

More on Drainage 15/06/26:

Emerging details on the surface water sewer that the developer proposes to use to drain the land that will be occupied by the new building.

Due to the drainage problem being a recent change in the application, there has not been time to establish the facts of ownership of the sewer. All indications, including inputs from Southeast Water (directly to me) are that the surface drainage sewer that the developer intends to use for drainage is, in fact, a private sewer. In which case it is likely owned by Wickham Roads Limited.

If this is the case, as a privately owned surface water system it is not a utility, therefore householders do not have statutory right to access it. This also means that there is no statutory requirement for it to be provided. The road does contain a utility foul sewer adopted by Southeast Water, but that is not the sewer in question here.

If this is a private surface drainage sewer, then there is no obligation for the owner to maintain it, or even provide it all. The fact that it is likely designed for surface water experienced in the 1930s, and that it is already over capacity with existing surface run off is sort of irrelevant, as there is no obligation for it to be there at all, let alone functioning. So the presence of the sewer cannot be relied upon.

The developer has not contacted the likely owner to discuss or establish the facts, doing so might have enabled the facts to be known prior to the application being (re) made.

So, while re-emphasizing that ownership of the surface water sewer is not established with certainty, it appears, that the developer has no right of access to it, no permission to use it, and further the sewer could be recovered or left to disrepair.

I also wonder how a survey was done without permission of the owner?

