



August 30 2015

Dear Mr Carter,

Further to our recent meeting we have been reflecting on the draft report and the response of the Council at the meeting. Having waited 6 months to meet, rather than the 6 weeks envisaged when we met in February, the homeowners in Old Stocks Court now find themselves placed into a worse position as a result of the PBA report which you commissioned. This was a point not lost on Alan Law in the meeting. Having asked two very pertinent questions of Dr Edmonds – what is the likelihood of further crown holes and how severe might they be – the Council has received confirmation of the continued risk of ground collapse which could “happen at any time” (report sections 4.4 to 4.6 refer) . To then conclude that WBC have no responsibility for the situation, nor any substantive practical help to offer, beyond contacting our M.P., is more than disappointing and we believe that it is an inadequate response.

The discussion at the meeting on planning seemed to focus on the Council’s responsibilities on building regulations and the granting of completion certificates. It failed to fully cover why the Council did not consider ground stability to be an issue that should be investigated during the planning and build process given the context of the development. The construction was known by WBC to have been over a brickworks when planning permission was granted. In addition, whilst these properties were being built there was a major ground collapse that was linked to chalk mining at a former brickworks relatively nearby in Reading (Field Road). The Council do not appear to have acted upon this and have left the developer to address ground stability, before and during construction, unsupervised. We believe the Council could have stopped the development at that time to consider this issue further before the completion certificate for the site was given. There was an admission by WBC that it also failed to follow-up on its request for piling records which, had it done so, would have revealed that the developer was encountering a number of voids. The Council does not appear to have fully addressed its responsibilities therefore when considering the planning application and taking account the potential ground instability over an extended period. Remarkably, WBC seems to have no records of correspondence with the developer nor site visit notes etc. relating to the entire period up until the completion certificates were issued by the Council for numbers 3-26 dated May 2001.

It was stated in the meeting that we should disclose the report findings once finalised to all of the homeowners, including those looking to sell their homes, and communicate that the Council takes no responsibility for any aspect of the situation. We wonder why the report was commissioned if there was no intention of taking any resulting action and why the question of council support was not considered further before this report was commissioned and its findings published. Dr Edmonds’s report seemed to be quite clear on what would be a prudent next step to refine the area potentially impacted by the chalk mines but the Council can see no value in this. All homeowners have a collective share in the communal land so clearly the potential liabilities are a profound concern to everyone and these may be beyond the financial capacity of many, if not all, residents.

There is wording in the final section of the report (“4.8. Other issues for consideration”) that is likely to be of particular concern to homeowners if they need to share this report more widely e.g. with insurers, in the event of re-mortgaging and with potential buyers. At the time of writing, none of the houses have been affected by subsidence, including 5 Old Stocks Court. The second sentence in 4.8.2 below should perhaps be deleted:

“This has the potential to cause blight of the properties which has serious implications for the owners.”

REDACTED

It should also be made clear that in this paragraph Dr Edmonds is referring to typical insurer responses in cases where there is the potential for subsidence. The last sentence referring to “the prospect of subsidence damage in due course is highly likely” is not referring to this development but could be harmful if quoted out of context. In 4.8.4, Clive Edmonds “imagines” actions that owners will take. There are several actions that owners could take and we do not think that this is the place to hypothesize about only some of these.

Although cleared by you, as the report is not final and was stated to be “strictly private and confidential” and “subject to legal professional privilege”, it has not yet been shared more widely with other owners and residents nor with other directors of Old Stocks Court Management Limited (OSCM). Please note that OSCM is not a residents’ association as such, as it only deals with issues concerning the communally owned land (including Tenaplas Drive) rather than issues affecting the houses at Old Stocks Court. The communal area liabilities are borne by the members.

If the revised final draft is to be issued to all residents then we suggest that the following is a minimum obligation of the Council:

- The Council issues a copy of the report direct to the Old Stocks Court homeowners with a covering note explaining the reason the report was commissioned given WBC has subsequently distanced itself from the consequences. As homeowners, we do not feel that it is reasonable that we should be placed in the position of having to communicate the report and your position
- The Council should also state why they believe that they have no obligations regarding the findings and that they have fully met their duty of care throughout the planning and construction phases of the development (despite incomplete records; a failure to obtain the drilling records requested from the developer and no apparent site visits documented throughout the whole critical period of April to December 1999, at least)
- This should also explain why a development being built on the site of a historical chalk mining area was allowed to be completed without further ground work investigation being required following the large collapse at Field Road in Reading in January 2000. If the voids and chalk mines had been investigated during development, the land stabilisation programme was open and funding may have been able to be obtained
- The Council’s view on whether the developer acted lawfully in view of the evidence presented
- That as a matter of policy, why there is no question of Tenaplas Drive or Old Stocks Court being adopted by the Council, despite other new build developments having been adopted post-completion. Note that in the event of a road collapse near the entrance of the development, emergency services might not be able to gain access to the homes
- Why the Council is not prepared to accept the need to undertake the recommended survey work outlined by Dr Edmonds. This response seems to contrast with the pro-active stance of Reading Council in their handling of the Field Road situation

Furthermore we believe that the Council should offer to hold a residents’ meeting so that the Council’s position and the findings of PBA can be explained to the homeowners first-hand and give them the opportunity to raise questions, now that the report will be in the public domain. In the meantime, we look forward to obtaining PBA’S quotation for the survey work together with the initial response from Richard Benyon MP. Perhaps he might also consider attending the meeting with homeowners.