of which there are 16. The pavement on the north side of the high wall was uplifted and the slabs, as they descended, overlapped one another.
- 3.1 The first of these 16 cottages to feel the motion were the middle ones, but the one which is most damaged is that at the western end which is wrecked. Nos. 15, 14, 13 and 12 are not much injured, but nos. 11 and 10 are very greatly damaged. The row originally stood in a perfectly straight line, now they are twisted and bowed and it is difficult to say whether the centre ones have gone backwards or the end ones forward. In the majority of cases it may be said the houses have gone several inches seaward but there is no doubt that there was a rush of sand forming a substratum of the soil to seaward, and this would cause the houses in settling to take a backward movement.
- 3.2 At low water there is a distinct rise visible on the rocks showing that  
& 3.3 there has been an upheaval of earth at that point. Standing at the back door of the Centre Coastguard Cottages, the spectator can see a perfect line through the wide rift in the north wall direct across to the falling house, Spring House, and to see the direction which the slip took from north west to south east. The rocket apparatus house and the house occupied by the Chief Officer, Mr. Onslow which are at the eastern end of the cottages are apparently but little affected.
- 3.4 The old Bathing Establishment is affected but not very seriously, as far as can be seen. All the Coastguardsmen are clearly out and are located at the eastern end of the town, at Castle Green.
- 3.5 Farleigh House, the residence of Mr. W.J. Cripps has suffered severely but it is in the garden and premises to the rear where greater damage is done. It has we are been informed, been built eighty years, and was specially constructed and tied with strong iron braces, which account for it having withstood the shock so well. Mr. Whiting, however, said there had been signs of subsidence there for the last 30 years. The front door could not be opened.
- 3.6 In the garden of Mr. Tavenor there is a scene of terrible destruction, the large green houses are absolutely wrecked as our illustration shows. Mr. Tavenor's garden lies close up to the base of the cliff and the greenhouses lay right on the line of the crevasse, hence their complete destruction. Mr. Tavenor says there was no shock, it was a gradual subsidence, the greatest amount of damage occurring at half past eight. Just before that time the long greenhouse was leaning to the north as much as 3ft. and it gradually laid down so gently that scarcely any of the glass was broken and the contents of the house were comparatively little hurt.
- 3.7 The fissure extends behind Mr. Du Boulay's far away in a north westerly direction.
- 3.8 A little cottage, called Castle House Cottage, occupied by Mrs. Goodburn is greatly shaken and forsaken by it's inmates.

*Beaver Cottage?  
on N. side of S.S.*



- 3.9 West Lawn the residence of Mr. J.H. Du Boulay is injured but not so severely as many others. <sup>32</sup>Lyminster House has sustained much damage to it's walls.
- 3.10 Castle House occupied by Mr. Judge and belonging to Mrs. Tysen is very greatly damaged. The lower portion of the front wall has gone out nearly a foot and has left the side wall, there being a great gaping space there. The garden wall on the east side in the front of the house has several great cracks in it and the pavement in front is all forced up.
- 3.11 The houses in Wellington Terrace have all suffered more or less severely. We inspected Nos. 10 and 8 as samples of the others. The basement floors are all upheaved and the premises at the back are all in ruins. Mrs. Wood at No. 8 has lived in it for 35 years ever since the house was built. Like many others she is in sad trouble as the destruction of her house means the loss of her livelihood.
- 3.12 The difficulty will be to find houses for those who are thus summarily ejected, as it is not expected capitalists will invest their money in building at the spot at any rate for some years. Four houses in this terrace are owned by Mr. William Pledge.
- 3.13 Mr. Wood, a son of the tenant of No. 8 gives it as his opinion that the blowing up of the Calypso and the Bienvenue has caused vibrations which have led to the stopping up of various channels by which the water from the springs behind found its way into the sea. These channels being stopped, it has caused the water to accumulate behind and brought about this calamity.
- 3.14 No. 3, Wellington Terrace, occupied by Major Nicholas has several side fissures in the basement floor, and the place altogether is in a dangerous condition. A young lady stated that she felt the motion not only distinctly, but forcibly, and she was practically thrown from one end of the kitchen table to the other. Behind this is the stable of Mr. Birch, the southern end of which is in ruins, the stable yard has sunk about a foot and the paving bricks are all displaced. Next to Spring House and Mr. Tavenor's greenhouse these are the most noticeable outward and visible signs of the devastation.
- 3.15 At West Grove House, the residence of Mr. Court, the well known Gymnastic Instructor, great havoc has been worked in the offices at the back. Miss Court gives a very coherent version in a few words of what happened "We heard", she said, pointing to a corner "a sound like the rushing of sand there. I came and listened and saw the wall move as though the cliffs behind were going right in."
- 3.16 Gloucester Villa, occupied by Mr. Hooker, a double fronted house with large cant windows, has several gaping cracks in it: the roadway is full of crevices and the garden wall on the opposite side is divided in many places.
- 3.17 Grafton House on the sea front, is built of wood and is not much injured, if at all and seems to suggest that any houses erected here in the future should be of the genuine bungalow type.
- 3.18 The row of six houses comprising Sunnyside are severely damaged. At No. 1 an old lady, Mrs. Williams, who had been bedridden for years had to be hastily removed on Saturday night, as it was almost certain the house would fall.

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- 3.19 At Cheriton Cliff Gardens, the ones occupied by Misses Charlton and the other by Surgeon Commander Reynolds, two handsome and valuable houses have been so to speak absolutely destroyed. Externally they, at a short distance off appear to be uninjured. Internally they are wrecked. The western wall of No. 2 suffered considerably. The houses are practically split in two. Of these again Mr. W. Pledge is the unfortunate owner.
- 3.20 In the high ground behind there are some remarkable crevices showing the course of the slip. By the side of the Misses Charlton's there is a broad flight of steps leading up to the Camp and these have been displaced considerably. Behind the houses too, there are some short flights with iron railings which have been pushed very nearly close to the back wall. Miss Charlton had an exceedingly unpleasant experience. Her sister was dining out on Saturday and while awaiting her return she heard a kind of tapping and cracking. She thought someone was in the house who had no business there and on going to the room where the noise apparently proceeded from found she could not open the door. She called out to know who was there and got no answer and her suspicions that something was wrong were strengthened. She went to the next door, and an officer who was there returned with her, and together they went all over the house. The cracking continued. Her sister returned at half-past ten. The servant was so terrified that she went away to sleep. The Misses Charlton courageously remained in the house but did not go to bed. In the morning they saw that the house had sunk bodily at least five inches. These houses have gone distinctly for ward but in several cases, as before stated, the movement was backward. The military have gained the gratitude of the Misses Charlton, and they speak in terms of the highest praise, of the energy and untiring zeal with which they worked all the day on Sunday in removing the furniture from the two houses. It is the same everywhere, in fact civilian labour would have been quite unable to cope with the difficulties of the situation. On the authority of Miss Charlton and others we give it that the gentlemen were more alarmed than the ladies, who performed great deeds of valour under the most trying circumstances.
- 4.1 At Littlebourne Lodge, the residence of Mrs. Christie, there are ominous cracks in the walls and internally several of the rooms are damaged. The large verandah in front, however, indicates most plainly the extent of the shifting, and it is evident that in this case there is a decided forward list.
- 4.2 At Marine Villa there is also considerable damage. In front of this house is the damaged groyne. There is considerable bellying out of the sea wall and in a line with it is the z-shaped fracture or bucking in the groyne, showing clearly that the movement of earth went right out to sea.
- 4.3 At the Homestead, the handsome looking house at which Mr. J.J. Jones resided, the damage is so great that the family have wisely migrated. In the basement there are indications of the great force of the slip, solid concrete walls being cracked, the principal injury being at the back, but that are also indications that the older and the newer portions are about to part company. In the garden and in the stable yard there are great fissures, the paving bricks in the latter being forced apart right across the yard from the scullery to the stable.

/cont.



- 4.4 Immediately in front of the Homestead are two very nice houses, one occupied by Mrs. Foster and the other (Shorncliffe House) by Mr. Hammond. The occupiers are also the owners, and it is satisfactory to state the houses have only received a minimum of damage and the occupants have decided to remain in them, they having been assured by Mr. J.J. Jeal that they are perfectly safe.
- 4.5 In Gloucester Terrace all the houses appear to have been out completely through in the centre, the back rooms being divided by a wide fissure from the fronts. We inspected the house occupied by Mr. Walker, 24th Regiment, who like his neighbours has wisely decided to clear out. In the next house the tenant, Mrs. Jefferys, is in some trouble. The house belongs to Mr. Ames of Hythe, who, she says has been most considerate, but her home is broken up, and she has nowhere to go. This is the trouble of many of the tenants.

There are many other places more or less injured, but the foregoing account fairly states the general condition of the district affected by the slip.

- 4.6 At a meeting of the Folkestone Corporation on Monday morning, the following resolution was passed - "That this Corporation takes the earliest opportunity of expressing it's sympathy with the inhabitants of Sandgate in the terrible catastrophe which has happened to them by the great landslip there on Saturday evening last and that with a view to practical help being afforded the Mayor be asked to write to the Lord Mayor of London, the Lord Lieutenant of the County, the Archbishop of Canterbury, Lord Radnor, and Sir Edward Watken to raise funds for the benefit of the unfortunate suffers by the landslip".
- 4.7 On Monday afternoon a crowded meeting was held at the Cough Soldiers Home.  
& 4.8 Mr. Mark, Judge in the Chair. He stated that the meeting had been called to consider the actual position the town had been placed in with regard to the Trinity Board in blowing up the Bienvenue. The Board had been cautioned through a public meeting held in Sandgate of the likely results. He felt that the Sandgate Local Board ought in the first place have taken action in this matter, and have convened a public meeting. The Chairman read the letter which the Trinity Board had sent in reply to the resolution passed at a public meeting in which it was stated that needless alarm had been excited. This serious landslip had practically destroyed 200 houses. If the destruction was in any way traceable to these explosives, he thought the Government should be fixed with the responsibility.

Mr. J.J. Jones moved that this public meeting of the inhabitants of Sandgate, West Folkestone and Seabrook, whilst lamenting the sad catastrophe which had befallen the town in consequences of the blowing up of the Calypso and the Bienvenue cannot but call the attention of the Government, the Board of Trade, and the Trinity Board to the fact that some such calamity was foreseen if the blowing up of the Bienvenue was persisted in and that the inhabitants protested against it in public meeting on September 10th and that this meeting is of opinion that it is the duty of the Government to see that the loss is made good, either by the Trinity Board, or the Local Government Board. Mr. Jones said that in moving the resolution, he was doing what was right and what would commend itself to the nation at large. He held that they had told the country through the press what would happen and their prophecy was fulfilled. The Trinity Board was responsible. They exploded large charges, houses were shook, and land quivered and cracked. He instanced a crack in the land which occurred at the back of Homestead after an explosion.



He gave examples of the very terrible effects of that landslip, and if they could not get justice from the Government they should appeal to Courts of Law.

Mr. Salmon seconded the motion.

Mr. Maltby suggested that they should add to the resolution that the explosion of the Calypso as well as the Bienvenue had contributed to the result, which was agreed to. In answer to a question the Chairman said he understood that through Folkestone the Lord Mayor had approached to open a national subscription for the relief of the sufferers.

On the motion of the Rev. De Gliddon it was agreed that a copy of the resolution should be sent to the Borough Member and to the County Member asking them for their support. It was stated during the meeting that Sir Edward Watkin had sent a subscription of £100.

CG/SAM



BEACH FEEDING IN G. 1970

SW4 TB



Ministry of Housing and Local Government  
Whitehall London SW1

Telephone 01-930 4300 ext. 35 or 27

TC

The Town Clerk  
Folkestone Borough Council  
Civic Centre  
Folkestone  
Kent

Your reference TC/C/319/1/B

Our reference LG1/Q/153

Date 23 April 1970

Dear Sir

COAST PROTECTION ACT 1949  
ENCOMBE ESTATE, SANDGATE

I refer to previous correspondence and to the informal visit on 14 January 1970 by one of the Department's Engineering Inspectors to investigate land movements in the Encombe area of Sandgate.

In the light of the information obtained by the Inspector we consider that the provision of an interceptor drain and associated works as suggested by Sir William Halcrow & Partners to improve the stability of the ground in the area of the 1893 land slip near the Encombe Estate, in order to reduce the likelihood of damage to the sea wall, is work of a type which, in principle, could be carried out under the Coast Protection Act 1949. Without prejudice to the Minister's consideration of any detailed scheme that may be submitted, it is our view that it is open to the Council with the agreement of the land owners to put forward a formal submission of the drainage works to be carried out in the vicinity of Encombe for the Minister's approval under Section 5 of the Coast Protection Act.

If the Council decide to proceed in this way they may at the same time wish to include in their proposals works to improve the stability of the area adjacent to the garages and filled ground to the North West. Additionally they may also wish to consider methods such as beach feeding to maintain the foreshore in the vicinity of the Encombe Estate 4-5ft. above the tops of the piles in order to increase the factor of safety against a slip.

The Council are invited to say whether they see any possibility of their assuming responsibility for the 1893 "Latham drain" where no ownership is claimed and maintaining it as a surface water sewer or part of the coast defences.

The Council will no doubt be aware of their powers under the Coast Protection Act to obtain by agreement contributions towards expenditure in certain circumstances and if they decide to carry out the works described above they may wish to consider whether such contributions should be sought from the owners of those properties which would enjoy substantial protection in the event of stabilisation works being carried out.

Yours faithfully

*D. Hayward*

D W HAYWARD

*Recd of Housing Circular  
4/1/62, 20.8.1962*



Hyphen under Unceasing

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apply to works - of land  
Drainage

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To Town Clerk

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Water Board Co:

from Fullerton Municipal Council  
from Sanitary DC:

Now stacks  
This of under do  
and need:





MINISTRY OF HOUSING & LOCAL GOVERNMENT  
WHITEHALL, LONDON, S.W.1

20th August, 1962

SIR,

COAST PROTECTION ACT, 1949

1. I am directed by the Minister of Housing and Local Government to say that he has recently been reviewing the works scheme procedure provided for by the above Act and has consulted the local authority associations.

2. All the associations have indicated that they are in favour of abandoning works schemes and the Minister has therefore decided that in future all coast protection works should be carried out under the powers conferred by sections 4 and 5 of the Act. Coast protection authorities are therefore advised that from now on no more works schemes should be made for the purpose of recovering compulsory contributions from private interests, and that the works scheme procedure should be allowed to fall into abeyance except where it is necessary to obtain compulsory powers to carry out operations on land not in the council's ownership. In such cases the Minister considers that no charges should be levied.

3. The increased expenditure falling on the local rates as a result of the discontinuance of works schemes will be taken into account for the purposes of grant and loan sanction, but it will be necessary to make a small adjustment in the method of assessing grant payable.

4. So far as works schemes which have been approved but not completed are concerned, and in cases where no contributions have yet been collected, the Minister considers that all charges should now be waived and those affected informed accordingly. In the case of completed works schemes where some charges have already been paid, the Minister considers that there is no satisfactory alternative to continuing with the recovery of the outstanding charges, many of which may be subject to appeal to him or to the Lands Tribunal.

5. Although he has decided that there should be no more works schemes for the purpose of recovering compulsory contributions the Minister reminds coast protection authorities of the powers in the Act to obtain contributions by agreement. He considers that such contributions should be sought where appropriate, e.g. when works will protect substantial properties such as hotels, holiday camps, etc.

---

6. Indeed it may be that in some cases a private and commercial undertaking is the sole interest involved and in such cases local authorities will no doubt consider whether it would be more appropriate for them to proceed under section 20(6) of the Act which enables them to make a contribution towards the cost of coast protection work carried out by other parties.

I am, Sir,

Your obedient Servant,

J. CATLOW,

Assistant Secretary.

The Clerk of the Authority.



Coast Cottage  
149 Sandgate High Street,  
Sandgate, Kent

Please reply to  
77 Hillfield Court, Belsize Avenue  
London N.W.3

B.Jenner Esq.  
The Civic Centre, Box D.R.36  
Folkestone CT 20 2QY

Subject: Earth Movement at Sandgate: Coast Protection Act 1949  
Date of your Communication: 1st July 1975

We thank you for the above communication and would like to draw your attention to some vital matters of fact, before giving our reply.

1. Coast Protection Act 1949 was, of course, amended by a Circular to Local Authorities 41/62, 20 August 1962, and should have been quoted.
2. Paragraph 2 of your letter is not only erroneous, it gives a complete misrepresentation of the Ministry's views, and should be corrected immediately. At no time did the Ministry (now the DOE) say it was reasonable for property owners to contribute, if the Council undertake the works (see 2nd paragraph Min. HLG to Town Clerk Folkestone (L61/Q3/153) 23 September 1970) -- "On the basis of the information given by the Council it would seem reasonable that property owners should be asked to contribute towards the cost of the works if the Council undertake them".

I have reason to believe that the information given by the Folkestone Council was inaccurate, restricted and conveyed a false impression of the situation. This should be amended after joint consultation with Sandgate residents.

WITHOUT PREJUDICE

3. Notwithstanding the above remarks, we would still be prepared to share in a purely voluntary joint contribution of 10% of the total cost, not as a matter of 'reasonableness' but of expediency -- this contribution to be apportioned by Shepway Council according to rateable and developmental values and to be made payable, interest free, over a minimum ten-year period towards the cost of land drainage and stabilisation works on the landward side only. We made this suggestion in 1970 but the Council ignored it, although Mr Costain M.P. wrote to me saying that he could see no reason why this method of payment should not be beyond the Council to arrange.
4. We would also require an assurance that additional works such as beach feeding to maintain the foreshore in the landslip vicinity would be satisfactorily carried out, and would not be included in the total charges to be shared among residents and landowners.
5. Our contribution would in no way absolve the Council from past neglect, nor from future maintenance of the 1893 Land Drain in its entirety, together with any new works.
6. We would also point out that this is the THIRD time since the war that



residents on the Coastguard terrace have been called upon for Coast Protection charges, both to protect the coast and the hinterland thus benefitting; we would ask the Council to bear this fact in mind when considering a fair apportionment of the charges.

Signed

Mrs. Linda E. Rene-Martin

Signed Mrs Davide C. Ritson

1 August 1975



Please reply to:  
77 Hillfield Court  
Belsize Avenue, London N.W.3

B.Jenner Esq.,  
The Civic Centre Box D.R. 36  
Folkestone CT 20 2QY

From Coast Cottage  
149 Sandgate High Street  
Sandgate, Kent

Subject: Earth Movement at Sandgate : Coast Protection Act 1949  
Date of your Communication: 1st July 1975

We thank you for the above communication and would like to draw your attention to some vital matters of fact, before giving our reply.

1. Coast Protection Act 1949 was of course superceded by a Circular to Local Authorities 41/62 , 20 August 1962, and should have been quoted.
2. Paragraph 2 of your letter contains an irresponsible statement and is a complete misrepresentation of the Ministry's views, and should be corrected immediately. At no time did the Ministry (now DOE) say it was reasonable for property owners to contribute, if the Council undertakes the works. See 2nd paragraph of Min HLG to Town Clerk Folkestone (L61/Q3/15) 23 September 1970 -- "On the basis of the information given by the Council it would seem reasonable that property owners should be asked to contribute towards the costs of the works if the Council undertake them"

I submit that the information given by the Council (i.e the former Town Clerk) was to my knowledge inaccurate, restricted and conveyed a false impression of the situation. This should be amended forthwith, after joint consultation with Sandgate residents.

WITHOUT PREJUDICE

3. Notwithstanding the above remarks, we would still be prepared to share in a purely voluntary joint contribution of 10% of the total cost, not as a matter of 'reasonableness' but of expediency --- this contribution to be made payable interest free, over a minimum ten-year period towards the cost incurred on land drainage and stabilisation works on the landward side only. I made this suggestion in 1970 but it was ignored. Mr. Costain M.P. however, wrote to me saying he could see no reason why this method of payment should not be possible to arrange.
4. We would also require an assurance that additional works such as beach feeding to maintain the foreshore in the landslip vicinity would be satisfactorily carried out, and would not be included in the total charges to be shared among residents and landowners.
5. Our contribution would in no way absolve the Shepway Council from past neglect , nor from future maintenance of the 1893 Land Drain in its entirety, together with any new works.
6. We would also point out that we, on the Coastguard, have now been called upon three times since the War, for Coast Protection charges, and this be taken into account.

Signed Mrs. Linda E. Rene-Martin

Signed Mrs. David C. Ritson



# HALCROW

Consulting Engineers

Mr William Halcrow & Partners Ltd  
Vineyard House, 44 Brook Green,  
London W6 7BY, England  
Telephone 01-602 7282  
International Telephone +441 602 7282  
Telex 916148 Halcro G  
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The Controller of Technical  
and Planning Services  
Shepway District Council  
Ross House  
Ross Way  
Polkestone  
Kent CT20 3UP

And at  
Burderop Park, Swindon,  
Wiltshire SN4 0QD, England  
Telephone (0793) 812479

For the attention of Mr B Rochester

2 December 1987

Our ref

TG/ELF/2

Your ref

Dear Sirs

## ENCOMBE LANDSLIP: EFFECTS OF PROPOSED HYTHE MARINA

We refer to your query concerning the proposal to build a Marina at Hythe and its effect on our proposals to stabilise the Encombe Landslip which are described in our preliminary design study report of January 1986.

Our studies indicated that the present movements of the Encombe landslip were associated with loss of beach, recorded by changes in the low and high water marks on the successive Ordnance Survey Maps. One possible scheme described in our report comprised the replacement of the beach to the levels which existed prior to the onset of the recent movements of the landslip and prior to the movement in 1693. Our recommended scheme comprised anchoring the landslip mass to the underlying undisturbed ground to increase the factor of safety of the landslip by 10 per cent. As can be seen from the schemes described in our report the recommended anchor force was some 10 times that which would have been provided by the replacement of the beach to the levels prior to the start of the recent landslip movements. What are you referring to

We assumed for our preliminary design study that the existing road, esplanade and sea wall would be retained in their present positions and consequently beach levels in front of Encombe would be maintained more or less at their present levels. Our estimated anchoring force was adequate to cope with some changes on beach levels as indicated by the comparisons of the anchor and stabilising forces involved in the schemes as described above. Our recommended stabilisation scheme is sufficiently flexible to allow adjustment at detailed design stage for estimated long-term changes in beach levels.

Failure of 1978 scheme: — streams still flowing

Directors  
R S Baxter FEng FICE  
(Chairman)  
R W Rolinwell MA FICE  
(Chief Executive)  
A R Koopec FICE  
C L Clarke MA FICE  
E J Mansfield FRIBA  
A I Robertson BSc FICE  
T O Casey MA FICE  
A C Cadwallader BA  
(Secretary)

M S Fletcher MBE MSc FICE  
D O Lloyd BSc FICE  
D Buckley FICE  
V J W Hoan OBE BSc FICE  
R S Gray FICE  
A R Hardy FICE  
H J Ambler FCCA  
H G Johnson BSc FICE  
D S Kennedy BSc MICE  
W C Gallacher FICE  
C J Kirkland FICE

M R Stewart FICE FIME  
J Anderson FICE  
J L Beaver FICE  
J C Buswell BSc FICE  
F E Chappamore BSc FICE  
P A S Ferguson MASM MICE  
C A Fleming PhD MICE  
G D Hillier BSc FICE  
J G May FICE  
R J Pannell MICE  
D J Pollock PhD MICE

I C Price FICE  
N A Trenter MSc MICE  
J Weaver PhD FICE  
J P Wood BSc FICE  
J A Wood BSc FICE  
J A Wood BSc FICE  
R N Craig BSc MICE  
E P Evans MA MICE  
C T K Reprinsell BSc MICE  
D W M Johnstone PhD FRSC  
A J Madden PhD MICE  
J C Thorne BSc FICE

Consultants  
Sir Alan Muir Wood FRSE FEng FICE  
N J Cochrane BSc FICE  
E Looney BSc FICE  
H K Arnold PhD FICE

Registered in England No 1722541

The sea will still wash upon the seawall with shock absorption



\*

We presume that any studies for the Marina at Hythe will include investigation of possible effects on beach levels in front of Sandgate and any associated cost of maintaining the existing road, esplanade and sea wall. If such investigation shows possible loss of beach in front of Sandgate (as a whole, then at Encombe this is likely to be no greater than allowed for in our proposal for stabilising the Encombe landslip. If greater, the cost of any required increase in anchoring force should not be significant compared with the additional cost of beach replenishment required to protect the entire length of sea wall in front of the whole of Sandgate. The potential change in beach levels over the design life of the Encombe scheme, due both to the proposed marina and to the longer term loss of shingle, would be agreed at detailed design stage, and the required stabilisation force determined accordingly.

We hope the above comments provide the information you require and we shall be glad to answer any further queries you may have.

Yours faithfully

N A Trenter

N A Trenter  
Director

NAT/cs

Date

If there is longer  
term loss of  
shingle —  
there will be  
more water  
against the  
seawall —

- 1 greater pressure  
on the seawall
- 2 more spray  
and flooding

£180,000  
admit  
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shingle



## Environmental Services Committee - 18th June, 1987

Cheriton Road, which forms part of the Central Station landholding, as an alternative site for the toilets.

The cost of relocating the toilets will be met primarily from County Council highway funds although there is provision in this Committee's capital programme in respect of the betterment element involved.

## RESOLVED:

1. That the report be received.
2. That the Council enters into a lease with British Rail in respect of the site for the relocation of the public toilets, the terms of the lease being to the satisfaction of the Secretary and Solicitor and the District Valuer.

## SANDGATE STABILISATION WORKS

REPORT: At the Works Committee meeting on 17th March 1986, members considered a report from the Council's Consulting Engineers, Sir William Halcrow & Partners in connection with the Encombe landslip. They reported on the results of monitoring the movements of the landslip together with methods of stabilisation. Three alternatives were put forward for consideration with the preferred option being Scheme 'C' dowelling of the landslip. However, before proceeding with detailed design, five boreholes and inclinometers need to be provided through the Esplanade in order to check on the soil and rock strata. The inclinometers need to be installed during the summer previous to the detailed design so that winter movement of the landslip reveals the levels of the slip surfaces.

A sum of £15,000 has been included within this Committee's Capital Programme for 1987/88 for the provision of these boreholes and inclinometers.

RESOLVED: That the necessary capital finance be released to enable the boreholes and inclinometers to be provided.

## 23. COAST PROTECTION WORKS BELOW LEAS CLIFF HALL, FOLKESTONE

REPORT: The Council's approved capital programme for 1987/88 includes a sum of £130,000 for remedial works to groynes in the area below and to the west of the Leas Cliff Hall.

During the winter considerable loss of shingle has occurred with the result that a number of groyne compartments are seriously short of material, with the toe of the sea wall at risk of being undermined.

It is believed that this loss is not attributable to the condition of the groynes and urgent specialist advice is required on the most appropriate remedial works.

RESOLVED: That the necessary capital finance be released to enable specialist advice to be sought on appropriate remedial works for this section of sea wall.



29 October 1970

N.C.Scragg Esq., LL.M.  
Town Clerk, Folkestone.

Dear Mr.Scragg,

Re: Earth Movement at Sandgate - 1949

On behalf of Mrs.D.C.Ritson and myself, I would like to thank you for your communication of 20 October, 1970.

Before my advisors can even consider your letter I would be grateful for clarification on the following points:

1. What share of the total costs do the following bodies propose to contribute
  - a) The Local Authority
  - b) The County Authority
  - c) The Road Transport Authority for which the Local Authority is agent
  - d) The Public Utilities such as the S.E.Electricity Board, The South East Gas Board, the Water Board, all of whom have been put to great expense by the high incidence of breakdowns in the area.
2. The Ministry of Housing has gone far beyond the Halcrow Report of 1968 in their recommendations for stabilising and ensuring the safety of the area and the sea defences. Obviously this work must be undertaken in conjunction with any drain laying but will the additional work outlined in Par.3 of the Min. of Housing's letter of 23 April be exempted from the 'total' in which residents are being called upon to pay.
3. Will the expenses of the Consultants reports and subsequent test borings be exempted from the 'total'. Without admitting any legal liability the Council undertook this as a moral obligation and I cannot see how they can renege on these obligations. Su 125/31-48  
footnote to 125/31
4. Would you please confirm that the Folkestone Council entered into a bond with the Ministry of Housing, when a large grant was made towards the sea defence work in Sandgate, in 1952... to maintain these defences.

Referring to the election manifesto put out by one of the Sandgate Councillors last May to the effect that Sandgate could look forward to the Primary School being completed by April 1971 (sic) I can only ask why decisions affecting the lives of Sandgate residents should rest on the calibre of people such as these... and I therefore do not pay very much heed to the Council's opinion quoted in par. 3 - such as it is.

I look forward to receiving answers to my questions as soon as possible.

Yours sincerely

(Mrs.) L.Rene-Martin  
Coast Cottage

Su 125/31  
para 2

125/31-48  
125/31



From A.P. Cosain M.P.

(9)

November 19th, 1970

Dear Mrs. Kerr,

I am in receipt of your letter of November 12th. The situation, as I see it, is as follows:

In the first place, there were considerable doubts as to whether the Borough Council had any powers to take remedial action to minimise earth movement at Sandgate and assist in stabilising the land. It was originally thought that action could be taken under Land Drainage Acts, and you will remember that the Town Clerk approached the Ministry of Agriculture, Fisheries and Food and the Kent River Authority. Following a number of meetings, including a deputation to the Ministry of Agriculture, it was made clear that neither a Land Drainage Scheme nor the creation of an Internal Drainage District as favoured by the Sandgate Society, was likely to be considered.

There was considerable doubt as to whether the case qualified under the Coast Protection Act 1949 but as you know, after prolonged negotiations, this has been accepted. The main purpose of Ministry Circular No.4/62 was to notify Coast Protection Authorities that after the date of that circular, August 20th, 1962, works schemes for the purpose of recovering coast protection charges should not be made. Paragraph 5 of the circular, however, reminded authorities of the powers in the Act enabling a Coast Protection Authority to enter into an agreement with any other person for the carrying out by that person or the authority on such terms as to payment or otherwise as might be specified in the agreement of any coast protection work which the authority have power to carry out.

The paragraph states that the Minister considers that such contribution should be sought where appropriate and certain examples are given. It seems to me that your Society is claiming that these examples are exclusive of any other cases. In the letter of April 23rd, 1970, from the Ministry of Housing and Local Government to the Town Clerk, attention is drawn to the contents of paragraph 5 of the circular. In a subsequent letter dated September 23rd, 1970, the Ministry indicate that the question whether such contribution should be sought is entirely a matter for the Council, although the Ministry do state that, on the basis of the information given to them by the Council, it would seem reasonable that property owners should be asked to contribute. Your Society may disagree with the view of the Council, but it is the Council who have the power to determine whether or not they will seek a contribution and they take the view that it is reasonable that they should, giving consideration to the fact that 90% of the cost will be paid

- (a) by the taxpayer through Government grant, (that's me) (that's me)
- (b) by the ratepayers in the whole of Kent through the County grant, and
- (c) by the ratepayers in the whole of the Borough as to the remainder of the cost of the works. (that's me as well)

In all the circumstances, I am bound to say that I agree with the view of the Borough Council. I think it must be borne in mind, however unpalatable this may be, that the works are intended to benefit a comparatively small part of the Borough including a private building estate, that the owners of the new buildings on the estate must accept responsibility for the physical state of the land on which the houses are built, the onus being on them to make appropriate enquiries before purchase, and that they must take the risk of damage by subsidence.

NOT PRIVATE -



*Rubbish!*  
*in view of reduced*  
*amenity and reduced*  
*letting value.*

I appreciate that certain owners may have suffered damage and feel entitled to compensation, but as the drain was on private property, there is little doubt that a claim for compensation could not be brought against the local authority. The Valuation Department of the Inland Revenue have acknowledged the loss of value in some instances by agreeing to a reduction in the rateable value.

I was, of course, aware of your meeting with Mr. Salt on September 18th. I think you must appreciate, however, that in connection with this matter it was right for the Council to communicate directly with the owners, who would then be in a position to make up their own minds whether or not they wished the Society or other adviser to represent them. I think that this is perfectly understandable, having regard to the last paragraph of your "Concise History of Earth Movement at Sandgate", in which it is stated that "there is no justification whatsoever for demanding contributions from owners as the present movement is due solely to inadequate sea defences and the local authority's neglect of their own drain." I understand that this view was made perfectly clear to Mr. Salt when you and Mr. Todd saw him.

You will remember that in a letter of October 20th from the Council, an indication was given that it would be necessary for owners to consult with one another and that it would assist matters if representatives of the Council could discuss the matter with the solicitors, surveyors or other representative of the owners. In my view, it is entirely a matter for the owners to decide whom they will select as their adviser or representative, if, in fact, they wish to do this.

With regard to the question of the costs of beach-feeding and the possibility of the Council taking over the whole of the Latham drain, I think you must appreciate that in this respect they have to be advised by their Consultants. At the moment, they are dealing with the situation in the Encombe area and not with the land to the west where I have never heard it suggested that works are necessary. I think if you had enquired of the local authority, you would have been informed that it is a usual condition imposed by the Ministry on making a grant under the Coast Protection Act, that the Council shall give an undertaking to the Ministry to maintain the coast protection works in respect of which the grant is made.

Frankly, if you intended to enlist my further assistance, I think it is regrettable that you did not feel able to consult me in regard to the wording of your questionnaire. On the subject of the additional question suggested by me, referred to in paragraph 1 on page 2 of your letter, if you are referring to the fact that I have not kept the owners advised of the progress of negotiations, I think you must appreciate that I am constantly in consultation with all the local authorities in the Constituency in relation to their approaches to the various Ministries, and it would be impracticable to advise constituents of the action I am taking every time I approach a Minister. If, on the other hand, the suggestion is that the local authority has not kept the owners advised, I am advised by the Town Clerk that information has been given since the first meeting with the owners in July 1968. You will, I feel sure, understand that it is impracticable to keep every owner advised by letter of the progress of this matter, but I understand that your Society and your Society's Honorary Solicitor have been constantly kept in the picture by the Town Clerk. Quite apart from this, any owner could have written to the Council and I am sure would have received any necessary information.



X Newick Union  
has 'blacked' Sandgate

- 3 -

While some owners may take the view that the request to pay 10% of the cost of the drainage system is unjust, I am bound to say that I have had representations from other ratepayers and members of the Council who consider it even more unjust that 90% of the cost should be borne by other ratepayers and taxpayers. Another point, which I feel you should not lose sight of, is that if the River Authority and the Minister of Agriculture had agreed to a drainage scheme as was suggested by the Town Clerk, or the creation of an Internal Drainage District as was suggested by your Society's Solicitor, it could well have been that the owners in the Encombe area would have been required to pay a far greater proportion of the cost of the scheme than one-tenth of it.

With regard to paragraph numbered 2, of course I appreciate that a number of the houses were built before the National House-Builders Registration Council came into being and, for this reason, I enquired whether, if they did not have the guarantee of a house builder, they had taken out insurance policies which would cover the contingency. Obviously, after the land movement began in October 1966, insurance companies would not be prepared to give cover. With reference to the owners who had purchased older property, perhaps it might have been expedient if I had added a further question asking whether their surveyor indicated at the time of purchase that there was any risk of land slips. The Society must understand that in contracts for the purchase of landed property, the principle of caveat emptor applies, i.e. the buyer must make his enquiries of the seller to ascertain whether there are any defects in the property. The seller is under no obligation to disclose any such defects, or any report he may have on the subject.

With reference to paragraph numbered 3, it is my considered opinion that this remedial work should be put in hand with the minimum of delay, and I feel that some owners do not appreciate this. Taking into consideration the difficulty of selling the houses, had I been an owner I would have taken the view that the contribution I was being asked to pay towards the drainage scheme was a premium to make my house marketable again. With regard to your statement that 51 owners have approached you to ask me to obtain justice for them, I was advised that their legal case was not strong, and in my opinion the best chance of getting financial help would be through equity, and I thought that by obtaining a 90% grant an equitable solution had, in fact, been found.

As far as the proposal to seek a Public Inquiry is concerned, I have no objection to approaching the Minister on this matter, but I am bound to point out to you that this could well take one or even two years, a delay which could have tragic consequences, and the publicity derived therefrom would, in the long term, have a detrimental effect upon the selling price of the houses involved. Added to this, further expense would be incurred which I would have thought better spent in remedying the faults.

Another point which must be considered is whether you are prepared to accept the risk of the Inquiry being unfavourable to your members, and the possibility of the contribution of 10% being increased in consequence. I think you should appreciate that the cost of such a Public Inquiry into all local authority actions since the drain was laid in 1893, might take a considerable time and would involve the Council and its officers in a great volume of work and heavy expenditure on all the ratepayers in the town. While I think it would be unusual, taking into consideration all the circumstances, that the Minister would agree to hold an Inquiry, I should be interested to know whether your Society would be willing to pay the cost of it in the event of the holding of the Inquiry being considered unjustified.



With regard to your ultimate paragraph, may I remind you that I have always talked to members of your Society on the basis that, although you had not got a mandate from the owners, you were in good faith seeking my advice on their behalf, and I hope that you consider that I have given it on this basis. I hope you will appreciate, however, that I also have responsibilities to other taxpayers and ratepayers in the Borough and I considered that when the local authority suggested a contribution of 10% of the cost of the scheme should be made by the owners, they would have been satisfied with this proposal of the Council. This would have left only the problem as to how the contribution of 10% could be fairly apportioned among the individual owners, having regard to their individual circumstances and other matters, including property values and the fact that some of the owners have, in previous years, had to pay a coast protection charge.

In conclusion, I would be far from frank if I was not to say that the present weather conditions - heavy rain following a dry summer - do in my opinion create circumstances in which early implication of the new drainage system is essential to prevent further possible structural damage, the extent of which it is impossible to estimate.

Yours sincerely,

A.P. Costain

Mrs. Barbara A. Kerr,  
Honorary Secretary,  
The Sandgate Society,  
Somerville Lodge,  
Sandgate Esplanade,  
Folkestone, Kent.



13.2.86

Application No. SH/86/0136  
17 Encombe Sandgate

In the warning letter being sent <sup>in 2/85</sup> by Shepway District Council's Secretary & Solicitor with replies to Searches it is stated in the first paragraph:-

"I have to inform you that the Sandgate area and particularly Encombe has been subject to erosion and landslides over a period of centuries. The most notable record of this instability was the last major movement in the Encombe area in 1893 when an extensive landslide took place."

All the houses and vacant plots on the Encombe estate with the exception of Nos. 20-23 lie within the area of the 1893 slip.

Recent Ordnance Surveys show that houses on the lower part of the estate have moved two metres to the south since they were built, in 1963 and since. Coastguard Cottages rebuilt after the 1893 slip have in some cases moved three metres.

The 1893 photographs in the Library show severe movement along the line of the slip in an arc above No. 17 as follows:-

To the NW - on "Back Drive" just east of the Dovecot.

To the N - along the SW corner of the old Encombe house verandah.

To the NE - across the Encombe Carriage Way at about the present "New Road" junction.

In 1966 further substantial movement took place at the same places on this same arc as follows:-

The Dovecot collapsed, it is believed on 30.10.1966.

Encombe House terrace sank 2ft on 29.10.1966.

The "New Road" Junction collapsed on 29.10.1966.

The plot of No. 17 lies within this arc and below its mid point.

The results of the observations carried out since 1978 on the new drain are not known but the crack across the Encombe Carriage Way at the "New Road" junction continues to open after each repair, albeit more slowly since 1978.

In Folkestone Town Clerk's letter of 18.2.70 Ref. TC/C/319/1/B he quotes Mr. Muir Wood of Halcrows, the Corporation's consulting engineers on:-

Piles. But as movement in Bore Hole No. 2 took place 80 or 90 feet below the surface, this is perhaps academic. Provision for re-alignment of the structure relative



(2)

to its foundations and of flexible mains. This means provision for jacking up or down and must infer the use of an entirely wooden house.

Effect on properties adjoining. Mr.Muir Wood's remarks under this heading refer to Plots 25, 30 & 31 some 80m east of No.17 but all inside the areas of the 1893 & 1966 slips. Mr.Muir Wood should be asked to say whether his comments on Plots 25, 30 & 31 apply also to the plot on which it is proposed to build No.17.

If the stipulations laid down by Halcrows in respect of No.17 are adopted and enforced by Shepway will they indemnify owners of nearby properties against loss due to earth movement resulting from the building of No.17?

It is suggested that whatever the results of the 1978 drain the stability of the ground must still be marginal. Excavation with heavy machines and their attendant vibration followed by the superimposition of a heavy-y load of building materials in the construction of a traditional house in breeze and brick on a heavy raft of concrete and steel (which could not be levelled if it tilted due to uneven subsidence) would constitute a foolhardy risk to both No.17 and nearby properties.



## SANDGATE LIAISON COMMITTEE

January 1st 1976

Dear Sir/Madam,

At the public meeting of 17th December, concerning earth movement at Sandgate, the consensus of those present favoured, in principle, advantage being taken of Ministry, County and District Council contribution towards the cost of work designed to improve conditions.

The Council strongly urge affected owners to participate to increase the likelihood of this work being done. It is not possible at this time to be precise about the costs to each owner.

A Liaison Committee has been established to:

1. Inform affected persons of the Council's proposals
2. Inform the Shepway District Council of the views of affected persons
3. Ensure that any questions raised receive appropriate replies

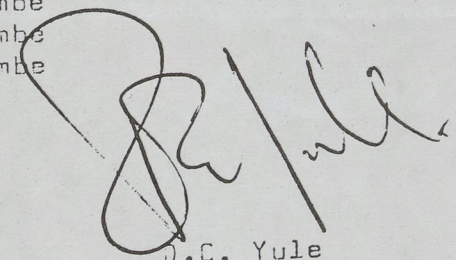
At the committee meeting of December 18th, it was resolved that a letter would be distributed to all affected owners, indicating an intention to canvass the views of all those who have not expressed approval in principle, to ensure that they are aware of the proposed scheme, obtain replies to any queries and to discover objections to the scheme, if any.

A list of some of the views so far expressed is enclosed.

Further information may be obtained from the committee members:

David Yule  
B. Bushell  
C. Bryant  
Mrs. D.D. Elliott  
R. Godden  
Don Yule

14 Encombe      telephone 39443  
25 Alexandra Gardens  
137 Sandgate High Street  
4 Encombe  
22 Encombe  
20 Encombe



D.C. Yule



Mr. Davies, 145 Sandgate High Street suggested that contributions should be based on rateable values and enquired if old age pensioners would be allowed to repay over an extended period of years as in the case of charges for Private Street Works. He also stated that, in his opinion, the problem was general, rather than localised.

The Chairman, in reply, stated that the Council would be prepared to consider accepting payment by instalments in cases of hardship.

Mr. Jenkins, Steamer Cottage, speaking on behalf of 20 residents, 12 of whom were householders, stated that they were very aware of the trouble at Encombe and worried. They had anticipated the Council's approach by holding their own meeting at which it had been agreed that they were prepared to pay a sum subject to satisfactory replies to the points listed below, and that as it was impracticable for residents to arrive at a cost between owners, they considered that the Council should recommend individual amounts to be paid.

1. If the costs of the works escalated, would the contribution stand?
2. Was there any protection after the work had been completed?
3. Was it true to say that if there were to be no contribution from residents, a Ministry grant would not be made?
4. After the work was completed, was it the Council's intention to allow further development at Encombe?

The Chairman replied as follows:-

1. He considered that the Council, having accepted a contribution, would stand by their decision.
2. On completion of the scheme, the works would have to be maintained by the Council.
3. Not true (to that extent, the position mentioned in paragraph 2 of letter of 1st July is no longer correct), but the Ministry advised the Council to seek contributions from those who benefit, before submitting a scheme for grant approval.
4. Yes, but only where planning approval had already been given.

At this point, the Consultant Engineer referred to his Company's proposals stating that they had had more difficult problems to solve in other parts of the country as well as the particular construction of remedial works at the East Cliff Warren in 1948/1949 and that the measures they had taken there had proved successful. However, he pointed out that, on completion of a scheme at Encombe it could not be expected that no earth movement would continue to occur. It would not mean that the problem would be solved overnight; some earth movement would continue for a time.

Mr. Bryant of 137 Sandgate High Street asked if there is no decision what would happen to the sea wall and Trunk Road?

In reply, it was stated that the Department of the Environment was responsible for the maintenance of the Trunk Road.

Mr. D. Yule, 20 Encombe - What are the chances of the two schemes being successful?



In reply, the Consultant referred to the drain constructed after the 1893 slip saying that this drain had provided drainage of the area for many years until the drain fell into disrepair. The two alternative schemes now proposed were selected as the most suitable for this particular problem, after detailed investigations had been carried out and either of the schemes were designed to provide a cure to the Encombe problem.

Mr. J.P. Medlicott, Solicitor (Messrs. Frederic Hall & Co) - Stated that he was representing several property owners who were generally in favour of a scheme. Their view was that the scheme should go ahead and they were prepared to make a reasonable contribution. He also emphasised the fact that if the problem was shelved for another five years, costs would increase substantially as they had done in the last five years.

He then remarked as follows:-

1. His clients wished for some guidance from the Shepway District Council as to the basis of apportionment.
2. He considered that there was an apparent reluctance to become involved in what he saw to be a complex secretariat exercise.
3. He suggested that a Liaison Committee be formed as a pressure group only; anything else would be asking too much because of administrative difficulties.

The Chairman, in reply, stated that the Council wished for a decision in principle by the owners themselves before they became involved and prior to their consideration of a scheme for ultimate submission to the Department of the Environment.

A vote was then taken, which resulted in a majority agreement for support in principle to a scheme being submitted by the Council and for private contributions to be made by the owners involved; see also Appendix A.

Mr. David Yule was then appointed Chairman of a Liaison Committee; the Council officials and consultants thereupon withdrew to enable that Committee to continue their discussion amongst themselves, and to decide progress towards the matter in hand, namely, the making of contributions by the optimum number of residents.

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## SANDGATE LIAISON COMMITTEE

## Views so far expressed:

1. Many owners have recognised the advantages of work being carried out to improve the safety margins concerning land stability in the affected area. These include:
  - i. Enhanced property values
  - ii. Likelihood of improved mortgage facilities
  - iii. Less resistance to sales of property to prospective purchasers.
  - iv. Reduced inconvenience due to breakdown of services
  - v. An actual reduction in damage to property
2. Although it is recognised that the present owners have in no way contributed to the conditions which result in the present instability, many owners feel it would be worthwhile to contribute to the cost of any work done that results in improved safety margins.

Of those whose views have so far been sought, and who agree in principle, final judgement is reserved until a precise cost to them is stated, and an understanding resulting in affected persons sharing the costs equitably.
3. A strongly held view is that the situation has deteriorated as a result of insufficient vigilance on the part of various authorities, and therefore the cost of any work done should be at the expense of the communal exchequer, and not fall particularly on the owners of property in the affected area. This view is especially prevalent where property is not directly affected, and the reduction in rates is considered reasonable compensation for the inconvenience experienced.
4. Many in favour of work being carried out have indicated an acceptance that individual costs would be related to rateable values. There are those, however, who have already incurred costs related to special designs intended to minimise the known difficulties - in particular, the installation of land drains on their own property.
5. It is thought that more people would indicate approval if their financial liability was clearly stated (for example, £10,500 divided by 70 contributors, resulting in a flat rate of £150 per affected owner). Still more if there was some clear guaranty that such work would be effective.

For some owners, the once mooted possibility of a charge against property (similar to that levied when a road is adopted) as a method of payment, represents the difference between acceptance in principle, and rejection. (The Council has no authority to make the cost of the work a charge on the property, however, the Council is prepared to consider allowing owners, in cases of hardship, to pay for the work by instalments.)



Sandgate Liaison Committee

Views so far expressed

page 2.

6. As, so far, no guaranty has been given that work would necessarily result in total stability, it has been suggested that existing rate reduction should continue until there are reasonable grounds for assuming that the envisaged advantages have been realised.



## SHEPWAY DISTRICT COUNCIL

TELEPHONE 57388 (STD 0303)

POST OFFICE BOX NO. D.R.36

~~XXXXXXXXXXXXXXXXXXXX~~

YOUR REF:

THE CIVIC CENTRE,  
FOLKESTONE,  
CT20 2QY

MY REF: BJ/BB/319/1/5

1st July, 1975.

Dear Sir/Madam,

re Earth Movement at Sandgate -  
Coast Protection Act, 1949

1. On the 20th October 1970 a letter was sent by the Town Clerk of the former Folkestone Borough Council to all residents and interested parties in the Encombe Area which advised that the drainage works connected with the above could, in principle, be carried out under the Coast Protection Act, 1949.
2. The former Council were of the opinion that drainage works, as recommended by their Engineering Consultants, would substantially benefit properties in the Encombe area and that if any works are carried out, owners of properties benefited should contribute towards the cost. There is power in the Coast Protection Act for authorities to obtain contributions by agreement from owners of properties that benefit from such works. The Ministry at that time, considered that it is reasonable for property owners to contribute if the Council undertakes such works and did, in fact, make it a condition for the payment of a grant from Central Government funds.
3. It was left to the Council to fix the level of the contributions and they decided that individual owners should, together, pay 10% of the total cost of the proposed works, together with costs already incurred and consultants' fees, and an approach was made to all concerned. The Council considered that the owners should themselves decide how much each owner should pay, and should consult together to this end.
4. In December, 1970, the former Council considered the response from the owners to the proposal for contributions disappointing and, in view of the lack of support from that quarter, took the view that they could proceed no further with the matter at that time.
5. Following the unusually wet autumn and winter of 1974/75, further signs of movement have been recorded in the form of cracks in the carriageway of Encombe, with resultant damage to the service pipes and cables, broadly confirming the Consultants' views that ground movements are related to rainfall and ground water levels.
6. Shepway District Council has continued to employ the former Council's Consultants who are monitoring the situation and report thereon from time to time. They have submitted a report dated 29th April, in which they draw attention to the recent

/Cont'd....

The person dealing with this matter on my behalf is Mr. B. Jenner Ext. 292

but all correspondence should be addressed impersonally to the Secretary and Solicitor (and the Box No. quoted).



2.

evidence of ground movement in the area and they recommend that additional monitoring equipment be installed subject to the consent of the various owners.

This recommendation was agreed by the Council on 18th June, 1975, subject to the cost not exceeding £1500, which had been allowed for in the 1975/76 Budget estimate.

7. In their report the Consultants also recommended the desirability of carrying out a scheme to obtain some improvement in the conditions at Encombe and suggested that the choice appeared to be between:-

- (a) a deep interceptor drain with cut off wall (as previously suggested) or
- (b) a system of well points to intercept the flow of water.

Since 1969 costs have generally increased by about 2.6 times and estimated costs would now be:-

Well points with supplementary drainage (including allowance for equivalent capital cost of operation and maintenance)	£65,000
--	---------

Deep interceptor drain with cut-off wall	£90,000
--	---------

These figures, together with expenses already incurred by the Council and Consultants' fees which would, as mentioned above, be taken into account in calculating the total of contributions expected by the Council, would raise the estimated total to £80,000 - £105,000.

It appears that the well point scheme may be more favourable than the previously proposed drain scheme.

8. The Ministry has indicated that they would consider an application for grant of approximately 40-45% on the balance of the estimated cost remaining after contributions have been made by private interests.

The balance of cost will be shared equally between the Kent County Council and the Shepway District Council. Therefore, the higher estimate of £105,000 could be met by contributions as follows:-

	£	
10% Contributions by approx. 70 owners of properties as in next paragraph	10,500	20 x 250 = 5000 50 x 100 = 5500
Voluntary Contributions by statutory and other undertakers, say	10,000	
40/45% Grant by Ministry on the above remaining balance, say	38,000	
50% of remaining cost to be shared by Kent County Council and Shepway District Council, say	<u>46,500</u>	
	<u>£105,000</u>	

/Cont'd....



3.

9. This letter is being addressed to

(i) the ratepayers of those properties where

(a) reductions in the rating assessments have been occurred on the grounds of earth movement, or in respect of which appeals for such reductions have been made on those grounds and which have not yet been determined;

(b) they are structurally joined with such properties, or

(c) the owners have already agreed to make contributions

(ii) the owners of those building sites in the area that are available for development

since these would seem to be the properties which would benefit from stabilisation of the area.

(iii) the statutory bodies affected whose apparatus etc., was being frequently damaged by earth movements.

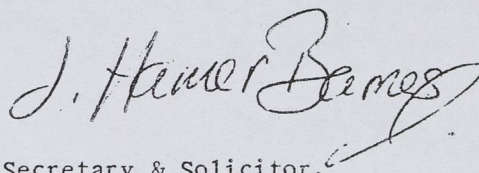
10. If the proposed works were to be carried out, any Local Land Charge enquiry made in respect of your property would contain information to the effect that drainage works had been carried out in accordance with Consultants advice to obtain some improvements in the conditions at Encombe. This would, I suggest, improve the value of the property and make it more acceptable to a possible purchaser.

11. I shall be obliged if you will kindly let me know if you are prepared to contribute to the expenses of the proposed works on the basis outlined above. It will obviously be necessary for you to consult other owners in the area and it would assist matters if representatives of the Council could discuss the matter with the solicitors, surveyors or other representatives of the owners.

I look forward to hearing from you in due course.

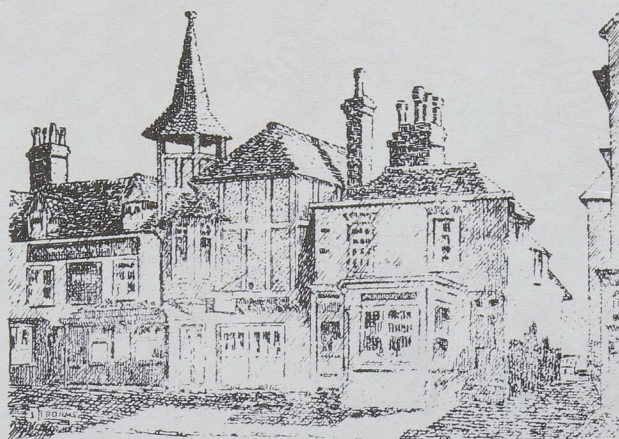
12. If you are not the owner of the dwelling, will you please pass this letter to the owner or his agent.

Yours faithfully,



Secretary & Solicitor.





# THE SANDGATE SOCIETY

*Affiliated to:—*

*Kent Federation of Amenity Societies  
Committee for the Preservation of Rural Kent  
The Civic Trust*

Hon. Treasurer

H.B.Chaplin

Chairman

Mrs.R.E.Greenwall

Hon. Secretary

Mrs.B.A.Kerr

Committee Member for Earth Movement: A.H.T.Todd,

5, Encombe, Sandgate, Folkestone.

Telephone Folkestone 38880.

Your ref:LG1/2/218.

9th December, 1971.

R.G.Adams, Esq.,  
The Department of the Environment,  
Whitehall, London, S.W.1.

Dear Mr.Adams,

## EARTH MOVEMENT, SANDGATE

Thank you very much for your letters of 30th November and 6th December, 1971. I trust you have also received our letter of 14th November with enclosures.

The Society felt when they wrote on the 4th that the applicability of the Coast Protection Act 1949 was no longer at issue and their main purpose was to raise the "other matters" mentioned in your second paragraph. When you offered over the telephone on 24th November to locate and read our letters we believed that if you felt unable to advise on these other matters you would pass the letters to the "right quarter" mentioned on page three of our letter of the 4th-i.e. to the department charged with advising the Minister in cases where it considers enquiry is necessary in the interests of local government.

In view of the fact that fifty owners were in favour of suggesting consideration of a Public Enquiry (See Question 4 on the attached questionnaire) the Society would very much like to have the appropriate Department's views and they would be grateful therefore if you would either pass on the correspondence or let them have the name of the Department concerned so that they may write direct.

In conclusion may I express the Society's very real appreciation of your kindness in reading and replying to their various papers.

Yours very truly,

A.H.T.TODD.



**Department of the Environment**

Queen Annes Chambers

Tothill Street London SW1H 9LEJY

Telephone 01-930 4300 ext 316

A H T Todd Esq  
5 Encombe  
Sandgate  
FOLKESTONE  
Kent

Your reference

Our reference

LG1/Q/218

Date

3rd January 1972

Dear Mr Todd

**EARTH MOVEMENT, SANDGATE**

1. Thank you for your letter of 9 December in which you mention that your main concern is to get consideration of a public inquiry into the question of the upkeep of the 'Latham' drain.

2. I have sought the views both of my colleagues in the sewerage division and also of the Department's legal advisers. Their view is that the question at issue is not one which could be determined at a public local inquiry. Whether the Folkestone Borough Council have a legal liability to maintain the 'Latham' drain can be decided only by the courts.

3. You may wish to consider, therefore, whether your Society should take legal advice in the matter.

Yours sincerely

R G ADAMS



THE DEPARTMENT OF THE ENVIRONMENT



*Ministry of Housing and Local Government*

Whitehall, London sw1

01-930 4300 ext. 316:

6th December, 1971.

Our Ref: LG1/2/218:

Dear Mr. Todd,

Earth Movement, Sandgate

I have now studied your letter of 4th November and the enclosed documents.

I should, I think, make it clear that my professional function in this matter is to apply and administer the Coast Protection Act 1949 insofar as it may be applicable to the situation at Sandgate which you describe. I have no function to advise upon or attempt to resolve other matters, e.g. the problem of the Latham drain, except insofar as it may be relevant to coast protection. I am afraid that you may find this rather frustrating, but nevertheless it is only in this sphere that I am qualified to give you advice.

The Department consider that although drainage works could properly be carried out by the Folkestone Borough Council under the Coast Protection Act 1949 in order to safeguard the existing sea defences at Sandgate from the effects of cliff movement, there is, as a matter of engineering assessment, no present need to carry out such works solely for this purpose. The reason why works have been proposed now, rather than later, is to save private properties from further damage. This is why the Folkestone Borough Council have sought contributions from the property owners. Were it not for the danger to the properties, coast protection works would not have been proposed to be carried out now, since from a purely coast protection standpoint they are not yet necessary.

In this situation the Department would not be justified in advising the council that their duties under the Coast Protection Act 1949 require them to carry out the works as a matter of urgency, or in suggesting to them that they should abandon the claims for contributions which they themselves have evidently decided to be appropriate. It must remain a matter for the council to decide how they should proceed, and we cannot intervene or instruct them what to do.

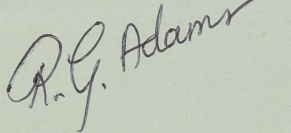
I have noted the various recommendations in the report which accompanied your letter. It appears to us unlikely that any more detailed geophysical survey would show a need for the carrying out of the comprehensive scheme of works outlined, either in preference to, or additional to, the drainage scheme which has already been agreed in principle. I must repeat, however, that it is for the Folkestone Borough Council, as the coast protection authority, to decide in the first instance what works should be carried out and also when.

A. H. T. Todd, Esq.,  
5, Encombe,  
Sandgate,  
Folkestone,  
Kent.



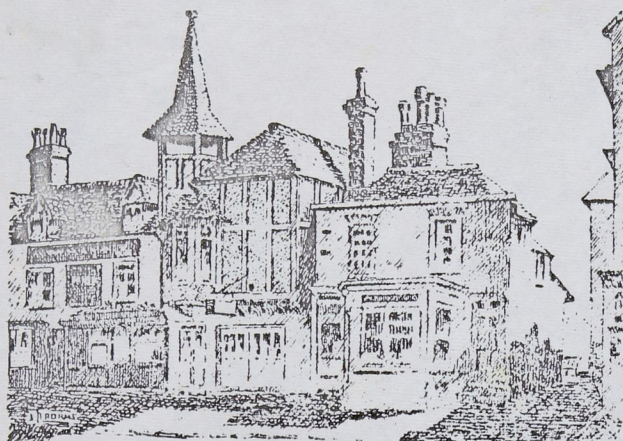
If you wish to pursue the matter, I think that you would be well-advised to consult a solicitor. However, I have no desire to remain detached from your problem insofar as it has a bearing on coast protection, and if you feel that it would help you I am quite ready to see you here by appointment. I should, however, make it clear that in my view, no amount of discussion is going to alter the essential nature of the position as I have explained it in this letter.

Yours very truly,

A handwritten signature in dark ink, appearing to read "R. G. Adams", with a long, sweeping horizontal stroke extending to the right.

R. G. ADAMS





# THE SANDGATE SOCIETY

*Affiliated to:—  
Kent Federation of Amenity Societies  
Committee for the Preservation of Rural Kent  
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Hon. Treasurer

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Chairman

Mrs.R.E.Greenwall

Hon. Secretary

Mrs.B.A.Kerr

Committee Member for Earth Movement:

A.H.T.Todd,

5, Encombe, Sandgate.

Telephone Folkestone 38880.

4th November, 1971.

The Secretary of State for the Environment,  
The Department of the Environment,  
Whitehall, London, S.W.1.

Dear Sir,

## EARTH MOVEMENT, SANDGATE

*Copy No. 10*

The Sandgate Society represents from amongst its members some fifty house owners in Sandgate who are unable to sell their houses because of a warning letter on earth movement issued to prospective buyers' solicitors by Folkestone Council. As a member of the Committee I have carried out research into the matter on behalf of the Society and a report containing the results was passed to the Town Clerk on 21st September, 1970. The Committee feel, however that, in view of the matters mentioned in the attached notes, misunderstanding may still exist and they have directed me to write to you as follows and to enclose a copy of the report, which I attach.

The owners objection to paying the contributions towards a Coast Protection Scheme demanded by the Council is based on the fact that after the 1893 landslip, which affected half a mile of Sandgate and not merely the 900ft to which the Council confine their consideration, the Sandgate Local Board laid a deep drain along the fault lines of the slip to prevent a recurrence and after considering means of payment out of the rates including an Act of Parliament accepted a donation to cover the cost from the Relief Fund. The Fund had NOT been launched to pay for the drain but had done much better than expected and the Trustees took the view that if the cost of the drain were put on the rates the Fund would have to help owners to pay the increased rates and therefore might as well pay for the drain in the first place. This was done. The drain was put in by the Local Board but no powers were taken over it and it has not been maintained.



(2)

When the development of Encombe began in the early 1960s the Council after hearing on site the warnings of their engineer stipulated a report by soil mechanics specialists. The two-year old report which they accepted was addressed neither to them nor the developers. It warned against building over 1893 cracks and made eight references to the 1893 landslip and six references to the consulting engineers' report of 1959 to the then owners of Encombe. This last contained an alarming list of recent movement at Encombe. The bare stipulation was quoted to a varying extent on some search forms. When the consultants' report of 1967 was received the Council felt obliged to make its contents known to persons interested-i.e. to prospective buyers. Owners feel that not to give equal publicity to both reports which, to a prudent buyer, were equally alarming, was to favour the developers and they further point out that the Council's building inspectors allowed five houses to be built over 1893 cracks.

Correspondence with the local authority has been bedevilled by their persistence in referring to the area as "the Encombe Estate". The Town Clerk has supplied us with a map showing which properties are subject to his warning letter and this shows clearly that the fifty one houses involved are made up of nineteen new houses ON Encombe and thirty one old or very old houses in the village and NOT on Encombe. To bracket these under the heading "Encombe Estate" suggests a large entity and perhaps a sole interest and is totally misleading.

Briefly, the history of the recent development of Encombe is as follows. A consortium of local builders bought Encombe house and grounds, laid out the carriage ways and main sewers and then sold off the land in individual building plots to private domestic buyers with full permission to employ such architects and builders as they chose. Only three or perhaps four houses were built by members of the consortium "on spec". All the others were built privately for their own occupation by persons who had bought plots. The Society maintains they are "private interests" exactly as intended to be defined in line 5 of paragraph 2 of Ministry of Housing and Local Government Circular No.41/62 of 20th August, 1962, that they are not substantial properties of the type identified by the examples in paragraph 5 and that the only private and commercial undertaking involved as a sole interest was the consortium of builders whose interest ceased when they sold the land and whoseliability under paragraph 6, if any, could not be transferred to private buyers without due entry in the Land Register.

On these grounds owners feel that they should not in equity be asked to contribute to the cost of relaying the neglected drain and that any local share of the cost should be met from the rates-the source from which the cost of proper maintenance over the years would have been met if it had been carried out.

In the circumstances summarised above and dealt with in detail in the attached report the owners object on principle to being asked to contribute and they point out that in any case the slip they were asked to sign amounted to a blank cheque with no upward limit and no undertaking that further demands would not be



(3)

made in the future. They feel that as many of them are retired folk with perhaps much of their resources tied up in houses they can neither sell nor mortgage it is not just that they should have to embark upon an astronomically expensive law suit in order to make the local authority perform its duty and they refuse to believe that, once the true facts are made known in the right quarter, assistance will not be forthcoming to set an end to their prolonged distress. As the Society said in their letter of 12th November, 1970 to their M.P., Mr. Costain-

"The Society would draw your attention to the fact that although some owners have suffered damage to their properties amounting to perhaps one or two thousand pounds, none have asked for compensation. They seem content to ask for the relaying of the drain without charge and the Society considers this proof of reasonableness and costly realism."

I shall of course be happy to wait upon you as you may direct.

Yours truly,

*A. H. T. Todd*  
A. H. T. TODD.

*See 125/25 para 3*



(1)

NOTES

1. The Town Clerk in his letter of 20th October, 1970 to owners affected said at paragraph 4

"The Council consider that the total of such contributions from individual owners should be 10% of the total cost of the proposed works, together with costs already incurred and consultants' fees....."

and at paragraph 5

"The estimated cost of the works is not yet known. The Council's consultants have referred (inter alia) to two drainage schemes....one costing about £10,000...and the other costing £35,000.

On 29th October, 1970 an owner wrote the Town Clerk asking if the additional work outlined in paragraph 3 of the Ministry of Housing and Local Government's letter of 23rd April, 1970 was to be included in the work towards the cost of which the owners would be expected to contribute 10%. The Town Clerk replied-

"...the Council regard the works suggested by Halcrows and the Ministry as works necessary to improve the stability of the land in the area and, in my view, expect the residents to contribute towards the total of such costs..."

The Town Clerk in his letter of 6th November, 1970 to owners affected said at paragraph 11-

"...the Council...sought further advice from Messrs. Halcrows, who recommended the carrying out of a drainage scheme, towards the cost of which the owners of the properties benefitted, are now being asked to contribute."

and at paragraph 16-

"The appropriate committee of the Council will be meeting on 23rd November next to consider replies to my letter to you of 20th October. I shall therefore be glad if you will kindly let me know by Monday, 16th November next, whether you are prepared, in principle, to contribute to the cost of the scheme as mentioned in my letter."

The slip attached for signature and return read-

"I agree/do not agree to contribute to the cost of a Coast Protection scheme in accordance with the Town Clerk's letter to me of 20th October, 1970."

2. The Ministry of Housing and Local Government's letter to the Town Clerk of 23rd April, 1970 directed his attention to the Council's powers with regard to seeking contributions-no more.

To page 2.



(2)

NOTES (Continued)

3. In paragraph 2 of the same letter the Ministry said-

"In the light of <sup>the</sup> information obtained by the Inspector..."

On his visit to the area on 14th January, 1970 the Inspector did NOT view the southerly wing of the road called Encombe on which were situated, with the possible exception of No.19 which had severe damage in its terrace made good about that time, ALL the new houses in the area which showed signs of damage. This damage, clearly visible and obvious from the public footpath, was serious, including as it did one house which had moved some inches from its adjoining garden wall and another in which the paved area outside the front door sloped steeply into the porch due to the house having sunk by a like amount. The Town Clerk had given me to understand that he had asked for me to be allowed to meet the Inspector, but the party did not call.

4. On 18th August, 1970 the Highways and Watch Committee resolved (Minute 38) that they

"..were in agreement with the Ministry of Housing and Local Government that if a scheme were made under the Act, the owners on the Encombe Estate should contribute to the costs".

5. On 23rd September, 1970 the Ministry of Housing and Local Government said in a letter to the Town Clerk, last paragraph-

"On the basis of the information given by the Council it would seem reasonable that the property owners should be asked to contribute..."

On 20th October, 1970 the Town Clerk said in a letter to owners at paragraph 3-

"The Ministry consider that it is reasonable that property owners should be asked to contribute..."

On 6th November, 1970 the Town Clerk said in a letter to owners at paragraph 14-

"The Borough Council and the Ministry consider that it is reasonable that the owners benefitted by the proposed works, should contribute to the cost."



Enclosures: -

Main report - long 10.  
101/2 to 101/12

49

Incident Map -

Concise History

125/2

125/1B.



125/61



# THE SANDGATE SOCIETY

Affiliated to:—  
Kent Federation of Amenity Societies  
Committee for the Preservation of Rural Kent  
The Civic Trust

Hon. Treasurer  
Mr. H.B. Chaplin

Chairman  
Mrs. R.E. Greenwall

Hon. Secretary  
Mrs. B.A. Tenn  
Somerville Lodge  
Sandgate Esplanade  
Folkestone Kent

PERSONAL

25 October 1971

Sir Henry Jones  
Chairman, The Gas Council  
59 Bryanston Street  
London W.1.

Dear Sir

## EARTH MOVEMENT AND GAS ESCAPES IN SANDGATE

I am directed by my Committee to draw your attention to the situation existing in Sandgate where there have been since October 1966 30 leaks or fractures in gas mains of up to 8" diameter. I attach copies of the Society's records as periodically passed to Folkestone Corporation from which you will see that in addition to the 30 gas failures there have been 47 failures in other public utilities, making a total of 77 in five years (Ex.101/12). The Society attributes the majority of these to earth movement.

In 1893 there was a landslip in Sandgate which damaged 68 houses, 24 of them beyond repair. The Local Authority, the Sandgate Local Board, laid a deep drain to prevent a recurrence but this has not been maintained.

In October 1966 fresh movement began. Consulting Engineers to Folkestone Corporation, who took over Sandgate in 1934, advised relaying part of the drain at a cost of some £40,000. The appropriate Ministry in London agreed that this was work of a type which, in principle, could be carried out under the Coast Protection Act 1949. Folkestone Corporation as the local Coast Protection Authority asked some 60 house owners whose houses varied in value from perhaps £2500 in the case of very old small properties to £16,000 in the case of large new properties to sign a slip agreeing between them to contribute

/continued.....



/continuation

- 2 -

10% of the approximate total, the owners to agree amongst themselves on each individual owner's contribution. The slip did not contain any upward limit to the amount the person signing it might be committing himself to pay and as such was held by the majority to amount to a blank cheque. For this and other reasons fiftyfour persons did not sign. Folkestone Corporation thereupon resolved last December to take no further action "at this stage".

The Committee feel that the large and deep cracks and cavitation caused by the earth movement and the associated fractures of gas mains may lead in Sandgate to an occurrence combining the features of both the Aberfan and the Clarkston disasters. But whereas at Aberfan and at Clarkston there was no precedent, in Sandgate the authorities have been made continuously aware over a period of years of what had happened in the past, was again happening and is still happening. The latest incident involving a gas escape was the fracture of a 4" main nine days ago.

Yours faithfully,

*Barbara A. Kerr*

(Mrs.) B.A. Kerr  
Hon. Secretary

Copies for information sent to :

SL 125/66 — A.P. Costain Esq., M.P.

N.C. Scragg Esq., LL.M., Town Clerk, Folkestone



125/63

THE GAS COUNCIL

59, BRYANSTON STREET

MARBLE ARCH, LONDON, W1A 2AZ.

01-723 7030

FROM

SIR HENRY JONES, K.B.E.  
CHAIRMAN

26th October, 1971.

Dear Madam,

I have received your letter dated 25th October, but as all the matters which you mention about gas are the concern of the South Eastern Gas Board I have sent it to the Chairman of that Board, Mr. R.N. Bruce, at Katharine Street, Croydon, and have asked him to write to you.

Yours faithfully,

*Henry Jones*

Mrs. B.R. Kerr,  
Hon. Secretary,  
The Sandgate Society,  
Somerville Lodge,  
Sandgate Esplanade,  
Folkestone, Kent.



125/64

DUP. OF

(13/4)

Alex Bruce is CHAIRMAN

lcn

SOUTH EASTERN GAS BOARD

KATHARINE STREET  
CROYDON  
CR9 1JU

Telephone : 01-888 4466

CHAIRMAN'S OFFICE

27th June, 1969.

Dear Mrs. René-Martin,

I am afraid your letters have fallen between two stools as they were addressed to the South Eastern Gas Board at the Gas Council's address. Our address is of course as above.

It is quite true to say that we have had a number of incidents in the particular area of Sandgate to which you refer. I think it would be fair to say that they are more than normal and could be attributed to ground movement. Figures of incidents since January, 1966, are:-

10 fractures.  
20 leaking joints.

Yours sincerely,

R N Bruce

Mrs. L. René-Martin,  
Flat J,  
4, Oxford & Cambridge Mansions,  
Old Marylebone Road,  
N.W.1.

28/6/69-19/10/71 -15.



## SOUTH EASTERN GAS BOARD

KATHARINE STREET  
CROYDON  
CR9 1JU

Telephone: 01-688 4466

CHAIRMAN'S OFFICE

28th October, 1971.

Dear Mrs. Kerr,

As you know, Sir Henry Jones, Chairman of the Gas Council, has passed to me your letter of the 25th October.

In the summer of 1969, at the request of Mrs. Rene-Martin, we provided her with some figures on incidents of fractures and gas leaks in Sandgate.

Frankly I am not clear as to why you have written to our Industry, as I think you will agree that when leaks have been identified in any part of our Area we take immediate steps to rectify them, and I am sure that this has been done in the case of those which have been reported to us in Sandgate.

I am sorry that the Folkestone Corporation have not accepted the suggestions of your Society as to how earth movement should be dealt with, but I do not see how we can help you in this matter.

Yours sincerely,

*R. N. Bruce.*

Mrs. B.A. Kerr,  
Hon. Secretary,  
The Sandgate Society,  
Somerville Lodge,  
Sandgate Esplanade,  
Folkestone, Kent.





# THE SANDGATE SOCIETY

*Affiliated to:—  
Kent Federation of Amenity Societies  
Committee for the Preservation of Rural Kent  
The Civic Trust*

Hon. Treasurer

H.B.Chaplin.

Chairman

Mrs.R.E.Greenwall.

Hon. Secretary

Mrs.B.A.Kerr.

Committee Member for Earth Movement:  
A.H.T.Todd,  
5, Encombe, Sandgate.  
Telephone Folkestone 38880.

28th January, 1972.

R.N.Bruce, Esq.,  
Chairman,  
South Eastern Gas Board,  
Katharine Street, Croydon, CR9 1JU.

Dear Sir,

## EARTH MOVEMENT, SANDGATE

Further to our letter of 25th October last to Sir Henry Jones, passed by him to you, we now enclose Ex.101/13 and Ex.101/14 giving details of subsequent Public Utility failures.

You will note that these include four further gas escapes.

The Society has always felt that in view of the cracking of the ground and of concrete floors and the cavitation which result from the movement which causes the escapes sooner or later an escape with serious consequences must occur. Incident No.71 would seem to indicate that these fears are well founded.

Yours truly,

*A.H.T. Todd*  
A.H.T.TODD.

Copied for information to:  
A.P.Costain, Esq., M.P.  
The Town Clerk, Folkestone.



## SOUTH EASTERN GAS BOARD

KATHARINE STREET  
CROYDON  
CR9 1JU

Telephone : 01-688 4466

CHAIRMAN'S OFFICE

31st January, 1972.

Dear Mr. Todd,

Thank you for your letter of  
the 28th January giving further details  
of earth movements at Sandgate.

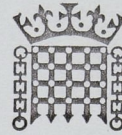
Yours sincerely,

*R N Bruce*

A.H.T. Todd, Esq.,  
5, Encombe,  
Sandgate,  
Kent.



From ALBERT P. COSTAIN, M.P.



HOUSE OF COMMONS  
LONDON, SW1

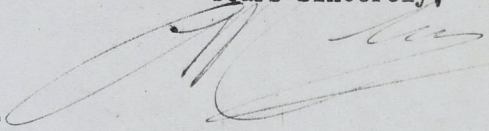
October 28th, 1971

Dear Mrs. Kerr,

Thank you for sending me a copy of your letter to the Chairman of the Gas Council.

I was not aware of the cracked gas mains but after all the trouble I took to persuade the local authority to take action about the earth movement at Sandgate, it is a matter of regret to me that those most affected were not prepared to pay what I considered to be a reasonable contribution to safeguard their properties. *See 125-67*

Yours sincerely,

  
Mrs. B. A. Kerr,  
Hon. Secretary,  
The Sandgate Society,  
Somerville Lodge,  
Sandgate Esplanade,  
Folkestone, Kent.

SEE 125-67  
for analysis of  
extent to which  
Costain made  
aware of gas  
escapes.



125/38

H.B. Chaplin

Mrs. E.B. Greenwall

Mrs. B.A. Kerr  
Somerville Lodge  
Sandgate Esplanade  
Folkestone 38694

7th December 1970

Dear Councillor Martin,

EARTH MOVEMENT, SANDGATE

The Committee have asked me to write to you on behalf of the owners of affected properties in Sandgate before you are asked to consider, on Wednesday next, Minute No. 87 of the Finance & Establishment Committee of the 23rd November 1970. 9/12

The Owners have indicated that they wish the Sandgate Society to act for them and the Society has made it clear that they were prepared to do so and would obtain a proper mandate. The Council has however preferred to write direct to the owners. No discussion of the Coast Protection scheme has ever taken place between Councillors and owners or their representatives. The Society feels that in a matter of such importance to fifty of their rate-payers in which the Council themselves were making it impossible for those rate-payers to sell their houses it should have been possible for owners or their representatives to meet Councillors on the site and put the owners' case. The Society is still prepared to hold such a meeting which they feel might go a long way towards removing the very apparent misunderstandings which at present prevail.

If however the Council are not disposed to hold general discussions on whether contributions should or should not be asked for, the Society suggests they hold discussions dealing particularly with the form of the agreement to contribute. The Committee feel that if presented with a more practical form of agreement it is possible owners might change their minds and respond favourably.

/continued.....



/Continuation.....

- 2 -

The Town Clerk's letter of the 6th November last asked owners to sign a slip agreeing to contribute an unspecified sum with no upward limit and no undertaking that there would be no further demands in the future on the strength of the one signature. Bearing in mind the frequency with which large engineering ground works encounter unforeseen difficulties leading to great increases in cost, the owners felt unable to commit themselves. The figure of £60 to £70 quoted in the press has not been officially confirmed and clearly takes no account of greatly differing rateable values or the fact that the shares of any who did not contribute would, under the Town Clerk's scheme, have to be borne by the others.

The Society would like to have the opportunity to discuss with Councillors the case against contributions but if this is not acceptable they feel the contributions scheme, having been put forward, should at least be given a fair trial.

Yours sincerely,

(Mrs.) Barbara A. Kerr,  
Hon. Secretary

Councillor S.B. Martin, O.B.E.,  
31 Bybrook Field  
Sandgate  
Folkestone



*See also 125/5/28 125/2/23 para 2. Copied to Mr. Manton. 2/12/70. 125/27.*

The Society understand that Mr. Costain has copied his letter of 9th November to all householders concerned and they feel obliged therefore to do the same with their reply. They feel that their circular of 10th November still applies.

SANDGATE SOCIETY

Somerville Lodge,  
Sandgate.

12th November, 1970.

Dear Mr. Costain,

Earth Movement, Sandgate

Your letter of 9th November, 1970 has been placed before the Committee and I am instructed to reply as follows.

The Society seek to point out to the authorities the moral justice of the claim that the drain should be re-laid at no cost to the owners who have suffered. They feel that the Coast Protection Act 1949 and Ministry of Housing & Local Government Circular No.41/62 of 20th August, 1962 provide the authorities with the means of doing so and they have been given no explanation by either the Town Clerk or the Ministry of how any request for contributions from small private interests can be considered appropriate under section 5 of the above circular. The Society would draw your attention to the fact that although some owners have suffered damage to their properties amounting to perhaps one or two thousand pounds, none have asked for compensation. They seem content to ask for the relaying of the drain without charge and the Society considers this proof of reasonableness and costly realism.

As regards your third paragraph, I am afraid we must contradict you here. After our representatives had met you on the 18th of September, a Friday, they took the first opportunity to call at the Civic Centre, on Monday 21st September, and they saw Mr. Salt, the Deputy Town Clerk. It was suggested to him that discussions between representatives of owners, bearing a proper written mandate signed by each owner, and a small number of representatives of the Local Authority might well be more profitable than another of the meetings with all owners present such as had been held on three previous occasions. Mr. Salt agreed. The Society's representatives left with the definite impression that they had made very clear indeed their desire to co-operate and to make a genuine effort to get the matter finally settled. Nothing further whatsoever was heard from the Council until 21st October when an owner gave to the Society a copy of the Town Clerk's letter of 20th October. This was NOT copied to the Society.

The Society were disappointed that their approach to the Council had been ignored by the Town Clerk and that he had made no mention of it in his letter. They were surprised to see that this letter did not invite general discussion of the scheme as a whole but instead dictated terms under which owners must pay 10% of the total cost of the "proposed works". This total was stated to be £35000 plus. The Town Clerk did not mention whether the cost of the Ministry's suggestions in the third and fourth paragraphs of their letter of 23rd April, 1970 (Ref.LG1/Q/153) relating to beach-feeding and the possibility of the Council's taking over the Latham drain which extends some 1600 ft to the west of the Encombe estate were to be included in the total cost. Clearly such works could push the cost up to very much more than the £35000 mentioned. There was no undertaking that the proposed contribution would be a "once and for all" payment and no mention of any upward limit.

The Society could not have attended discussions of any sort without first obtaining a proper mandate and Mr. Salt fully endorsed this view, but in view of the terms of the Town Clerk's letter of 20th October making clear as it did that discussions were to be concerned only with the machinery of payment, the Society felt it must first obtain an indication of how many owners were prepared to contribute. If the number proved to be small the Society would clearly have no mandate to discuss methods of apportioning contributions. Three degrees of willingness to pay were incorporated and the wording was chosen in a deliberate attempt to be honest and fair. As you had expressed doubts as to the credentials of our representatives on September the 18th, the opportunity was taken to include questions designed to ascertain owners' views on the approach to yourself. As you will see from the results, owners were not afraid to state their views and the Society considers the figures of value. No pressure either way was brought to bear on owners.

The Society acted in good faith in seeking to carry out your requirements regarding sincere discussions with the Council and they emphatically deny that they ignored your advice. They are unable to see how the answers to their questions can be regarded as a foregone conclusion. They show that only three people are prepared to pay now, that /47...



- 2 -

47 wish the matter contested and that 31 would sooner not have the drain than pay. The very fact that 16 said they would pay if all action failed seems to the Committee to indicate that owners have given thought to the questionnaire and have not been swayed by heriocs. If you feel the answers to questions 3 & 4 concerning yourself are a foregone conclusion then steps will have to be taken to have owners express their wishes in a manner acceptable to you.

On the additional questions you suggest we comment as follows:-

1. Had the owners been kept advised of the progress of negotiations appropriate credit would have been unnecessary. They and the Society were kept totally in the dark.\*
2. Of the more than sixty houses affected some forty-two were built long before the N.H.B. Registration Scheme came into being. As regards insurance most owners had not been told of the risk of earth movement and so had no reason to query the matter with their insurers. When the movement began in October, 1966 insurance companies asked to cover refused point blank on any terms. One well-known company's printed standard policy contains under contingencies covered relating to buildings "Storm, Tempest & Flood excluding destruction or damage by Subsidence or Landslip."
3. The Society is glad to have your opinion that it is essential that remedial work is put in hand at the earliest possible moment but feel that to ask such a question of owners, 51 of whom have been for three years unable to sell their houses because of the Town Clerk's warning letter and who have during that period lived in some fear for their personal safety would indeed have produced an answer that was a foregone conclusion. With regard to the second part of your suggested question, many owners had already commented most forcibly on this obvious flaw in the scheme and in view of the clear warning given in our question 1c the Society did not feel it was necessary to labour the point.

The Society has been instructed by fifty-one owners of properties in your constituency to approach you and ask you to obtain justice for them by having contributions waived.

They have also been instructed by fifty owners of properties in your constituency to ask you to consider pressing the Minister to hold a public enquiry into all Local Authority actions since the Sandgate Local Board/Urban District Council laid their drain.

I must therefore ask whether you are prepared to recognise the Society's mandate in these matters and if you are not I must ask you to state for the benefit of those owners what steps they must take in order to bring their grievance to your notice in a manner acceptable to you.

Yours sincerely,

(Mrs.) B.A. Kerr.

Hon. Secretary.

\*Owners are well aware of the facts and consider that being relieved of 90% of an unjust demand does not make a demand for the remaining 10% just. To have drawn their attention to the point again would have been to advise expediency. The Society has tried not to advise.



COMMENTS on Mr. Costain's letter of 19th November, 1970 to the Sandgate Society. Note. It is not suggested that this should be the basis of a reply.

Page 1

3rd para. Para 5 of Circular 41/62 reads as quoted at the top of page 3 of the Concise History. Mr. Costain is quoting the Coast Protection Act, 1949, Section 4, sub-section 2, with little benefit to the discussion.

4th para. Mr. Costain says we claim the examples are exclusive of any other cases. We claim the Minister quoted them to indicate clearly the sort of cases he had in mind. We suggest that had the Minister intended to include cases (private interests) specifically excluded in para 2 of the circular and exactly the opposite of what he was quoting as examples in para 5, he would have said so. We consider Mr. Costain is distorting the circular, rather than see reason.

WE HAVE A  
COPY - SEE  
125-1-c

4th para. Line 6, Mr. Costain mentions the Ministry's letter of 23.9.70 but does not quote it. We ~~have no~~ copy. In line 8 he says "on the basis of the information given to them by the Council". This is the core of the matter. If we accept OUR interpretation of Circular 41/62 then we cannot believe the Minister was in possession of our side of the case when he gave his conditional agreement. Has our main report been given, in full, by either Costain or the Town Clerk, to the Ministry?

5th para. The works are not intended to benefit any owner. They are intended to put conditions back to what they were before the October 1966 slip. Most owners will even then be heavily out of pocket and the damage to their properties can never be fully repaired, especially if they have taken a tilt *for sunb.*

5th para. Line 4. The owners do not accept responsibility for the state of the land. This is solely due to the Council's neglect of the drain laid by their predecessors. If the onus <sup>was</sup> ~~is~~ on owners to make enquiries before purchase, why do the Council <sup>now</sup> issue a warning letter? If it is stated that this is because they <sup>now</sup> ~~are~~ in possession of Halcrows' report of 1969, why did they not do so in 1963 when they were in possession of Halcrows' report of 1960, on which Planning Permission was granted? The warning letter is an admission that the Council have, and had, a duty in the circumstances to warn buyers. If the Council, knowing the history of the area, have no powers to maintain the drain, it is their fault alone. The Town Clerk states in para 3 of his letter of 6.11.70 that the Council are well aware that in 1893 there was a serious major earth movement. This is not something that has only come recently to their notice. We have a photo of a copy of "Special Views of the Sandgate Disaster" bearing the Borough Engineer's stamp dated in the 1930's. From 1934 when they took over Sandgate, Folkestone Corporation have had 36 years to take powers. And during those years there was no excuse for the Borough Engineer not realising that they were urgently necessary. *4 yr. before 1934 or Sandgate owned*

125/18

Page 2 Para 1. The Inland Revenue do not recognise "value" and refused point blank to consider the effect of the Town Clerk's warning letter (in reducing values) when our case for reductions was heard. The Inland Revenue recognise only "amenities". *Reductions in all cases.*



125/25  
Page 2. Para 2. Mr. Costain's letter of 9.11.70, para 3, clearly suggests we sent out the questionnaire ~~INSTEAD OF~~ making an appointment to see the Town Clerk. Now he blandly says he was of course aware of our meeting with Mr. Salt. He does not make the apology so much needed in view of his having copied his letter of 9.11.70 to all owners. The Council should have asked us to obtain an appropriate mandate, as ~~arranged~~ mentioned in the talk we had with Salt.

125/27  
Para 3. <sup>LINE 5</sup> The Society stressed this to Costain when we met him, and to Salt. See para 5 of the Society's letter of 12.11.70 to Mr. Costain.

Para 4. Line 4. On page 1, para 4, Mr. Costain quotes the Ministry's letter of 23.4.70. The queries on beech-feeding and taking over Latham's drain were raised by the Minister in that letter. In para 4 of our letter of 12.11.70 to Mr. Costain we pointed out that the Town Clerk had not mentioned these matters. That we were right to enquire is borne out by the Town Clerk in his letter of 2.11.70 to Mrs. René-Martin, page 2, para 2, in which he states "...the Council regard the works suggested by Halcrows and the Ministry as works necessary to improve the stability of the land in the area and, in my view, expect the residents to contribute towards the total of such costs,..." This was in reply to a query of Mrs. R-M's as to whether the items in respect of which the Ministry's recommendations went beyond those of Halcrows were to be excluded from the total, part of which the residents would be asked to pay.

LINE 5 - "Latham's", (Sunningwell Rd) stipulations. See comments on 12.11.70 page 2, para 15.  
Para 5. 3rd line from end. The Society heard nothing from anyone between the deputation to London in July, 1969 and January, 1970 when there was some ~~communication~~ communication with the Town Clerk over the impending visit of the Government Engineering Inspector. I heard about this as a result of my letter of 15th December, 1969 to the Town Clerk asking for Engineers' comments on my graphs etc. We were NOT kept properly advised, as representatives of the owners. ~~NOR WERE THE OWNERS THEMSELVES.~~

Page 3. Para 1. If the Council fail in their duty to take over the 1893 drain and further fail in their duty when the Folkestone Town Plan is drawn up, and allow the Sandgate area to be scheduled for housing development, then any expenditure arising in putting their neglect right must come from either Councillors' pockets as surcharge or out of the rates. Other rate payers only remedy lies in action against the council for the negligence-NOT for footing the bill for the making good of the neglect. Clearly ALL rate-payers must share the cost of what the Council properly pays. As regards payment if Sandgate had been made an Internal Drainage District, see top of page 2 of our comments on the Town Clerk's letter of 6.11.

Para 2. Line 6. Mr. Costain misunderstands us. The refusal of Insurance companies to cover when asked after the trouble started was not because of the trouble. It was because companies NEVER covered subsidence and landslip. In page 2, para 2 of our reply to Costain of 12.11.70 we pointed out such a clause in a PRINTED standard policy.

Para 3. Owners appreciate it better than the authorities. Would <sup>NOT</sup> "highway robbery" be a better term than "premium"?  
line 7 - for para 2 had made it clear we were after "moral" justice.

Para 4. Question 4 in our questionnaire asked owners if they considered Mr. Costain should be asked to CONSIDER pressing the Minister for an enquiry. Now he IS considering the matter and the Society will be very glad to have his advice.

Let R-M's  
permission  
BEFORE  
QUOTEING.



Page 3. Para 5-last line. The Society has merely conveyed to Mr. Costain a request that he should consider pressing for a Public Enquiry. It is Mr. Costain's duty as our M.P. to advise us on the practical side of such matters. The formal request for an enquiry would have to be made in accordance with the Act governing such matters and would in NO CIRCUMSTANCES emanate from the Society. Any formal steps would require to be taken by one or more citizens as such in a manner defined by the act. There could be no question of the Society paying the costs of the enquiry.



BOROUGH OF FOLKESTONE



YOUR REF.:

MY REF.: TC/C/319/1/4

125/40  
THE CIVIC CENTRE,  
FOLKESTONE.

15th December, 1970

N. C. SCRAGG, LL.M.

SOLICITOR

TOWN CLERK

CLERK OF THE PEACE

TELEPHONE: 55221  
(STD 0303)

Dear Sir or Madam,

Earth Movement: Encombe, Sandgate

With reference to my letter to you of 6th November last, replies have been received from 8 persons agreeing, in principle, to contribute; 14 persons who have refused to contribute and 20 persons who have stated that they are unable to reply until they know the expenditure in which they will be personally involved. 20 persons have not replied.

This matter has been considered by the appropriate Committee of the Council who are disappointed at the response from the owners.

The Council feel that they have acted reasonably throughout the whole matter and consider that it is regrettable that there is so little support from the owners.

At the Council meeting on 9th December, the Council decided that, in view of the lack of support from the vast majority of the owners in the Encombe area, it can proceed no further with the matter at this stage.

Yours faithfully,

Town Clerk.

A.H.T. Todd, Esq.,  
5 Encombe.

469 23/11/70  
L.211

The person dealing with this matter on my behalf is..... the Town Clerk..... Ext. 202

All correspondence to be addressed to the Town Clerk



*copied to C. Martin 21/1/70*

BOROUGH OF FOLKESTONE



YOUR REF.:

MY REF.: TC/C/319/1/4

125/18

THE CIVIC CENTRE,  
FOLKESTONE.

N. C. SCRAGG, LL.M.  
SOLICITOR

TOWN CLERK  
CLERK OF THE PEACE

TELEPHONE: 55221  
(STD 0303)

Enc:

6th November, 1970

Dear Sir/Madam,

re Earth Movement at Sandgate

1. My attention has been drawn, by the Sandgate Society, to a questionnaire and to a document entitled "Concise History of Earth Movement, Sandgate" published and circulated to you by the Society.
2. I should point out to you that the Council do not accept many of the statements contained in the "history" which they regard as incorrect and misleading.
3. The Council are well aware that in 1893 there was a serious major earth movement which destroyed several properties in Sandgate. There was a national appeal by the Lord Mayor of London and, out of the funds raised, a land drain was laid by the then Sandgate Local Board in the Encombe area. Strictly, the Local Board had no statutory power to do this, but clearly, because of the emergency, the work was carried out, presumably, with the consent of the owners of the land in which the land drain was laid. *NDX*
4. Neither the Sandgate Local Board nor its successors, the Sandgate Urban District Council and the Folkestone Borough Council had any powers to maintain the drain which, presumably, was repaired from time to time by the owners of the lands through which it ran. *NDX*
5. The land at Encombe was and still is defined in the Folkestone Town Map of the statutory Kent Development Plan prepared by the Kent County Council (the Local Planning Authority) under the Town and Country Planning legislation for primarily residential and thus suitable for housing development.
6. Prior to about 1960, the land, together with Encombe House, was owned by the Abbey National Building Society, but about that time, they sold the property to Dr. Leader who (presumably because he wished to develop the land) requested a firm of eminent Consulting Engineers, Sir William Halcrow & Partners,

*① Main report to T/C. 21/1/70. Statement in Sabour could give incorrect impression*

The person dealing with this matter on my behalf is..... the Town Clerk..... Ext. 202

All correspondence to be addressed to the Town Clerk



to advise on the question of development of the land for housing purposes. Briefly, Messrs. Halcrows advised that the land was suitable, but recommended that houses should not be constructed on or near to the lines of the 1893 landslip. They also pointed out that continual gradual movements were taking place at Encombe.

7. About 1962, the property was purchased by the Land and Property Development Company (Folkestone) Limited who obtained, presumably from Dr. Leader or his agents, Halcrows' report. The Company laid out building plots on the land and, in the course of development removed a considerable quantity of earth from one part of the site to another. This was done without the consent of the Council and it is incorrect to state that the Council allowed this. There is no power to insert an entry in the land charges register in this respect as is suggested in the "History".

8. The Council gave planning permission for development of the site, having had the opportunity of reading Messrs. Halcrows' report to Dr. Leader. This report belonged to Dr. Leader or the Company (not Messrs. Halcrow) and the Council were not entitled to give copies of it to a householder at Encombe or to other persons. But there was nothing to prevent such persons from seeking to obtain copies from Dr. Leader or the Company or their agents.

9. The Council were not entitled to refuse planning permission for the development of the land, having regard to the Development Plan. In fact, because the Council wished to provide an open space on the Estate, they were required to purchase three building sites at building cost with the aid of Government grant.

10. One matter seems not to be generally recognised and apparently is not accepted by the Sandgate Society, is that a prospective purchaser of a house has the onus of satisfying himself whether there are any physical defects in the property or the land on which it is built as well as with regard to other matters such as title, etc. If he does not do this, he takes the risk of there being defects in the property.

Virtually, all the houses on the Estate are constructed with strengthened foundations which clearly shows that the builders and the architects were well aware of the possibility of earth movements.

11. About three or four years ago, there were earth movements on the Encombe Estate. The Council were under no obligation whatever either legal or moral, to take any action in the matter. However, in the interests of the residents in the area, they considered that they ought to seek the advice of Messrs. Halcrows. Since that time, as you know, the Council have also arranged for test borings to be carried out and sought further advice from Messrs. Halcrows, who recommended the carrying out of a drainage scheme, towards the cost of

*See R.M. of 29/10/10  
to T/C (Enc 125/29) para 2  
STC's meeting of 21/7/12 (125/31)  
para 2.*



which the owners of the properties benefitted, are now being asked to contribute.

12. The Council had no power after the issue of planning permission, to compel the building company at their own expense, to consult Messrs. Halcrows in 1967 and to pay for the cost of the bore-holes and the cost of the scheme as the "History" suggests. (X)

13. In 1968, the Council, following advice from the Ministry of Agriculture, suggested that the Kent River Authority should prepare a land drainage scheme under the Land Drainage Acts. The Solicitor for the Sandgate Society subsequently suggested that the River Authority should declare Sandgate, or part of it, to be an Internal Drainage District, which would have involved the setting up of an Internal Drainage Board who would have levied a drainage rate against the owners and occupiers in the whole of the district. Either scheme would have involved considerable and compulsory expenditure for the owners and occupiers in respect of the construction of the drain and its subsequent maintenance. The Ministry of Agriculture and the River Authority were not in favour of the scheme. One of the Engineers of the Ministry of Agriculture and the Engineer to the River Authority (not the Society) suggested the possibility of the work being carried out under the Coast Protection Act - the appropriate Ministry being the Ministry of Housing and Local Government. This Ministry (who had originally stated that they could find no statutory authority under which the problem at Encombe could be solved) have now agreed to consider a proposal to carry out the work under the Coast Protection Act.

Under this Act, considerable costs would be met by the general body of ratepayers and taxpayers through grants from the Ministry, the County Council and further expenditure by the Borough Council.

14. The Borough Council and the Ministry consider that it is reasonable that the owners benefitted by the proposed works, should contribute to the cost. In coming to this conclusion, account was taken of the circular issued by the Ministry in 1962 abolishing compulsory coast protection charges.

15. The Society's statement in its "History" that "the Corporation consider the whole area, from the east end of the Undercliff to beyond 'Sunnyside' to be dangerous", is untrue. The conditions imposed on planning permissions granted in that area are simply designed to ensure that properties shall have properly designed foundations and that adjoining properties will not be affected by the development.

16. The appropriate Committee of the Council will be meeting on 23rd November next to consider replies to my letter to you of 20th October. I shall therefore be glad if you will kindly let me know by Monday, 16th November next, whether you are prepared, in principle, to contribute to the cost of the scheme

① There was no building company. The developers sold off the plots and buyers employed their own architects and builders.

NO -  
SEE  
125/1-2  
6125/6/3



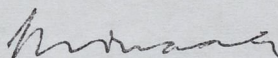
125/21

4.

as mentioned in my letter. For this purpose, I shall be glad if you will kindly complete the attached note and return it to me by the above date.

If I do not hear from you by 16th November, I shall assume that you do not wish to contribute to the cost of the scheme and report accordingly.

Yours faithfully,



Town Clerk.

*Answer posted 13/11/70  
in file*

TO The Folkestone Borough Council  
Civic Centre,  
Folkestone.

Earth Movement at Sandgate -  
Coast Protection Act, 1949

\* I agree/do not agree to contribute to the cost of a coast protection scheme in accordance with the Town Clerk's letter to me of 20th October, 1970.

Signed .....

Address .....

.....

\* Please delete as necessary.



10.11.70

EARTH MOVEMENT, SANDGATE  
COMMENTS ON  
TOWN CLERK'S LETTER OF 6.11.70

Page 1

- Para 3 Line 2 "several properties". 68 were damaged, 24 beyond repair.  
Line 4 "...a..drain was laid in the Encombe area." The whole 1893 slip area was drained. This was some 2500 ft. wide. The Encombe estate is 900 ft. wide. The drain protected some 1600 ft. outside Encombe.  
Line 5 They should have taken powers.
- Para 4 Line 3 Drain was laid in places at depth of 23 ft. How could owners either know it needed repair or repair it?
- Para 5 It should NOT have been so defined.

Page 2

- Para 6 Line 1 Dr. Leader wished to develop as a holiday camp & consulted Halcrows on the siting of 8 or 9 chalets - not on "the question of development of the land for housing purposes".
- Lines 2 & 3. Mr. Scragg does not say why five houses WERE built over the lines of the 1893 slip.
- Para 7 The property was purchased by Land & Property Devt.Co., on 29th September, 1960 - NOT "about 1962".
- Line 6 As is clear from the Town Clerk's para 3 line 1, the Council knew of the obvious dangers of earth moving on Encombe. As they failed to detect and stop the movement of 8000 tons in the wrong direction when they should have done so it is fair to say they allowed it.
- Line 7 The History did not suggest the movement of earth should have been entered on the Register. It said that a note of owners liability to contribute to the relaying of the U.D.C. drain should have been put on the Register.
- Para 9 Lines 1 & 2. This was because they had ignored the 1893 landslip when drawing up the Development Plan.
- Line 3 Our understanding of the position is that, the Council having put a Tree Preservation order on the area, they were required to buy these plots.
- Para 10 The Town Clerk clearly has doubts about the onus being on a prospective purchaser or he would not, in December 1967, have begun issuing his warning letter to prospective buyer's solicitors stating that the Council had "Received from Consulting Engineers a report on the ground movements in the Sandgate area with particular reference to the Encombe Estate Development." He does not explain why in 1963 when he was in possession of Halcrows report of 26th April, 1960 (on which Planning Permission for the Encombe development was based) with its vital warning against building on or near to the lines of the 1893 landslip and its mention of continual gradual movement (see his letter, page 2, lines 3 & 4) he did not pass on to buyers a warning as to its contents.
- Para 11 Those reading the History will reach their own conclusion as to moral liability.
- Line 3 "...in the interests of the residents.." If this was so, why did they not first consult the residents? And why did they not implement their own resolution when the 1967 report came out, to inform residents of its contents?

Page 3

- Line 1 The properties will not be "benefitted". They will merely be restored to approximately the value they had before they were affected by the results of the Council's neglect both of their own drain & of their duty to supervise a development in such a dangerous area.
- Para 12 This baldly states the Corporation had no powers and does not answer the reasoned argument at the foot of page 1 of the History. Halcrows suggestion in the 1960 report that they should be consulted in the event of any increase in the rate of ground movement was clearly a condition of the permission and this being so the Council were obliged to make the developers pay and had no power to charge the 1967 consultation and the bore holes forming part of it to the rates. There might seem to be here a case for surcharge of the persons responsible.

/Para 13...

cf. 125/6/4  
CNC Hist. P.2. Line 7/11  
125/3/3



- 2 -

Para 13 Society's Counsel stated "The expense of an internal drainage board may be met out of a special drainage rate, or they may, by agreement, be met by an amount CONTRIBUTED BY THE LOCAL AUTHORITY equal to the special rate". (Land Drainage Act, 1961. Section 25).

Para 14 The Town Clerk does not explain how twenty owners on Encombe and some  
*NOT SO. -*  
*Minutes do NOT consider*  
*etc. see 125-1-C.*  
 forty outside Encombe can be considered appropriate contributors in the light of the examples quoted by him in his letter of 20th October last, para 2.

Para 15 The Town Clerk denies that the Corporation consider most of Sandgate unsafe. Why then do the following appear in the Minutes on "Latchgate", Sunnyside Road?

15.1.69. "To what extent the development is likely to affect the overall stability of the slipped ground in the vicinity and..."

19.3.69. "The Town Clerk ... reminded the Committee of their concern that any development on the site should not be adversely affected by the soil conditions which were known to exist in that area".

and "... the applicants were just as anxious as the Committee were that the proposed development should not be adversely affected by the soil conditions resulting from the landslide at Sandgate in 1893".

The Minutes quoted in the History regarding the proposed development in the Undercliff refer to

"such other works ... as may be necessary in relation to the site and the adjacent roads, lands, buildings including those in the Undercliff, the Crescent, Gough Road and Sandgate High Street".

From the Undercliff to the nearest point in Gough Road is 600 ft. and to Sandgate High Street about 450 ft. The whole of the centre of Sandgate is clearly thought by the Councillors to be at risk from this development. When the Society says as much, the Town Clerk lumps the many properties in this large area under the title of "adjoining properties" and declares that the Society's statement is untrue.

The Town Clerk makes no mention of the two missing volumes of the Sandgate Local Board/Urban District Council Minutes.

--oOo--



COPIED TO:-

MR. VORLEY (No 0)

MR. COSTAIN (No 3)

(No 1)

FILE CASE (No 2)

(No 4)

170/3 No 2

FILE CASE

OWN COPY

ADVICE

ITEMS DISPUTED - 1/1

8/8

9/10

1. The Facts

PH Acts - 8/8

The area of Sandgate, Kent has been liable to landslips for centuries. In 1893 there occurred a major landslip, as a result of which works were carried out to prevent a recurrence. These works constituted a main drain of a roughly arced shape with five smaller drains leading the water collected to outfalls on the beach. The works were carried out under the aegis of the Sandgate Local Board, though it appears that the cost was met by public appeal. Further minor slips and cracks in the ground occurred between 1893 and 1966. In 1962 planning permission was granted for the residential development of land known as the Encombe Estate. Development proceeded from 1963. Further land movements occurred on the estate, which was by that time developed, in December 1966. At that time and subsequently cracking and fracturing affected the properties in the development, and apprehension is felt at the possibility of a more serious landslip. Four reports are available from Sir William Halcrow and Partners, compiled in 1959, 1960, 1967 and January 1969 respectively. The 1967 report (page 5) recommended a limited site investigation. That has been carried out. It is apparent from the 1969 report, which draws on the results of the investigation:-

(a) that the instability is caused by the drainage properties of the various beds of the soil; (b) that



the best remedy would be the construction of a deep interceptor drain at a cost of £35,000; (c) that some improvement could be effected by the construction of a shallower interceptor drain at a cost of £15,000; (d) that the remedy is in principle similar to that adopted in 1893.

2. The Issues

I propose to advise on the following issues seriatim:-

- (1) Has any public authority a duty to effect the remedial works?
- (2) Have the resident householders any cause of action against the developers of the Encombe Estate?
- (3) Have the resident householders any cause of action against the Folkestone Borough Council who granted planning permission for the development?

3. Issue (1)

The basis of the modern law of land drainage in England and Wales is the Land Drainage Act 1930, which repealed a series of earlier general Acts going back to the reign of Henry VIII. The Act of 1930 has been amended and supplemented by the River



Boards Act 1948 (now replaced by the Water Resources Act 1963) and the Land Drainage Act 1961.

The public authorities having statutory responsibility for land drainage are the following:-

(a) The Ministers of Housing and Local Government and of Agriculture who have joint supervisory and default powers; (b) The River Boards constituted under the Act of 1948. River Boards took over the functions of catchment area boards under the Act of 1930. By virtue of s.5 of the Water Resources Act 1963 the functions of River Boards under the Act of 1948 as regards land drainage were transferred to the river authorities established under that Act. Under Schedule I the Kent River Authority took over the functions of the Kent River Board for the area in question; (c) Internal Drainage Boards set up within the area of a river authority. (d) Local Authorities.

4. I will deal in this paragraph with the relevant functions of the Kent River Authority.

The Authority has power under s.34(1) of the Act of 1930 to maintain and improve any existing drainage works and to construct new drainage works required for the drainage of their area. However, that subsection authorises work by the Authority in relation to the main river only. It would not, therefore, seem appropriate to the present works. By virtue of



s.2(4) of the Act of 1930 the expression "main river" means the river to which the drainage of a river authority is directed.

*Improvement of  
LAND by  
Drainage works  
SEEP & leak*

Section 30 of the Act of 1961 permits the Authority to make a scheme for the drainage of the land and to execute it. The expenses of the scheme are recoverable from the holders of the land to which it relates: s.30(10). The expenses of the scheme must not exceed £20 per acre improved, though the Minister of Agriculture may waive this limit in cases of urgency in the public interest: s.30(4)(c), (11). I understand from my instructions that the Authority are reluctant to implement a scheme under s.30, even though they will not bear its costs. One reason for their reluctance is that the scheme would be different from their usual land drainage functions. The terms "drainage" and "drainage works" are not statutorily defined but in my opinion drainage which prevents the accumulation of undersoil water is as much drainage within the meaning of the Act as drainage which prevents surface water accumulations. If the Authority refuse to implement a scheme under s.30 a complaint may be made to the Ministers (see para.3, supra) who may hold a local inquiry and may direct the Authority to perform its functions: Water Resources Act 1963, s.108.

*See 6.7 Act 30  
Sec. 81  
Drainage =  
defence against  
water*



5. There is probably no internal drainage board for the district constituted under s.1 of the Act of 1930 or constituted under the Land Drainage Act 1861 and continued under s.1(3) of the Act of 1930. However, Catchment Boards under s.4(1)(b) of the Act of 1930 were required to submit schemes for constituting new internal drainage districts and their boards. That function was transferred to River Boards by virtue of s.4 and Sch. 3, para. 3 of the River Boards Act 1948. By virtue of s.5 of the Water Resources Act 1963 the function now devolves on the Kent River Authority. Further, para. 6(1) of Schedule 3 to the Water Resources Act 1963 provides that s.4 of the Act of 1930 has effect as if it empowered a river authority at any time to submit a scheme and required such an authority to submit a scheme when so directed by the Minister of Agriculture. It is, therefore, clear that the Kent River Authority can submit a scheme for the constitution of Sandgate as an internal drainage district with an internal drainage board. This is of crucial importance since the power to construct new drainage works under s.34(1)(c) of the Act of 1930, which, as mentioned in para. 4 supra, is confined to the main river in the case of the River Authority is not so confined in the case of an internal drainage board. An internal drainage board is itself a drainage board for the purposes of s.34.
- River Bd  
may be  
constituted  
by  
Board  
1861-1880*

*See LDP 30-2(5) - Water from land at higher level -  
River Board may contribute.*



In my opinion the best course open to the Sandgate Society is to press for the creation of an internal drainage district for Sandgate. The landslip problem appears to justify it. I note that under s.1(5) of the Act of 1930 the districts to be constituted as drainage districts were to be such districts as would derive benefit or avoid danger as a result of drainage operations, a wording which would apply exactly to Sandgate. Pressure could be brought on the Minister of Agriculture to make a direction under Schedule 3, para. 6 of the Water Resources Act 1963 failing the co-operation of the Kent River Authority, and no doubt Mr. Deedes would be willing to assist here. The creation of an internal drainage district is an alternative to the procedure under s.30 of the Act of 1961. The expenses of an internal drainage board may be met out of a special drainage rate, or they may, by agreement, be met by an amount contributed by the local authority equal to the special rate. This latter course was adopted in Schwehr v Gibbard (1961) 8 R.R.C. 123.

WD 61  
Dec 25

See P. 4  
note  
see 30

6. The functions of local authorities have been enlarged by the Land Drainage Act 1961. Under s.34 of that Act councils of county boroughs and county districts may exercise the powers conferred on drainage boards by s.34 of the Act of 1930 for the purpose of preventing flooding or remedying or mitigating any



damage caused by flooding. That wide power would be apt to cover many of the difficulties caused by bad land drainage. Flooding is not defined in the Acts of 1961 or of 1930. I would expect it to be confined to surface water flooding and not to cover the present problem of saturation of the subsoil. The provisions of s.34 can be brought to the attention of the Borough Council, but there appears to be no power in that Authority to carry out the necessary work. I should add that under s.30 of the Land Drainage Act 1961 the County Council, like the Kent River Authority, has power to initiate a scheme. It would be more appropriate for a drainage scheme to be carried out by the River Authority but in the last resort there is power for the local authority to do it itself.

1961/30(9)  
(page 21)

7. I should mention that the functions I have outlined are in the main permissive powers rather than mandatory duties, e.g. s.34 of the Act of 1930. It is established that when a statutory authority is entrusted with a mere power it cannot be made liable for any damage sustained by a member of the public by reason of a failure to exercise the power, a principle that was applied to Catchment Boards in East Suffolk Rivers Catchment Board v Kent [1941] A.C.74. There is liability for the breach of a positive duty by a drainage authority: see Rippingdale Farms Ltd. v Black Sluice Internal Drainage Board [1963] 3 All E.R.



726 where the duty of an internal drainage board was regulated by a local Act of 1765.

- 93 Drain was the spec<sup>n</sup>
8. Finally on Issue (1), I should mention a source of confusion which may have arisen. Certain of the cases helpfully cited in my instructions turn on the provisions of the Public Health Acts on the vesting in local authorities of drains and sewers. It is a basic principle of both sewers and drains, as understood in the Public Health Acts, that they should be designed or used to drain constructed objects such as roads and buildings, as distinct from land itself. This is clear from the definitions of "drain" and "sewer" in s.343 (1) of the Public Health Act 1936, and see Shepherd v Croft [1911] 1 Ch. 521, in which it was held that a natural watercourse which had been piped was not a sewer. I do not think that any help can be gained from public health legislation in the present case.

9. Issue (2)

In my opinion no liability can be established by the owners against the developers of the land. The letter from Sir William Halcrow and Partners of the 23rd October 1967 states that it would not be possible to state definitely whether the earthworks carried out by the development did, or did not, give rise to ground displacements. In the absence of an express covenant



or guarantee there would be no liability under the contract of sale, nor in the circumstances would an action in negligence be feasible.

10. Issue (3)

I have before me a copy of a planning permission dated the 18th September 1962 for the construction of new estate roads and sewers which is conditional on a report by soil mechanics specialists being furnished to the planning authority. There is an earlier permission dated the 20th March 1962 for a residential development of the Encombe Estate which has no such condition. The planning authority considered the 1960 report of Sir William Halcrow in accordance with the condition. In my opinion no liability can be established against the planning authority. Any liability would have to be framed in negligence. The liability involves the proposition that in law a local planning authority owes a duty of care to future purchasers of property in respect of which they issue a planning permission. I do not regard that as a proposition that would be tenable before the courts. Furthermore, even if an action could be framed there is no evidence of negligence in fact. The planning authority required and considered an expert report, the gist of which was that residential development could proceed. I cannot see that they behaved negligently.

See  
EX 116/6-11  
Lutton &  
Boynor & Rogers  
Council 4/1/77

THEY IGNORED  
THE REPORT

Williston from  
negligence?

Bldg. over  
cracked



## 11. Conclusion

This is an unusual case in which it is not easy to be dogmatic. I suggest that a copy of this advice is shown to the local authority so that it can be compared with the opinion obtained by the Corporation from the Association of Municipal Corporations. Nevertheless I feel that the following broad conclusions may be drawn.

- (1) As far as action by public bodies is concerned, the most appropriate action to pursue is to press for either (a) the establishment of an internal drainage board and the execution by it of works under s.34 of the Land Drainage Act 1930; (b) a scheme under s.30 of the Land Drainage Act 1961. In both cases the expense of the works has ultimately to be borne by the public. However, an advantage of the former course being adapted from the viewpoint of the inhabitants of Encombe is that the expense can be more widely spread by a special drainage rate as suggested in paragraph 5, supra. *nagob*
- (2) I consider it most unlikely that any liability could be established against the developers of the estate or against the local planning authority.

17th March, 1969.

2 Paper Buildings,  
Temple, E.C.4.

Cyril Dobson



Copy No 2

Re: The Encombe Estate at  
Sandgate, Folkestone,  
Kent

---

A D V I C E

---

Hallett & Co.,  
Ashford,  
Kent.



# Sandgate Society's Case

## Counsel's Advice

### Notes by A. Todd

#### ● (1) Para 5. Page 6, line 13.

Does Counsel mean Mr. Costain? See Ex 40, copy of letter from Mr. Deedes, House of Commons, to Mr. Godfrey of 159, Sandgate High Street. They are personal friends. I myself, on the instructions of the Society, sent to Mr. Deedes' Agent various reports etc, to keep his interest. I have not been in touch with him recently. The whole matter was dealt with by phone and treated as secret. Neither Mr. Deedes nor his agent replied in writing.

#### (2) Para 7, page 7, 4th line from bottom.

The requirement here of a "positive duty" before liability can be established might be met by asserting the existing 93 drain was laid by the Local Board - would this laying of a drain out of public subscription moneys not create a positive duty to take powers to maintain it? ~~See below.~~

#### ● (3) Para 8, page 8. (X)

"Drains must be designed to drain roads or buildings - not land." I would suggest to Counsel that the 1893 drain was designed ~~and~~ constructed to do just that, and ONLY that. Loops of the drain did not enclose a mesh of subsidiary collecting drains, as would be the case in a scheme to drain land. The 93 drain was laid to protect houses, roads, and services ONLY. It was laid around an area to be protected, rather than under each individual house, road etc. simply because the water under the houses ~~etc~~ which was causing the trouble was too deep to get at and the only place where it could be intercepted was where it entered the fault lines. To protect the Esplanade and sea wall and services in front of the Encombe Estate, it was necessary to lay the drain along the two faults crossing the Encombe Estate, as and where they appeared. <sup>AND THE WILDFORCE RD. PROSPECT RD. DRENS.</sup> ~~the purpose of the drain was~~ <sup>securing the use of the great majority of land from further subsidence and for protecting the foundations of the houses in the affected area. (Ex. 32/1 MIDDLE)</sup>

#### (4) Para 9. The Developers allowed building over 1893 crack lines as specifically warned against in the 1960 Report they themselves submitted. Negligence?

#### (5) Para 10, page 9. 5th line from bottom.

The Planning Authority IGNORED an expert report where it warned that houses must not be built over 1893 cracks. They passed plans for houses which WERE <sup>TO BE</sup> ~~in~~ over cracks. Negligence?

#### ● (5) See my letter of 20th March, 1969.

AND ADD AFTER "ACT OF PMT" at end of Para 1 (2) - P.T.O.

(X)  
SEE PAGE 4 -  
9th line from  
bottom -  
(Subsoil drainage  
comes under the feet)



They cannot make us pay for ~~the~~<sup>REPAIR OF</sup>  
~~repairing~~ (as for a new drain) for a  
drain which they have already  
laid themselves out of public  
money.





From ALBERT P. COSTAIN, M.P.

November 19th, 1970

Dear Mrs. Kerr,

I am in receipt of your letter of November 12th. The situation, as I see it, is as follows:

In the first place, there were considerable doubts as to whether the Borough Council had any powers to take remedial action to minimise earth movement at Sandgate and assist in stabilising the land. It was originally thought that action could be taken under Land Drainage Acts, and you will remember that the Town Clerk approached the Ministry of Agriculture, Fisheries and Food and the Kent River Authority. Following a number of meetings, including a deputation to the Ministry of Agriculture, it was made clear that neither a Land Drainage Scheme nor the creation of an Internal Drainage District as favoured by the Sandgate Society, was likely to be considered.

There was considerable doubt as to whether the case qualified under the Coast Protection Act 1949 but as you know, after prolonged negotiations, this has been accepted. The main purpose of Ministry Circular No.4/62 was to notify Coast Protection Authorities that after the date of that circular, August 20th, 1962, works schemes for the purpose of recovering coast protection charges should not be made. Paragraph 5 of the circular, however, reminded authorities of the powers in the Act enabling a Coast Protection Authority to enter into an agreement with any other person for the carrying out by that person or the authority on such terms as to payment or otherwise as might be specified in the agreement of any coast protection work which the authority have power to carry out.

The paragraph states that the Minister considers that such contribution should be sought where appropriate and certain examples are given. It seems to me that your Society is claiming that these examples are exclusive of any other cases. In the letter of April 23rd, 1970, from the Ministry of Housing and Local Government to the Town Clerk, attention is drawn to the contents of paragraph 5 of the circular. In a subsequent letter dated September 23rd, 1970, the Ministry indicate that the question whether such contribution should be sought is entirely a matter for the Council, although the Ministry do state that, on the basis of the information given to them by the Council, it would seem reasonable that property owners should be asked to contribute. Your Society may disagree with the view of the Council, but it is the Council who have the power to determine whether or not they will seek a contribution and they take the view that it is reasonable that they should, giving consideration to the fact that 90% of the cost will be paid

- (a) by the taxpayer through Government grant,
- (b) by the ratepayers in the whole of Kent through the County grant, and
- (c) by the ratepayers in the whole of the Borough as to the remainder of the cost of the works.

In all the circumstances, I am bound to say that I agree with the view of the Borough Council. I think it must be borne in mind, however unpalatable this may be, that the works are intended to benefit a comparatively small part of the Borough including a private building estate, that the owners of the new buildings on the estate must accept responsibility for the physical state of the land on which the houses are built, the onus being on them to make appropriate enquiries before purchase, and that they must take the risk of damage by subsidence.





- 2 -

I appreciate that certain owners may have suffered damage and feel entitled to compensation, but as the drain was on private property, there is little doubt that a claim for compensation could not be brought against the local authority. The Valuation Department of the Inland Revenue have acknowledged the loss of value in some instances by agreeing to a reduction in the rateable value.

I was, of course, aware of your meeting with Mr. Salt on September 18th. I think you must appreciate, however, that in connection with this matter it was right for the Council to communicate directly with the owners, who would then be in a position to make up their own minds whether or not they wished the Society or other adviser to represent them. I think that this is perfectly understandable, having regard to the last paragraph of your "Concise History of Earth Movement at Sandgate", in which it is stated that "there is no justification whatsoever for demanding contributions from owners as the present movement is due solely to inadequate sea defences and the local authority's neglect of their own drain." I understand that this view was made perfectly clear to Mr. Salt when you and Mr. Todd saw him.

You will remember that in a letter of October 20th from the Council, an indication was given that it would be necessary for owners to consult with one another and that it would assist matters if representatives of the Council could discuss the matter with the solicitors, surveyors or other representative of the owners. In my view, it is entirely a matter for the owners to decide whom they will select as their adviser or representative, if, in fact, they wish to do this.

With regard to the question of the costs of beach-feeding and the possibility of the Council taking over the whole of the Latham drain, I think you must appreciate that in this respect they have to be advised by their Consultants. At the moment, they are dealing with the situation in the Encombe area and not with the land to the west where I have never heard it suggested that works are necessary. I think if you had enquired of the local authority, you would have been informed that it is a usual condition imposed by the Ministry on making a grant under the Coast Protection Act, that the Council shall give an undertaking to the Ministry to maintain the coast protection works in respect of which the grant is made.

Frankly, if you intended to enlist my further assistance, I think it is regrettable that you did not feel able to consult me in regard to the wording of your questionnaire. On the subject of the additional question suggested by me, referred to in paragraph 1 on page 2 of your letter, if you are referring to the fact that I have not kept the owners advised of the progress of negotiations, I think you must appreciate that I am constantly in consultation with all the local authorities in the Constituency in relation to their approaches to the various Ministries, and it would be impracticable to advise constituents of the action I am taking every time I approach a Minister. If, on the other hand, the suggestion is that the local authority has not kept the owners advised, I am advised by the Town Clerk that information has been given since the first meeting with the owners in July 1968. You will, I feel sure, understand that it is impracticable to keep every owner advised by letter of the progress of this matter, but I understand that your Society and your Society's Honorary Solicitor have been constantly kept in the picture by the Town Clerk. Quite apart from this, any owner could have written to the Council and I am sure would have received any necessary information.





From ALBERT P. COSTAIN, M.P.

- 3 -

While some owners may take the view that the request to pay 10% of the cost of the drainage system is unjust, I am bound to say that I have had representations from other ratepayers and members of the Council who consider it even more unjust that 90% of the cost should be borne by other ratepayers and taxpayers. Another point, which I feel you should not lose sight of, is that if the River Authority and the Minister of Agriculture had agreed to a drainage scheme as was suggested by the Town Clerk, or the creation of an Internal Drainage District as was suggested by your Society's Solicitor, it could well have been that the owners in the Encombe area would have been required to pay a far greater proportion of the cost of the scheme than one-tenth of it.

With regard to paragraph numbered 2, of course I appreciate that a number of the houses were built before the National House-Builders Registration Council came into being and, for this reason, I enquired whether, if they did not have the guarantee of a house builder, they had taken out insurance policies which would cover the contingency. Obviously, after the land movement began in October 1966, insurance companies would not be prepared to give cover. With reference to the owners who had purchased older property, perhaps it might have been expedient if I had added a further question asking whether their surveyor indicated at the time of purchase that there was any risk of land slips. The Society must understand that in contracts for the purchase of landed property, the principle of caveat emptor applies, i.e. the buyer must make his enquiries of the seller to ascertain whether there are any defects in the property. The seller is under no obligation to disclose any such defects, or any report he may have on the subject.

With reference to paragraph numbered 3, it is my considered opinion that this remedial work should be put in hand with the minimum of delay, and I feel that some owners do not appreciate this. Taking into consideration the difficulty of selling the houses, had I been an owner I would have taken the view that the contribution I was being asked to pay towards the drainage scheme was a premium to make my house marketable again. With regard to your statement that 51 owners have approached you to ask me to obtain justice for them, I was advised that their legal case was not strong, and in my opinion the best chance of getting financial help would be through equity, and I thought that by obtaining a 90% grant an equitable solution had, in fact, been found.

As far as the proposal to seek a Public Inquiry is concerned, I have no objection to approaching the Minister on this matter, but I am bound to point out to you that this could well take one or even two years, a delay which could have tragic consequences, and the publicity derived therefrom would, in the long term, have a detrimental effect upon the selling price of the houses involved. Added to this, further expense would be incurred which I would have thought better spent in remedying the faults.

Another point which must be considered is whether you are prepared to accept the risk of the Inquiry being unfavourable to your members, and the possibility of the contribution of 10% being increased in consequence. I think you should appreciate that the cost of such a Public Inquiry into all local authority actions since the drain was laid in 1893, might take a considerable time and would involve the Council and its officers in a great volume of work and heavy expenditure on all the ratepayers in the town. While I think it would be unusual, taking into consideration all the circumstances, that the Minister would agree to hold an Inquiry, I should be interested to know whether your Society would be willing to pay the cost of it in the event of the holding of the Inquiry being considered unjustified.





From ALBERT P. COSTAIN, M.P.

- 4 -

With regard to your ultimate paragraph, may I remind you that I have always talked to members of your Society on the basis that, although you had not got a mandate from the owners, you were in good faith seeking my advice on their behalf, and I hope that you consider that I have given it on this basis. I hope you will appreciate, however, that I also have responsibilities to other taxpayers and ratepayers in the Borough and I considered that when the local authority suggested a contribution of 10% of the cost of the scheme should be made by the owners, they would have been satisfied with this proposal of the Council. This would have left only the problem as to how the contribution of 10% could be fairly apportioned among the individual owners, having regard to their individual circumstances and other matters, including property values and the fact that some of the owners have, in previous years, had to pay a coast protection charge.

In conclusion, I would be far from frank if I was not to say that the present weather conditions - heavy rain following a dry summer - do in my opinion create circumstances in which early implication of the new drainage system is essential to prevent further possible structural damage, the extent of which it is impossible to estimate.

Yours sincerely,

Mrs. Barbara A. Kerr,  
Honorary Secretary,  
The Sandgate Society,  
Somerville Lodge,  
Sandgate Esplanade,  
Folkestone, Kent.



MINS FOR 37/68

2.

HIGHWAYS AND WATCH COMMITTEEE.  
Ex 28/3

Borough of Folkestone } At a meeting of the Highways and Watch Committee  
 in the } held at the Civic Centre on Tuesday, 18th  
 County of Kent } June, 1968 at 7 o'clock in the afternoon.

PRESENT:- Alderman Hamer in the Chair, the Mayor,  
 Aldermen Harris and Moody, Councillors Barnes, Drury,  
 Jacques, Neame, Penfold, Springett and Tanswell.

(6) MINUTES

The minutes of the last meetings of the Highways Committee and the Watch Committee and the minutes of the last meeting of this Committee were submitted and signed.

(7) WEIGHTS AND MEASURES ACT, SHOPS ACT ETC.(a) Chief Inspector's Report

The Chief Inspector of Weights and Measures submitted his report for the period 1st April to 31st May, 1968.

RESOLVED - That the report of the Chief Inspector of Weights and Measures be received.

(b) Petroleum Licences - Renewals

RESOLVED - That the applications from the under-mentioned persons and bodies to keep petroleum at their stores respectively hereunder specified be approved and licences containing the necessary and usual provisions be granted until the 31st March, 1969.

<u>Name</u>	<u>Situation of Store</u>
G. J. F. Mace	88 Cheriton Road
Barber Bros.	295 Cheriton Road
Fosters Imperial Steam Laundry Company Limited	Ashley Avenue
Sandgate Service Station	Sandgate High Street

(8) EARTH MOVEMENT AT SANDGATE

Further to minute 86 of the proceedings of the Highways Committee of the 22nd February, 1968, and to his written report on the matter dated the 17th June, 1968, the Town Clerk outlined the history of earth movement at Sandgate and informed the Committee of the present position.

Following upon communications with the Ministry of Agriculture, Fisheries and Food, an approach was being made to the Kent River Authority in an effort to obtain their agreement to the making of the scheme under the Land Drainage Acts.

The Borough Engineer explained certain aspects of the problem and informed the Committee that the land drainage system installed after the 1893 slip appeared to be functioning and that the manholes had been inspected regularly as this was the only means of ascertaining that the system was carrying ground water.

The Town Clerk informed the Committee that the Council were under no legal obligation to take action to stabilize the ground in the area although naturally they



E.

3.

Highways and Watch - 18th June, 1968.

would no doubt be concerned at the present situation in the Encombe area.

## RESOLVED -

(1) That copies of the Town Clerk's confidential report and a copy of the letter and report from the Sandgate Society be circulated to all members of the Council who are not members of this Committee

(2) That a meeting be arranged to which three representatives of the Sandgate Society and all the owners of dwellings in the area affected by the Halcrow Report be invited

(3) That the Mayor, Chairman and Vice-Chairman and Alderman Harris represent this Committee at the above meeting and

(4) That the Mayor be requested to certify in writing that the preceding resolutions have been passed in a case of emergency and that the matter is too urgent to wait for confirmation by the Council.

(9) HIGHWAYS ACT 1959(a) Langdon Road (Part) - Adoption

The Town Clerk reported that the part of Langdon Road which had recently been made up under the Highways Act, 1959 (Code of 1892) had now been completed and that a resolution was required to adopt it.

RESOLVED - That that part of the street known as Langdon Road from its junction with Hawkins Road for a distance of 170 feet in a westerly direction and shown on drawing number 378/196 within the Council's district hitherto not being a highway maintainable at public expense, having been sewered levelled paved metalled flagged channelled made good and lighted to the satisfaction of the Council, the Council as the street works authority do hereby declare this length of road to be a highway maintainable at the public expense, unless within one month after the date on which the notice in respect of the above length of road is first displayed the owners or a majority in number of the owners of the street by notice in writing to the Council object thereto, and the Town Clerk be instructed and authorised to sign and display any necessary notice in respect of the above-mentioned street in accordance with Section 202 (1) of the Highways Act, 1959.

(b) Section 40 Agreements(i) Linksway Estate

The Town Clerk reported that the developer carrying out the construction of the above estate on a site at the north-west corner of the Old Golf Course has asked the Corporation to enter into an agreement under Section 40 of the Highways Act, 1959, in respect of the construction of the estate roads.

RESOLVED - That the Corporation enter into an agreement under Section 40 of the Highways Act, 1959, for the construction of the roads on the Linksway estate in accordance with plans, sections and a specification to be approved by the Borough Engineer subject to the agreement being in a form approved by the Town Clerk and to the inclusion therein of the



THE SANDGATE SOCIETY

1 Castle Road,  
Sandgate.

24th July, 1969.

Dear Sir/Madam,

EARTH MOVEMENT, SANDGATE

With reference to the meeting at the Civic Centre, Folkestone on 14th April last when it was decided that the Ministry of Agriculture should be asked to arrange a meeting at which representatives of owners affected and Folkestone Corporation might discuss with the Ministry the drainage works advised by the Consultants, I have to advise that the meeting duly took place in London today. Mr. Gadd spoke for the owners and was accompanied by Mrs. Greenwall, Chairman of the Executive Committee of the Sandgate Society and by Mr. Todd. The Corporation were represented by Mr. Scragg the Town Clerk, Councillor Banfield the Deputy Mayor and Councillor Cook, Chairman of the Finance and Establishment Committee. Five representatives of the Kent River Authority were present together with five representatives of the Ministry of Agriculture under the Chairmanship of Mr. Savage of the latter Ministry.

The Ministry felt that a scheme of the nature suggested would be unique. Generally, the Ministry and the Kent River Authority thought their duties were only concerned with surface water drainage and saw difficulties in either :

- (a) Setting up a drainage board as suggested by the Society or
- (b) Preparing a scheme under Section 30 of the Land Drainage Act of 1961, as suggested by the Corporation.

The Society is discussing the matter further with Folkestone Corporation and consideration is now being given to invoking the provisions of the Coast Protection Act which, it is felt, may be more appropriate.

Yours sincerely,

D. G. VORLEY.  
Hon. Secretary.



PRIVATE & CONFIDENTIAL  
NOT FOR PUBLICATION

REPORT No.370 of 12.5.1975

COMMENT on behalf of SANDGATE SOCIETY

4th August, 1975.

The numbers in the margin are the numbers of the paragraphs  
in the original report.

2. Except for the terrace of Encombe recent movements affecting property are omitted.

The contribution by the Relief Fund to the cost of the drain was an afterthought. 20 & 128/3.

3. To assume that recent stability is due only to coast protection works is unjustified. The 1893/94 drain maintained stability from 1894 to the time when the first coast protection works were carried out. Muir Wood of Halcrows said on 30th January, 1969 that of the five outfalls only outfall E was blocked. This outfall drained the eastern half of Encombe and it was on top of the drains feeding it that the developers tipped 8000 tons of earth. Halcrows stated in their letter of 23rd October, 1967 "It could be coincidental that the ground movements happened at the same time as the developers' activities, but the evidence points towards a relationship even if it cannot be proved". Stability may have been due to the 1893 drain-till it was smashed.

4. This understates the facts. A small hill was bodily removed from the front of the site where maximum weight was important and the resulting 8000 tons of earth were dumped at the back where minimum weight was important on top of the 1893 drain.

5. The Halcrow Report of 26th April, 1960 to Dr. Leader, owner of Encombe at the time, can not fairly be said to have been advice on the question of ~~the question of the~~ development of the site for housing purposes. It was written in connection with the proposed erection of eight or nine chalets required to make Encombe into a holiday camp.

Halcrows advised that properties should not be erected on or close to any of the lines of the 1893 slip. Five houses were erected over such lines. It cannot therefore fairly be said that the Council accepted Halcrows advice. H 60.

The Council stipulated a report by soil mechanics specialists when giving planning permission. 6/5. The report accepted was the above 1960 report by Halcrows. H 60 & 60/7. This report suggested Halcrows should be consulted in the case of further movement or a rise of the water levels in the undercliff and in the well points to those shown in the Halcrow Report of April, 1959. As the 1960 Report was accepted in satisfaction of the stipulations in 6/5, clearly this suggestion was an obligation upon the developers. It was not enforced. On 8.12.67 Mr. Castle said he had not got a copy of Halcrow's 1959 report.

7. Halcrows were instead consulted by the Council. A more faithful picture of the situation might perhaps be given if line 5 on were altered to read "...some improvement could be achieved by the REconstruction of the 1893 drain".

8. It was also accepted, in the same resolution, that "arrangements be made to inform...owners of property likely to be affected by the earth movements".



(2)

Owners were not notified.

11. In his letter of 23rd April, 1970 the Minister drew the Council's attention to their powers under the Coast Protection Act 1949 to obtain contributions by agreement IN CERTAIN CIRCUMSTANCES. These circumstances are detailed in Ministry of Housing & Local Government Circular No.41/62 of 20th August, 1962, paragraphs 5 & 6. The owners of properties concerned on and around Encombe do not qualify as contributors under any of these headings. 125/1/B & 125/2.

In his letter of 23rd September, 1970 the Minister said "I think I should explain that in the Department's letter of 23rd April 1970 the Council's attention was drawn to their power to seek contributions from landowners...because it appeared that the Council were of the view that...the remedial works required were strictly a matter for the owners of properties in the area and that legally the Council had no responsibility. In this connection I would invite your attention to the contents of your letter of 1 March 1968. ....On the basis of the information given by the Council it would seem reasonable that the property owners should be asked to contribute....I have to say, however, that the negotiations to obtain such contributions are a matter for the council<sup>to</sup> pursue....". 125/1/C.

As clearly there have been misunderstandings, can a copy of the council's letter of 1 March 1968 be supplied? This letter is the foundation stone of the council's case for contributions and the correction of any mistaken impressions in it might solve the whole problem.

15. The majority of the owners made it clear that they were happy for the Sandgate Society to handle matters on their behalf. The Society offered to obtain proper written mandates and attend discussions with the council who however wrote direct to the owners. The latter were asked to sign what amounted to a blank cheque and not unnaturally asked first for further details. The council thereupon resolved to take no further action in the matter. In view of the council's refusal to negotiate with the Sandgate Society and establish whether it was or was not the desire of the owners that the Society should act for them, the Society wrote to Councillor Martin on 7th December, 1970, giving a clear account of the owners feelings from which it could not be doubted they were being more than fair-minded. The request that the council should at least give their own contributions scheme a fair trial was however ignored and the matter was curtly closed. Paragraph 15 makes no mention of any of the above and dismisses the whole matter in three and a half lines as "disappointing". 125/38.



Appendix to Proceedings of Housing  
and Town Planning Committee.

H&T.P. EXEC. SUB-COMMITTEE -  
15-8-1962

area on more appropriate sites has been  
made in the Development Plan.

- (4) That, in connection with the submission of details of the proposed layout of the road and the proposed road junction of the development with Canterbury Road in respect of the under-mentioned application which was the subject of outline permission in March, 1961, the proposals be approved, subject to the consent of the Minister of Transport as the development will abut upon a trunk road:-

61/22B - - - - - Walton Manor Farm - Canterbury Road -  
Outline residential development for Messrs.  
(Revised) Snape & Leslie.

- (5) That, in connection with the under-mentioned application, which arises out of an outline permission issued in March, 1962, the proposed layout be approved, subject to any direction the Minister of Transport may make and to the conditions and for the reasons respectively stated:-

62/211 - 9786 - "Encombe", The Esplanade - construction of new estate road and sewers for The Land and Property Development Co. Ltd., subject to (i) details relating to the design of the buildings, their siting, external appearance and means of access being submitted to and approved by the Corporation before any works are begun; (ii) the permission ceasing to have effect after the expiration of three years from the date of notification of the decision upon the application unless within that time, approval has been notified in respect of the matters reserved under condition (i) above; (iii) the lines of sewers being revised to the approval of the Corporation; (iv) the Corporation being furnished with a report by soil mechanics specialists as to what steps, if any, are necessary to ensure the stability of any development which may be undertaken on this site and to any recommendation of the specialists being undertaken as part of the approved scheme of development; (v) amenity planting and landscaping in accordance with a scheme to be submitted to and approved by the Corporation being undertaken within twelve months after the development has been carried out, the reasons for the imposition of the conditions being that the property abuts upon a trunk road and also respectively (i) that no such details have been submitted (ii) in order to prevent the accumulation of permissions in respect of which no details have been submitted; (iii) in order that the stability of the ground shall not be prejudiced and the sewers shall not be injuriously affected by ground movement; (iv) to ensure the stability of the site and of any development thereon and (v)

Borough of Folkestone

From MINUTES attached to SUMMONS  
to COUNCIL MEETING of 5th September,  
1962.





N. C. SCRAGG, LL.M.  
SOLICITOR  
TOWN CLERK  
CLERK OF THE PEACE  
TELEPHONE: 55221  
(STD 0303)

YOUR REF.: 4  
MY REF.: TC/W/319/1

THE CIVIC CENTRE,  
FOLKESTONE.

26th February, 1969.

Dear Mr. Gadd,

Encombe

62/311  
1/5  
6/2/3

Further to my letter to you of 21st February, I now enclose two copies of the planning permission dated 18th September, 1962. You will notice that this permission relates to the construction of new estate roads and sewers and contains conditions which are appropriate to an outline planning permission. As you know, an outline planning permission can only be granted in respect of buildings. It therefore seems to me that conditions No.1 and 2 are void and of no effect. An added reason for the invalidity of these two conditions is also the decision in the case of Kingsway Investment Company -v- Kent County Council which was recently decided by the Court of Appeal. You will, however, notice that condition (iv) makes provision for the soil mechanics' report to be provided.

I understand from the Borough Engineer that a copy of the report was subsequently produced to the Borough Engineer, which was the 1960 Report prepared by Halcrows on the instructions of Dr. Leader, the then owner of the Encombe Estate.

Yours sincerely,

Town Clerk.

A. W. Gadd, Esq.,  
Messrs. Hallett & Co.,  
Solicitors,  
11 Bank Street,

Ashford, Kent.

The person dealing with this matter on my behalf is the Town Clerk Ext. 202.  
All correspondence to be addressed to the Town Clerk

SEE 61.3.55  
818H



REPORT from Sir William Halcrow & Partners to Messrs. Beresford Lye & Co.,  
Palmerston House, Bishopsgate, London, E.C.2., dated 26th April, 1960

re Dr. Leader, Encombe, Sandgate, Kent

We write with reference to Mr. Smyth-Osborne's visit to Encombe on 12th April during which, in accordance with Dr. Leader's request, he carried out a routine inspection and in addition had discussions with Mr. Evelyn and Mr. D.B. Lye concerning the siting of any new buildings in the grounds.

The inspection was carried out in the presence of Mr. Usher of Messrs. Hayward and Paramor. Two previous routine inspections had been carried out for the Abbey National Building Society on 6th August and 24th November, 1959. Copies of our letters giving the results of these inspections are attached.

The positions and reference letters of tell-tales and observation wells mentioned below are shown on drawing no.2 which accompanied our report of April 1959 to the Abbey National Building Society. Observations in respect of ground movements showed the following position in relation to our last inspection on 24th November:-

1. Existing slip - No movement of toe of the slip or recession of the cliff at the back of the slip.
2. Martello Tower - No opening of the cracks in the moat wall.
3. Surface cracks at top of cliff, references A to E - No measurable opening.
4. Surface cracks at foot of cliff, references F & G - No opening.
5. Surface cracks in main drive, references J & K - No measurable opening but slight recent movement was indicated by cracks in the new mortar filling of old cracks in the concrete kerb.
6. Surface crack above vegetable garden, reference L - No opening.
7. Cracks in terrace walls west of house - Slight recent movement was indicated by cracks in the new mortar filling of old cracks in the terrace walls.
8. Glass tell-tales inside house - Three tell-tales in the scullery which had previously been in position and remained intact for about a year had been removed and the wall tiles replaced. Tell-tale by lounge split by crack 1/32 in. wide.
9. Annexe - No movement of strutted walls of boiler room or store. A few further negligible cracks in the distemper on the walls.

Observations in respect of ground water showed the following conditions:-

1. Existing slip - Well points dry except for B1 in which water was at a depth of 11ft.5in. Surface of slip was dry except that at the toe of the slip on a level about 10ft. above the ground level of the house there were two small springs, one on the S.E. side and the other in the middle. There was a small flow of water from the land drains in the S.W. of the slip.
2. Steps to children's playground - Dry.
3. Undercliff behind house - water levels in well points unchanged except for D2 which had risen 6 in. Ground at foot of cliff by new drainage pit dry. A small flow from the land drains at the back of the drive.

The above observations show no change from the long term situation at Encombe which was described in our report to the Abbey National Building Society in April 1959. They show the present to be a period of quiet in respect of the continual gradual ground movements taking place at Encombe. They show that water level in the Undercliff to be appreciably the same as that noted during our last inspection and some 2ft. lower than that noted in April 1959.

As mentioned to Dr. Leader, we consider that the observations and measurements made by use during our routine inspections could be carried out satisfactorily by Messrs. Hayward and Paramor. Should any increase in the rate of ground movements be noted or a rise of the water levels in the undercliff and in the well points to those shown on drawing no.2 of our report of April 1959, then we suggest that this office should be consulted.

/If it be...



If it be decided that Messrs. Hayward and Paramor should in future carry out the measurements at tell-tale pegs and the soundings in the well points, then we will send on for their use two copies of our drawing no.2 and a list of the results of recent measurements.

We recommend that small brass pins be set in on either side of the cracks in the terrace walls to the west of the house. These would provide together with the steel pins at present "set" in the drive, two firm places along the back of the 1893 landslip at which accurate measurements could be maintained.

We turn now to the question of the siting of new buildings in the grounds at Encombe. The main known ground movement which has occurred at Encombe is the 1893 landslip. The lines of the surface cracks which opened in the ground during the landslip are shown on drawing no.2 of our report. Since further gradual movement associated with this landslip has been indicated by surface cracks it would be unwise to build on or close to any of the lines of the 1893 landslip. In addition, other conditions being equal, areas outside the landslip should prove more stable than those within it.

Four areas were considered. First, the southern part of the grounds lying between the drive and the southern boundary was considered. A line of surface cracks of the 1893 landslip are shown to cross the area but these cracks must have been small and the ground disturbance here negligible. During the visit, cracks were noted in the masonry walls of the sunken tennis court but no cracks in the surfacing of the court itself. These cracks are not considered to be associated with any general ground movement. There is no reason to suppose that houses built in this area and not lying on the line of the 1893 surface cracks should behave any differently from the modern houses which at present stand immediately east of the area.

Second, the level ground at the foot of the steep cliff and at the N.E. corner of the grounds was considered. This area lies behind the 1893 landslip and should not be affected by any further movements of this slip. Apparently a small fall had occurred in the steep cliff at the rear in 1930 and in addition the ground was boggy underfoot. It is considered that this area would be suitable for building but beforehand a French drain some 6ft. deep should be constructed along the foot of the cliff behind which would add to the stability of the cliff and also dry out the ground.

Third, the area of lawn on the east side of the house was considered. An indication of the suitability of this area for building can be obtained from the eastern end of the present house. Reputedly this was built on timber piles but some cracking has taken place. In a new house the risk or amount of cracking would be reduced the further away it was placed from the back of the 1893 landslip.

Fourth, the western part of the grounds lying below the second vegetable garden was considered. Since this area lies well behind the 1893 landslip it also should not be affected by further movements of this landslip. Houses built in this area should behave with respect to ground stability similarly to the modern houses standing immediately west of the area.

With regard to Encombe House itself, we have given our opinion on its future in our report of April 1959 and our subsequent inspections confirm this view.

As mentioned previously, the timber strutting at the back of the courtyard could easily be replaced by concrete buttresses for the sake of appearance. There appears to be no advantage for present purposes in altering or extending the strutting in the boiler room and store in the annexe. The drainage heading on the west side of the annexe should eventually be backfilled before deterioration of the present timber lining and supports.





Ministry of Housing and Local Government  
Whitehall London SW1

Telephone 01-930 4300 ext. 35 or 27

TC 125/1/L  
✓

The Town Clerk  
Folkestone Borough Council  
Civic Centre  
Folkestone  
Kent

Your reference TC/C/319/1/B

Our reference LG1/Q/153

Date 23 April 1970

Dear Sir

COAST PROTECTION ACT 1949  
ENCOMBE ESTATE, SANDGATE

I refer to previous correspondence and to the informal visit on 14 January 1970 by one of the Department's Engineering Inspectors to investigate land movements in the Encombe area of Sandgate.

In the light of the information obtained by the Inspector we consider that the provision of an interceptor drain and associated works as suggested by Sir William Halcrow & Partners to improve the stability of the ground in the area of the 1893 land slip near the Encombe Estate, in order to reduce the likelihood of damage to the sea wall, is work of a type which, in principle, could be carried out under the Coast Protection Act 1949. Without prejudice to the Minister's consideration of any detailed scheme that may be submitted, it is our view that it is open to the Council with the agreement of the land owners to put forward a formal submission of the drainage works to be carried out in the vicinity of Encombe for the Minister's approval under Section 5 of the Coast Protection Act.

If the Council decide to proceed in this way they may at the same time wish to include in their proposals works to improve the stability of the area adjacent to the garages and filled ground to the North West. Additionally they may also wish to consider methods such as beach feeding to maintain the foreshore in the vicinity of the Encombe Estate 4-5ft. above the tops of the piles in order to increase the factor of safety against a slip.

The Council are invited to say whether they see any possibility of their assuming responsibility for the 1893 "Latham drain" where no ownership is claimed and maintaining it as a surface water sewer or part of the coast defences.

The Council will no doubt be aware of their powers under the Coast Protection Act to obtain by agreement contributions towards expenditure in certain circumstances and if they decide to carry out the works described above they may wish to consider whether such contributions should be sought from the owners of those properties which would enjoy substantial protection in the event of stabilisation works being carried out.

Yours faithfully

*D. Hayward*

D W HAYWARD





Ministry of Housing and Local Government  
Whitehall London SW1

Telephone 01-930 4300 ext. 27 or 35

7C  
125/IC

The Town Clerk  
The Civic Centre  
FOLKESTONE  
Kent

TOWN CLERK  
25 SEP 1970  
FOLKESTONE

Your reference

TC/C/319/1/4

Our reference

LG1/Q/153

Date

23 September 1970

Dear Sir

ENCOMBE, SANDGATE, FOLKESTONE

Thank you for your letter of 11 September.

I think I should explain that in the Department's letter of 23 April 1970 the council's attention was drawn to their power to seek contributions from landowners whose property would be protected in the event of the council deciding to put forward proposals for stabilisation works in the vicinity of Encombe because it appeared that the council were of the view that, although they wished to assist in any way they could, the remedial works required were strictly a matter for the owners of properties in the area and that legally the council had no responsibility. In this connection I would invite your attention to the contents of your letter of 1 March 1968.

We have indicated in the letter sent to you on 23 April 1970 our view that it is open to the council to submit a scheme under the Coast Protection Act 1949. A decision whether or not to do so rests with the council. On the basis of the information given by the council it would seem reasonable that the property owners should be asked to contribute towards the cost of the works if the council undertake them. I have to say, however, that the negotiations to obtain such contributions are a matter for the council to pursue and the Ministry is not in a position to express a view as to the amount of the contributions which would be appropriate.

Yours faithfully

D W HAYWARD





MINISTRY OF HOUSING & LOCAL GOVERNMENT  
WHITEHALL, LONDON, S.W.1

20th August, 1962

SIR,

COAST PROTECTION ACT, 1949

1. I am directed by the Minister of Housing and Local Government to say that he has recently been reviewing the works scheme procedure provided for by the above Act and has consulted the local authority associations.

2. All the associations have indicated that they are in favour of abandoning works schemes and the Minister has therefore decided that in future all coast protection works should be carried out under the powers conferred by sections 4 and 5 of the Act. Coast protection authorities are therefore advised that from now on no more works schemes should be made for the purpose of recovering compulsory contributions from private interests, and that the works scheme procedure should be allowed to fall into abeyance except where it is necessary to obtain compulsory powers to carry out operations on land not in the council's ownership. In such cases the Minister considers that no charges should be levied.

3. The increased expenditure falling on the local rates as a result of the discontinuance of works schemes will be taken into account for the purposes of grant and loan sanction, but it will be necessary to make a small adjustment in the method of assessing grant payable.

4. So far as works schemes which have been approved but not completed are concerned, and in cases where no contributions have yet been collected, the Minister considers that all charges should now be waived and those affected informed accordingly. In the case of completed works schemes where some charges have already been paid, the Minister considers that there is no satisfactory alternative to continuing with the recovery of the outstanding charges, many of which may be subject to appeal to him or to the Lands Tribunal.

5. Although he has decided that there should be no more works schemes for the purpose of recovering compulsory contributions the Minister reminds coast protection authorities of the powers in the Act to obtain contributions by agreement. He considers that such contributions should be sought where appropriate, e.g. when works will protect substantial properties such as hotels, holiday camps, etc.

6. Indeed it may be that in some cases a private and commercial undertaking is the sole interest involved and in such cases local authorities will no doubt consider whether it would be more appropriate for them to proceed under section 20(6) of the Act which enables them to make a contribution towards the cost of coast protection work carried out by other parties.

I am, Sir,

Your obedient Servant,

J. CATLOW,

Assistant Secretary.

The Clerk of the Authority.  
Coast Protection Authorities  
County Councils (for information)  
England and Wales.



SANDGATE SOCIETY

125/38

H.B.Chaplin

Mrs. E.D.Greenwall

Mrs. D.A.Kerr  
Somerville Lodge  
Sandgate Esplanade  
Folkestone 38694

7th December 1970

Dear Councillor Martin,

EARTH MOVEMENT, SANDGATE

The Committee have asked me to write to you on behalf of the owners of affected properties in Sandgate before you are asked to consider, on Wednesday next, Minute No.87 of the Finance & Establishment Committee of the 23rd November 1970.

The Owners have indicated that they wish the Sandgate Society to act for them and the Society has made it clear that they were prepared to do so and would obtain a proper mandate. The Council has however preferred to write direct to the owners. No discussion of the Coast Protection scheme has ever taken place between Councillors and owners or their representatives. The Society feels that in a matter of such importance to fifty of their rate-payers in which the Council themselves were making it impossible for those rate-payers to sell their houses it should have been possible for owners or their representatives to meet Councillors on the site and put the owners' case. The Society is still prepared to hold such a meeting which they feel might go a long way towards removing the very apparent misunderstandings which at present prevail.

If however the Council are not disposed to hold general discussions on whether contributions should or should not be asked for, the Society suggests they hold discussions dealing particularly with the form of the agreement to contribute. The Committee feel that if presented with a more practical form of agreement it is possible owners might change their minds and respond favourably.

/continued.....



The Town Clerk's letter of the 6th November last asked owners to sign a slip agreeing to contribute an unspecified sum with no upward limit and no undertaking that there would be no further demands in the future on the strength of the one signature. Bearing in mind the frequency with which large engineering ground works encounter unforeseen difficulties leading to great increases in cost, the owners felt unable to commit themselves. The figure of £60 to £70 quoted in the press has not been officially confirmed and clearly takes no account of greatly differing rateable values or the fact that the shares of any who did not contribute would, under the Town Clerk's scheme, have to be borne by the others.

The Society would like to have the opportunity to discuss with Councillors the case against contributions but if this is not acceptable they feel the contributions scheme, having been put forward, should at least be given a fair trial.

Yours sincerely,

(Mrs.) Barbara R. Kerr,  
Hon. Secretary

Councillor S.D. Martin, O.B.E.,  
31 Rybrook Field  
Sandgate  
Folkestone



THE VICARAGE, SANDGATE,  
May 17th, 1893.

*To the Members of the General Committee of the  
Sandgate Relief Fund.*

LADIES AND GENTLEMEN,

1 As a very important question in which I am keenly interested will arise at our Meeting on Friday, the 19th, I wish to put you in possession of certain facts bearing thereupon, which may help to guide you in forming a judgment.

2 The Relief Fund, which is now being administered, was raised for the purpose of helping those who have suffered through the Landslip of the 4th March, and we may consider the whole amount collected as about £8,500. Of that sum, some £3,000 may be regarded as already voted, leaving £5,500 at the disposal of the Committee. A large part of the money already dealt with by the Executive, has been assigned to owners of damaged property conditionally upon their houses being put into habitable repair. But this property cannot be considered safe until the area injured by the slip has been drained in a special manner. No struggling lodging-house keeper can honestly say to a visitor that there is absolutely no danger; no poor owner of one or two houses can expect to let his property—until this drainage is done, and several people have not yet touched their damaged property because of this fact.

3 Consequently it is still true (to quote from the letter for the issue of which I was responsible, and which produced the principal part of the fund) that "many are left homeless, and without any means of support."

4 The question now arises as to how the money required for the drainage is to be procured, and it is on the propriety of part of the present surplus of the Relief Fund being used for this purpose that your advice is sought. The estimate of Mr. Baldwin Latham, who has been employed to prepare a scheme of drainage, is that £1,750 will be needed. My contention is that, in order to safeguard the houses now under repair, or about to be repaired, it is the duty of the Relief Committee to expend some part of the Fund at their disposal in carrying out this scheme of drainage, nor have I heard one objection of any weight to this suggestion.

5 Some may regard this as a matter for a rate on the whole District. The result would be that the people already impoverished by the slip, would be reduced to greater misery, and I am also advised that it would be practically impossible to legally make such a rate. Others might argue that this work ought to be done by the land owners in the district. Some of these could not now afford it, some would decline to assist, some are, I believe, prepared to contribute—but none could be compelled to bear any part therein. I might argue the injustice of a rate in this matter as simply the laying of another burden upon those already seriously suffering.

6 It must be borne in mind that the inhabitants of the *whole* town, and not merely those living in the affected area are sufferers, and no one knows so well perhaps as I do how heavily some of our tradesmen for instance are just now burdened. Yet there are people who would suggest that when this overwhelming calamity deprives them of their trade they should be further weighted with this rate. I hold it to be the fairest, the most wholesome, and the most beneficial way in which we now can use £1,750 of the Relief Fund, to devote it to this drainage scheme. By doing this we shall relieve the whole of Sandgate, and we shall restore public confidence as we can in no other way. I am confident that any man who knows the circumstances would strongly support this view. My great desire is to have the Committee absolutely agreed upon this subject, and I, therefore, have drafted this explanatory letter.

7 As Vicar of the Parish, and as one who, therefore, in the eyes of the public, will be regarded as a person largely responsible for the fitting expenditure of the money collected in all parts of the world, I hold this scheme to be that best calculated to relieve our dear little town from a burden so sore that it ought to awaken the sympathy of every feeling soul. Trusting we may arrive at a decision worthy and unanimous,

I am,

Yours faithfully,

H. RUSSELL WAKEFIELD.

Vicar of Sandgate,  
Chairman of the Sandgate Local Board,  
and Joint Treasurer of the Sandgate Relief Fund.

1/4 x 10/10



BOROUGH OF FOLKESTONE



YOUR REF.:

MY REF.: TC/C/319/1/4

THE CIVIC CENTRE,  
FOLKESTONE.

20th October, 1970

N. C. SCRAGG, LL.M.

SOLICITOR

TOWN CLERK  
CLERK OF THE PEACE

TELEPHONE: 55221  
(STD 0303)

Dear Sir/Madam,

re Earth Movement at Sandgate -  
Coast Protection Act, 1949

1. Following the last meeting between property owners in the Encombe area and representatives of the Council in April 1969 and protracted discussions with Government Departments including an investigation conducted by an Engineering Inspector of the Minister of Housing and Local Government, I have been informed by the latter Ministry that drainage works, as advised by the Council's Consultants, is work of a type which, in principle, could be carried out under the Coast Protection Act, 1949.
2. When the Act was first passed, works schemes normally included provisions for the levying of coast protection charges on owners of properties benefitted by the works. Since August 1962, coast protection charges can no longer be levied, but there is power in the Act for coast protection authorities to obtain contributions from owners by agreement, and the Minister has advised that contributions should be sought where appropriate (e.g. when works would protect substantial properties, such as hotels, holiday camps, etc.).
3. The Council are of opinion that drainage works as recommended by their Engineering Consultants would substantially benefit properties in the Encombe area and that if any works are carried out, owners of properties benefitted should contribute to the cost. The Ministry consider that it is reasonable that property owners should be asked to contribute if the Council undertake the works.
4. The Council have accordingly decided that action should be taken under the Coast Protection Act, 1949, provided owners of properties benefitted contribute to the cost of the scheme. The Council consider that the total of such contributions from individual owners should be 10% of the total cost of the proposed works, together with costs already incurred and consultants'.

The person dealing with this matter ~~on my behalf~~ is the Town Clerk Ext. 202

All correspondence to be addressed to the Town Clerk



fees. This is an essential condition for action to be taken by the Council who consider that the owners should, themselves, decide how much each owner should pay and should consult together to this end.

5. The estimated cost of the works is not yet known. The Council's consultants have referred (inter alia) to two drainage schemes in their report of 15th January 1969, one costing about £10,000 to £15,000 and the other (which they favour) costing £35,000. These amounts are preliminary estimates which were given nearly two years ago and are subject to revision. They do not include expenses already incurred by the Council or consultants' fees which would, as mentioned above, both be taken into account in calculating the total of contributions expected by the Council.

6. The Ministry of Housing and Local Government have indicated that they will consider an application for grant of approximately 40-45% on the balance of the estimated cost remaining after contributions have been made by private interests. It is also likely that the County Council will contribute, although to what extent is not yet known.

7. This letter is being addressed to

(i) the ratepayers of those properties where

(a) reductions in the rating assessments have been secured on the grounds of earth movement, or in respect of which appeals for such reductions have been made on those grounds and which have not yet been determined;

(b) they are structurally joined with such properties, or

(c) the owners have already agreed to make contributions

(ii) the owners of those building sites in the area that are available for development

since these would seem to be the properties which would benefit from stabilisation of the area.

8. I shall be obliged if you will kindly let me know if you are prepared to contribute to the expenses of the proposed works on the basis outlined above. It will obviously be necessary for you to consult other owners in the area and it would assist matters if representatives of the Council could discuss the matter with the solicitors, surveyors or other representatives of the owners.

I look forward to hearing from you in due course.

9. If you happen not to be the owner of your dwelling, will you please









From ALBERT P. COSTAIN, M.P.

November 19th, 1970

Dear Mrs. Kerr,

I am in receipt of your letter of November 12th. The situation, as I see it, is as follows:

In the first place, there were considerable doubts as to whether the Borough Council had any powers to take remedial action to minimise earth movement at Sandgate and assist in stabilising the land. It was originally thought that action could be taken under Land Drainage Acts, and you will remember that the Town Clerk approached the Ministry of Agriculture, Fisheries and Food and the Kent River Authority. Following a number of meetings, including a deputation to the Ministry of Agriculture, it was made clear that neither a Land Drainage Scheme nor the creation of an Internal Drainage District as favoured by the Sandgate Society, was likely to be considered.

There was considerable doubt as to whether the case qualified under the Coast Protection Act 1949 but as you know, after prolonged negotiations, this has been accepted. The main purpose of Ministry Circular No.4/62 was to notify Coast Protection Authorities that after the date of that circular, August 20th, 1962, works schemes for the purpose of recovering coast protection charges should not be made. Paragraph 5 of the circular, however, reminded authorities of the powers in the Act enabling a Coast Protection Authority to enter into an agreement with any other person for the carrying out by that person or the authority on such terms as to payment or otherwise as might be specified in the agreement of any coast protection work which the authority have power to carry out.

The paragraph states that the Minister considers that such contribution should be sought where appropriate and certain examples are given. It seems to me that your Society is claiming that these examples are exclusive of any other cases. In the letter of April 23rd, 1970, from the Ministry of Housing and Local Government to the Town Clerk, attention is drawn to the contents of paragraph 5 of the circular. In a subsequent letter dated September 23rd, 1970, the Ministry indicate that the question whether such contribution should be sought is entirely a matter for the Council, although the Ministry do state that, on the basis of the information given to them by the Council, it would seem reasonable that property owners should be asked to contribute. Your Society may disagree with the view of the Council, but it is the Council who have the power to determine whether or not they will seek a contribution and they take the view that it is reasonable that they should, giving consideration to the fact that 90% of the cost will be paid

- (a) by the taxpayer through Government grant,
- (b) by the ratepayers in the whole of Kent through the County grant, and
- (c) by the ratepayers in the whole of the Borough as to the remainder of the cost of the works.

In all the circumstances, I am bound to say that I agree with the view of the Borough Council. I think it must be borne in mind, however unpalatable this may be, that the works are intended to benefit a comparatively small part of the Borough including a private building estate, that the owners of the new buildings on the estate must accept responsibility for the physical state of the land on which the houses are built, the onus being on them to make appropriate enquiries before purchase, and that they must take the risk of damage by subsidence.





- 2 -

I appreciate that certain owners may have suffered damage and feel entitled to compensation, but as the drain was on private property, there is little doubt that a claim for compensation could not be brought against the local authority. The Valuation Department of the Inland Revenue have acknowledged the loss of value in some instances by agreeing to a reduction in the rateable value.

I was, of course, aware of your meeting with Mr. Salt on September 18th. I think you must appreciate, however, that in connection with this matter it was right for the Council to communicate directly with the owners, who would then be in a position to make up their own minds whether or not they wished the Society or other adviser to represent them. I think that this is perfectly understandable, having regard to the last paragraph of your "Concise History of Earth Movement at Sandgate", in which it is stated that "there is no justification whatsoever for demanding contributions from owners as the present movement is due solely to inadequate sea defences and the local authority's neglect of their own drain." I understand that this view was made perfectly clear to Mr. Salt when you and Mr. Todd saw him.

You will remember that in a letter of October 20th from the Council, an indication was given that it would be necessary for owners to consult with one another and that it would assist matters if representatives of the Council could discuss the matter with the solicitors, surveyors or other representative of the owners. In my view, it is entirely a matter for the owners to decide whom they will select as their adviser or representative, if, in fact, they wish to do this.

With regard to the question of the costs of beach-feeding and the possibility of the Council taking over the whole of the Latham drain, I think you must appreciate that in this respect they have to be advised by their Consultants. At the moment, they are dealing with the situation in the Encombe area and not with the land to the west where I have never heard it suggested that works are necessary. I think if you had enquired of the local authority, you would have been informed that it is a usual condition imposed by the Ministry on making a grant under the Coast Protection Act, that the Council shall give an undertaking to the Ministry to maintain the coast protection works in respect of which the grant is made.

Frankly, if you intended to enlist my further assistance, I think it is regrettable that you did not feel able to consult me in regard to the wording of your questionnaire. On the subject of the additional question suggested by me, referred to in paragraph 1 on page 2 of your letter, if you are referring to the fact that I have not kept the owners advised of the progress of negotiations, I think you must appreciate that I am constantly in consultation with all the local authorities in the Constituency in relation to their approaches to the various Ministries, and it would be impracticable to advise constituents of the action I am taking every time I approach a Minister. If, on the other hand, the suggestion is that the local authority has not kept the owners advised, I am advised by the Town Clerk that information has been given since the first meeting with the owners in July 1968. You will, I feel sure, understand that it is impracticable to keep every owner advised by letter of the progress of this matter, but I understand that your Society and your Society's Honorary Solicitor have been constantly kept in the picture by the Town Clerk. Quite apart from this, any owner could have written to the Council and I am sure would have received any necessary information.





While some owners may take the view that the request to pay 10% of the cost of the drainage system is unjust, I am bound to say that I have had representations from other ratepayers and members of the Council who consider it even more unjust that 90% of the cost should be borne by other ratepayers and taxpayers. Another point, which I feel you should not lose sight of, is that if the River Authority and the Minister of Agriculture had agreed to a drainage scheme as was suggested by the Town Clerk, or the creation of an Internal Drainage District as was suggested by your Society's Solicitor, it could well have been that the owners in the Encombe area would have been required to pay a far greater proportion of the cost of the scheme than one-tenth of it.

With regard to paragraph numbered 2, of course I appreciate that a number of the houses were built before the National House-Builders Registration Council came into being and, for this reason, I enquired whether, if they did not have the guarantee of a house builder, they had taken out insurance policies which would cover the contingency. Obviously, after the land movement began in October 1966, insurance companies would not be prepared to give cover. With reference to the owners who had purchased older property, perhaps it might have been expedient if I had added a further question asking whether their surveyor indicated at the time of purchase that there was any risk of land slips. The Society must understand that in contracts for the purchase of landed property, the principle of caveat emptor applies, i.e. the buyer must make his enquiries of the seller to ascertain whether there are any defects in the property. The seller is under no obligation to disclose any such defects, or any report he may have on the subject.

With reference to paragraph numbered 3, it is my considered opinion that this remedial work should be put in hand with the minimum of delay, and I feel that some owners do not appreciate this. Taking into consideration the difficulty of selling the houses, had I been an owner I would have taken the view that the contribution I was being asked to pay towards the drainage scheme was a premium to make my house marketable again. With regard to your statement that 51 owners have approached you to ask me to obtain justice for them, I was advised that their legal case was not strong, and in my opinion the best chance of getting financial help would be through equity, and I thought that by obtaining a 90% grant an equitable solution had, in fact, been found.

As far as the proposal to seek a Public Inquiry is concerned, I have no objection to approaching the Minister on this matter, but I am bound to point out to you that this could well take one or even two years, a delay which could have tragic consequences, and the publicity derived therefrom would, in the long term, have a detrimental effect upon the selling price of the houses involved. Added to this, further expense would be incurred which I would have thought better spent in remedying the faults.

Another point which must be considered is whether you are prepared to accept the risk of the Inquiry being unfavourable to your members, and the possibility of the contribution of 10% being increased in consequence. I think you should appreciate that the cost of such a Public Inquiry into all local authority actions since the drain was laid in 1893, might take a considerable time and would involve the Council and its officers in a great volume of work and heavy expenditure on all the ratepayers in the town. While I think it would be unusual, taking into consideration all the circumstances, that the Minister would agree to hold an Inquiry, I should be interested to know whether your Society would be willing to pay the cost of it in the event of the holding of the Inquiry being considered unjustified.





From ALBERT P. COSTAIN, M.P.

- 4 -

With regard to your ultimate paragraph, may I remind you that I have always talked to members of your Society on the basis that, although you had not got a mandate from the owners, you were in good faith seeking my advice on their behalf, and I hope that you consider that I have given it on this basis. I hope you will appreciate, however, that I also have responsibilities to other taxpayers and ratepayers in the Borough and I considered that when the local authority suggested a contribution of 10% of the cost of the scheme should be made by the owners, they would have been satisfied with this proposal of the Council. This would have left only the problem as to how the contribution of 10% could be fairly apportioned among the individual owners, having regard to their individual circumstances and other matters, including property values and the fact that some of the owners have, in previous years, had to pay a coast protection charge.

In conclusion, I would be far from frank if I was not to say that the present weather conditions - heavy rain following a dry summer - do in my opinion create circumstances in which early implication of the new drainage system is essential to prevent further possible structural damage, the extent of which it is impossible to estimate.

Yours sincerely,

Mrs. Barbara A. Kerr,  
Honorary Secretary,  
The Sandgate Society,  
Somerville Lodge,  
Sandgate Esplanade,  
Folkestone, Kent.



BOROUGH OF FOLKESTONE



YOUR REF.:

MY REF.: TC/C/319/1/4

THE CIVIC CENTRE,  
FOLKESTONE.

17th November, 1970

N. C. SCRAGG, LL.M.

SOLICITOR

TOWN CLERK  
CLERK OF THE PEACE

TELEPHONE: 55221  
(STD 0303)

Dear Sir,

Earth Movement at Sandgate

Thank you for your letter of 13th November.

The ultimate cost of any scheme will, of course, not be known until its completion. The only information the Council have at the moment, is the estimate given by Messrs. Halcrows in their report of January 1969, which is referred to in my letter to you of 20th October. What the Council are asking the owners affected, is whether, in principle, they would be willing to share together in a contribution of 10% of the cost of a drainage scheme. If there is agreement among the owners, the Council feel that consultations could take place between them to agree on a basis of contribution prior to further discussions with the Council. I am sure that this cannot be regarded as signing a blank cheque in favour of the Council. No one would expect you to do this.

With regard to the third paragraph of your letter, you will appreciate that the Council are asking the owners to make voluntary contributions. The basis on which they have approached the matter is, that those persons who will be substantially benefitted by the proposed works, should be asked to contribute and these are the persons who feel that their property has been injuriously affected by the land slips and thereby obtained reductions in their assessments.

With reference to the last paragraph of your letter, you will appreciate that planning permission for the development of Encombe was granted before the serious earth movements towards the end of 1966. As far as the Council were aware, although there had been minor earth movements, there had been nothing as serious as the 1966 slip since the

The person dealing with this matter on my behalf is..... the Town Clerk ..... Ext. 202.....

All correspondence to be addressed to the Town Clerk



original slip in 1893. However, the then Borough Engineer did inspect the report of Messrs. Halcrows to Dr. Leader of 1960 before planning permission for the erection of the houses on the Estate was granted.

It must also be appreciated that it is the responsibility of the developer to ensure that adequate precautions are taken to safeguard the stability of the building by provision of adequate foundations.

Yours faithfully,



Town Clerk.

L.D. Syer, Esq.,  
148 Sandgate High Street,  
Folkestone.



DRAFT

Copy to Mr. Todd  
Copy to Mr. Syer

Dear Mr. Scragg

Earth Movement, Sandgate

With reference to Mr. Todd's conversation with your Mr. Salt on Monday last during which Mr. Todd said he felt personally that if discussions between householders and the Council were to take place, it would be more satisfactory for such discussions to be between one or two representatives of the householders and a small number of Council Representatives, rather than by mass meeting of all the householders concerned. This suggestion ~~was~~<sup>was</sup> discussed in detail at the Society's Committee Meeting held on Tuesday evening last and I have been asked to inform you that this idea was approved in principle.

If the idea is approved by the Council and by the Householders concerned, the Society will undertake to arrange the appointment and briefing of representatives by the householders. It is of course the intention that these representatives should have authority only to discuss matters and then report back to those whom they represent. The Society wishes it to be understood that this letter does not in any way commit any or all of the householders.

As in the past, the Council have used the name "Encombe Estate" to cover all the houses within the green line on your warning letter map, the Society would appreciate a precise indication of which householders they are to represent.



DRAFT

~~Rough draft~~

COPY TO Mr. Syer

COPY TO Mr. Todd

17/9/70

A.W. Gadd Esq.,

Dear Mr. Gadd

Earth Movement, Sandgate

I would refer to the Society's letter dated 31st August last, to which no reply has been received and to Mr. Todd's telephone call on Monday last.

In view of Highways Committee Minute 38, the Society's Committee feel this matter has become most urgent and being aware that Mr. Costain would be in Folkestone on Friday, <sup>next, the Committee</sup> ~~the Committee~~ at their meeting on Tuesday 15th September ~~the Committee~~ appointed two ~~delegates~~ representatives (myself and Mr. Todd) to meet Mr. Costain to discuss this matter.

The Committee requested me to inform you of this interview.

Yours sincerely



NOTES OF TELEPHONE CONVERSATION WITH Mr. Gadd      Saturday 19/9/70  
9.30 a.m.

Mr. Gadd said that following receipt of my letter of the 31st August he telephoned Mr. Costain to enquire the present position. Mr. Costain was away, but he spoke to a secretary. His impression was that Mr. Costain had not spent a lot of time on reading the report. Later he was able to contact Mr. Costain - I think that this must have been on Monday or Tuesday (14th or 15th September) as Mr. Costain referred to this conversation at the interview on Friday 18th September - when Mr. Costain said that he did not think the people of Sandgate can do anything, it is most definitely a case for payment. However, Mr. Costain invited Mr. Gadd to write again setting out all views, but Mr. Gadd said there was no point in doing this as Mr. Costain already had a letter from Mr. Gadd on behalf of the Society giving him all the information required. Mr. Costain felt the Society would not get anywhere.....

Mr. Scragg had also telephoned Mr. Gadd mentioning the Society's letter of the 17th September. Mr. Scragg said he is in great difficulty. If he agreed to meeting two or three representatives, would they really represent views of all concerned? On the other hand, public or large meetings were not very satisfactory and there would be much disagreement and arguing. Mr. Scragg also stated payment limited to Encombe Estate only as it was felt the owners of Coast Guard Cottages had had to pay a substantial amount towards the cost of coast protection some 10 - 15 years ago. Also several houses had to be demolished and the state of the garages so bad those people could not fairly be asked to pay.

Mr. Gadd added that he felt there is no point in alienating the council as they could refuse to do anything (legally) and anyway to look at it fairly if the Government are prepared to pay a substantial amount towards the cost the residents should accept this as other ratepayers throughout the country could say why is that amount of money spent at Sandgate when we need this or that ??? In any case, by paying a small contribution towards the cost of the work, the value of the houses on Encombe would be greatly enhanced and when the properties were eventually sold owners would receive great benefit. The Council fully realised its moral responsibility and were anxious to do everything possible, but it was impossible to go back over the years and blame former employees long since dead. Moreover, the residents of Sandgate vote for their own councillors. Mr. Gadd finally advised that he personally felt the Encombe owners should accept the situation and agree to pay their contribution.

Mr. Gadd finally added that he had promised to write again to Mr. Costain and Mr. Costain had promised to do all he could but would not promise to approach the Ministry or the Minister.



SANDGATE SOCIETY

5, Encombe,  
Sandgate.

12th September, 1970.

Dear Householder,

EARTH MOVEMENT, SANDGATE

The following is extracted from the Minutes of the Highways and Watch Committee Meeting of 18th August last which Minutes will come up for consideration in full Council next Wednesday.

(38) ENCOMBE ESTATE, SANDGATE

The Town Clerk submitted a confidential **report**, a copy of which had been previously circulated to members of this Committee (and is now circulated to all other members) summarising the history of the Encombe Estate site, the development which had taken place, the earth movement which had occurred and the action taken to date.

After very lengthy investigations, it appeared that the only legal provision under which works could be effectively carried out at Encombe, was the Coast Protection Act, 1949 and the Town Clerk felt that serious consideration should be given to the making of a Coast Protection scheme under the provisions of the Act. The report had been submitted to keep the members of the Committee informed of the present position.

The Committee expressed approval of the action so far taken and were in agreement with the Ministry of Housing and Local Government that if a scheme were made under the Act, the owners on the Encombe Estate should contribute to the costs.

A further report would be submitted after the reactions of the property owners had been received.

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If as seems likely the Council send out a circular to the householders concerned, the Sandgate Society will call an urgent private meeting of those householders at which it is hoped a common course of action will be agreed.

The Society urges you not to reply to the Council's letter or commit yourself in any way until this private meeting (held in your interests alone) has taken place.

Yours sincerely,

ALEX. TODD,  
Chairman,  
Earth Movement Sub-Committee.



Please reply to:  
77 Hillfield Court  
Belsize Avenue, London N.W.3

B.Jenner Esq.,  
The Civic Centre Box D.R. 36  
Folkestone CT 20 2QY

From Coast Cottage  
149 Sandgate High Street  
Sandgate, Kent

Subject: Earth Movement at Sandgate & Coast Protection Act 1949  
Date of your Communication: 1st July 1975

We thank you for the above communication and would like to draw your attention to some vital matters of fact, before giving our reply.

1. Coast Protection Act 1949 was of course superceded by a Circular to Local Authorities 41/62, 20 August 1962, and should have been quoted.
2. Paragraph 2 of your letter contains an irresponsible statement and is a complete misrepresentation of the Ministry's views, and should be corrected immediately. At no time did the Ministry (now DOE) say it was reasonable for property owners to contribute, if the Council undertakes the works. See 2nd paragraph of Min HLG to Town Clerk Folkestone (LG1/Q3/15) 23 September 1970 -- "On the basis of the information given by the Council it would seem reasonable that property owners should be asked to contribute towards the costs of the works if the Council undertake them"

I submit that the information given by the Council (i.e the former Town Clerk) was to my knowledge inaccurate, restricted and conveyed a false impression of the situation. This should be amended forthwith, after joint consultation with Sandgate residents.

WITHOUT PREJUDICE

3. Notwithstanding the above remarks, we would still be prepared to share in a purely voluntary joint contribution of 10% of the total cost, not as a matter of 'reasonableness' but of expediency --- this contribution to be made payable interest free, over a minimum ten-year period towards the cost incurred on land drainage and stabilisation works on the landward side only. I made this suggestion in 1970 but it was ignored. Mr. Costain M.P. however, wrote to me saying he could see no reason why this method of payment should not be possible to arrange.
4. We would also require an assurance that additional works such as beach feeding to maintain the foreshore in the landslip vicinity would be satisfactorily carried out, and would not be included in the total charges to be shared among residents and landowners.
5. Our contribution would in no way absolve the Shepway Council from past neglect, nor from future maintenance of the 1893 Land Drain in its entirety, together with any new works.
6. We would also point out that we, on the Coastguard, have now been called upon three times since the War, for Coast Protection charges, and this should be taken into account.

Signed Mrs. Linda P. Rene-Martin

Signed Mrs. David C. Ritson