

The South Downs and Brighton's Water Supplies – An Inter-War Study of Resource Management

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Landscape histories of the inter-war years have tended to focus on the sprawl of building development into the countryside. Bodies including the Council for the Preservation of Rural England highlighted the consequences of suburban and more scattered forms of growth for the protection of rural amenity and opportunities for outdoor recreation. The plotlands scheme at Peacehaven, east of Brighton, and the more substantial ventures proposed for Birling Gap and Crowlink in the South Downs were held up as examples of the damage that might be wrought to the entire length of the coast and scarplands of southeast England, unless urgent action was taken to regulate the activities of the land speculator and developer.¹

To dwell on the visual and recreational impacts is, however, to overlook another vital dimension in the use and management of the rural environment, namely the protection of gathering grounds for the water supplies required, on an ever-increasing scale, by towns and cities. Such a wider historical perspective is particularly appropriate in tracing the resource development of the South Downs. The relatively low discharge of the four southward-flowing rivers, especially in summer, made them unsuitable for large-scale abstraction. Reservoir-development was constrained by high land values and few suitable sites. The chalk aquifer was, however, not only extensive, but close to the main urban areas. The highest yields came from the Upper and Middle Chalk, especially beneath the dip-slope valleys where the rock was more fissured. Because the pore spaces in the chalk were generally so small, the movement of groundwater tended to be concentrated along the fissures and joints. If supplies were to be conserved, and the cost of importing water from more distant parts avoided, the use and management of the Downland catchment required close regulation.²

This paper reconstructs the circumstances in which Brighton Corporation came to perceive speculative building development on the high Downs in the early 1920s as constituting so grave a threat to the purity of its water supplies as to demand the most urgent response in the

form of a Parliamentary Bill, seeking unprecedented powers to acquire land and regulate the provision of sanitation over a wider area. The promotion and implementation of the Brighton Corporation Water Bill of 1924 provides an essential basis for interpreting the relationships that subsequently evolved between urban and rural authorities in their search for more effective ways of determining priorities in the utilisation of land and natural resources in the South Downs.

The Threat to Underground Water Supplies

Within the limits set by the Brighton Corporation Waterworks Act of 1872, as extended in 1896, water abstracted by the five pumping stations in the South Downs supplied a resident population of over 220,000 in the early 1920s, which was greatly increased by visitors to the seaside resorts in summer and autumn (Fig. 1). Whilst the Shoreham supply was derived from a spring, the remainder was taken from wells. Under the terms of the purchase of fifteen acres required for the Patcham pumping station in 1884, the Corporation had the right to construct headings, as tunnels, in any direction, not exceeding eight feet in width and twelve feet in height, at a depth of not less than 160 feet. Except near the northern scarp edge, the underground water flowed south-eastwards to the coast. There might be a reverse flow in dry seasons, with considerable lateral movement.³

Whilst chalk might yield the purest and most palatable of water, the wells were particularly vulnerable to pollution. The optimal form of land use around the pumping stations was perceived to be grassland. The manure would be incorporated gradually into the thick tilth. The Corporation had purchased Waterhall Farm, of 772 acres, to the west of the Patcham station, soon after the First World War. As the Ministry of Health was later to remark, the Corporation missed its chance to acquire all the land round the station, when further parts of the Abergavenny estate were auctioned in 1921. Although a bid of £1300 was made for Sweet Hill, immediately north of the Patcham station, the land was withdrawn as being £200 below the reserved price. Before the Corporation's representative could be given fresh instructions, it was 'snapped up' by a local estate developer, Thomas Gasson, who straight away divided the area of 243 acres into 208 plots of varying sizes, ostensibly for small holdings, poultry farms and similar purposes.⁴

Local authorities were empowered, under the Housing and Town Planning Act of 1919 to relax building bye-laws for a period of three years so as to help meet the urgent demand for working-class housing.⁵ Whilst Steyning East Rural District Council saw no reason to object to a

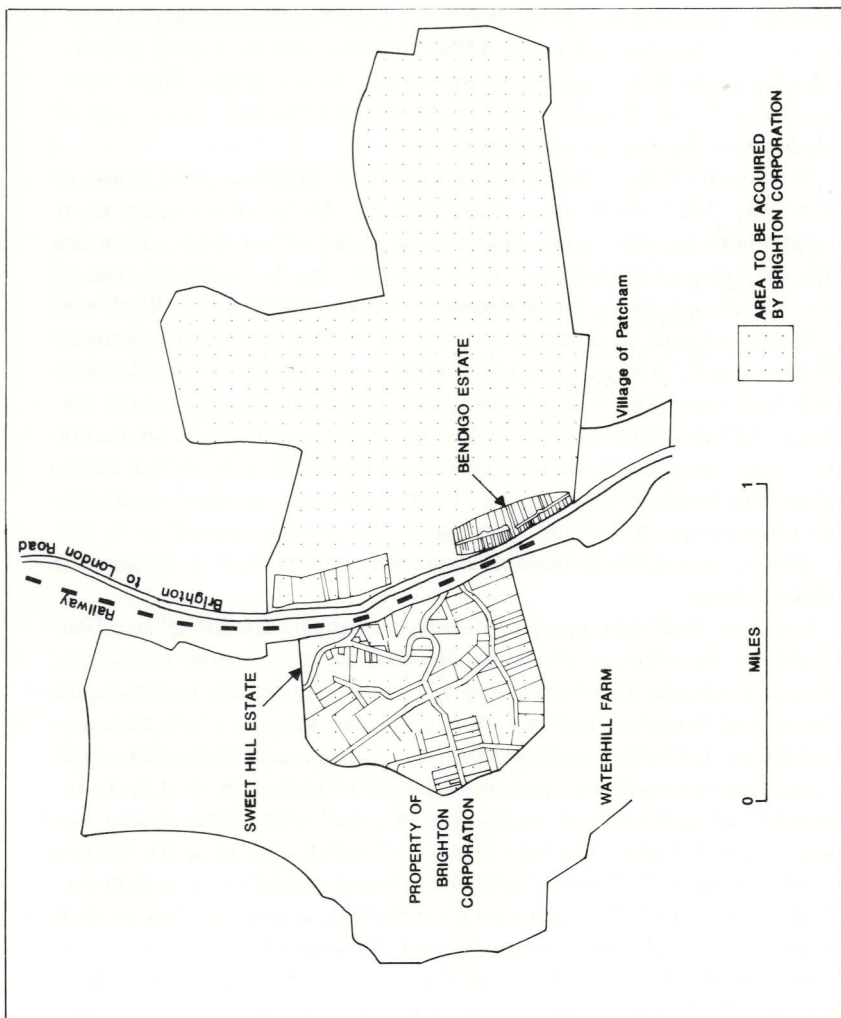


Fig 1. The estate, zones of protection and limits of water supply of the Brighton Corporation.

limited number of houses being erected in connection with the smallholdings on Sweet Hill, it was soon clear that many owners intended to occupy their plots, despite the lack of an estate water-supply and properly-formed roads. The Council accordingly announced that any relaxation of bye-laws would be subject to six months' notice of their reimposition. The effect was to cause even cheaper bungalow-structures to be substituted for those originally proposed. When the Council sought to object to technical infringements of the bye-laws, plot-owners appealed successfully to the Ministry of Health. A borehole had been excavated, and distribution pipes laid to taps at various points on the estate. There were, according to the Ministry, no grounds for objecting to the use of cesspools in 'a rural and unsewered area'.⁶

In a report to the Waterworks Committee of Brighton Corporation, in November 1923, the Waterworks Engineer, Archibald Cathcart, drew urgent attention to the grave danger to the water supply arising from not only the building development on Sweet Hill, but the Bendigo estate of 32 acres, to the east of the Brighton to London road (Fig. 2). Work was expected to begin on a further property in the area. About two-thirds of the plots on the Sweet Hill estate had been sold for prices ranging from £50 to £100 per acre, and, in some cases, £200 per acre, particularly following the successful appeals. Whilst the buildings erected to the east of the main road were generally more substantial, all were within three-quarters of a mile of the pumping station, and some directly over the adit that collected the bulk of the water supply. As Cathcart warned, there was nothing to stop buildings multiplying until the ground was 'honeycombed with cesspools'.⁷

Every cesspool was a potential source of danger. The model bye-laws issued by the Ministry of Health required cesspools to be watertight, when constructed. There was, however, no stipulation that notice should be given of the commencement of work. As the surveyor of the Steyning East Rural District Council remarked, it often happened that building was so well advanced as to make it practically impossible to detect any defects by ordinary surface inspection. In a sense, the objection was academic. Not only did all cesspools, made of brick and concrete, become impervious over the course of time, but it was common for owners to perforate the walls or bottom so as to enable the liquid-contents to soak away, thereby removing the periodic need to empty them.⁸

Where the contents were emptied on to the surface, or were able to 'diffuse' through the surface layers of mixed soil and chalk, Cathcart described how they might be 'inoculated with hostile organisms', delayed in their progress, and partially dried and filtered, before reaching the underlying chalk. Where the cesspools were necessarily cut directly into the chalk, on the thin soils of the high Downs, the danger of rapid, unfil-

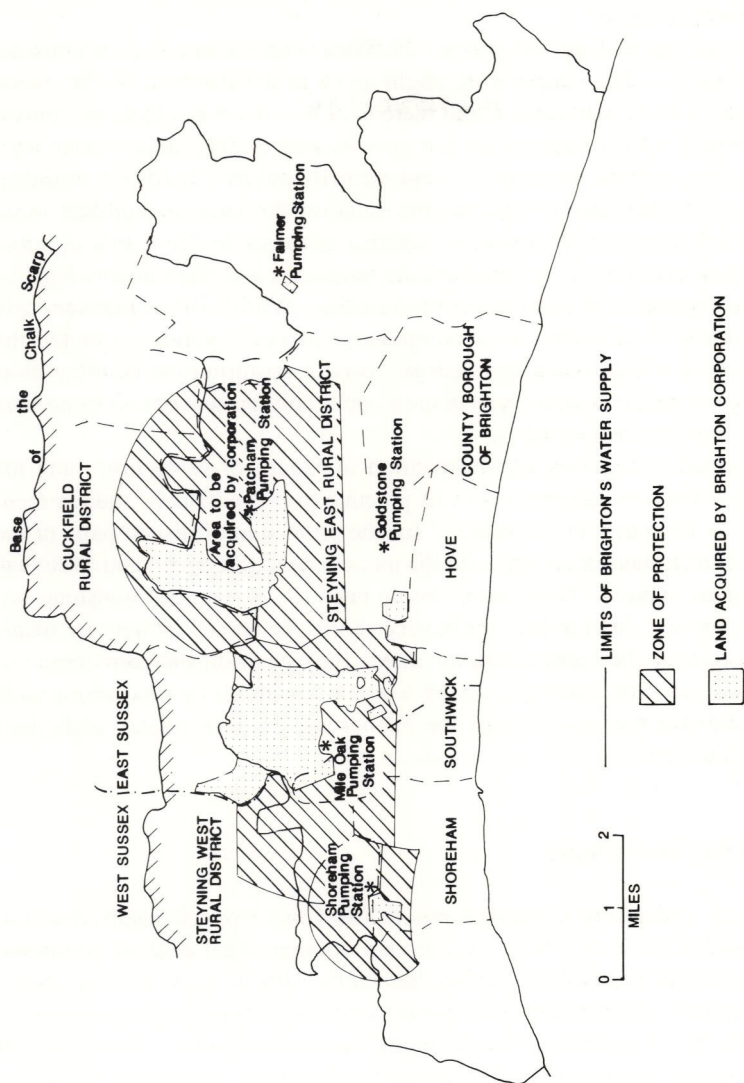


Fig 2. The land acquired under the Brighton Corporation Water Act of 1924.

tered movement was particularly severe, especially in the vicinity of fissures, many of which had been encountered in the excavation of the main adit at Patcham. One of considerable width provided a large proportion of the water supply.

In his report, Cathcart pressed the Waterworks Committee to consider two options. The Corporation might agree to the Patcham district being admitted to its main sewer, and thereby enable the Rural District Council to install mains drainage on the new estates to. The main sewer was, however, barely adequate to deal with Brighton's needs. A drainage scheme would merely enhance the value of the land for building in an area otherwise quite unsuitable for that purpose. In Cathcart's opinion, the better course was to purchase the properties and other nearby land, so as to regulate and prevent further building. Whilst a Parliamentary Act would be required for new compulsory powers operative outside the County Borough boundary, and the costs of acquiring the building plots were bound to be high, the situation could only grow worse if more land was sold and developed.

Cathcart suggested the designation of 'zones of protection', and the imposition of restrictive codes of practice to prevent such 'sudden menaces to the purity of the supply,' for the protection of distant parts of the Patcham gathering ground, and the areas around Shoreham and Mile Oak pumping stations. There would be no need for zoning the Goldstone station, set in a district that would very shortly be served entirely by mains drainage, or the Falmer station, where a covenant in the conveyance of the site in 1900 conferred on the Corporation rights of supervision over all drainage matters affecting the Falmer and Stanmer estates of the Earl of Chichester.⁹

The Bye-laws Clause

Within a month of Cathcart's report, the Town Council resolved unanimously to promote a Bill. In a written opinion, legal counsel confirmed that, whilst it was illegal under the Public Health Acts for a cesspool-owner to pollute water percolating into the Corporation's supply, it would be very difficult to 'discharge the onus of proof'. The proposed Bill would enable the Corporation to purchase by compulsion, if necessary, 1056 acres of land, and to make bye-laws for preventing the pollution of water within a radius of two miles from the three stations. Compensation would be awarded to any person whose legal rights were injuriously affected.

The distinguished authority on the geology of underground water supplies, Herbert Lapworth, was engaged as an expert witness for the

Corporation. He had appeared in a similar role before numerous Parliamentary Select Committees, scrutinising Water Bills affecting large chalk supplies in other parts of south-east England. He was an excellent source of expert opinion on the customary difficulties, indeed impossibilities, to prevent the pollution of water supplies without the reasonable precautions prescribed by the Bill. In Lapworth's view, it would be nothing less than tragic for 'reckless and indiscriminate pollution' to be allowed to destroy 'so magnificent a source of pure and copious water supply'. Moreover, no other local source was capable of meeting Brighton's needs.¹⁰

Drawing on research carried out by its Parliamentary agents, the Corporation published details of some fifty instances where Parliament had granted powers to make bye-laws for the protection of water supplies. The first had been included in the Birmingham Corporation Water Act of 1892 (in respect of the commons acquired as part of the gathering-grounds in upland Wales), and the Leeds Corporation Act of 1897, which granted similar protection to large parts of Washburn Valley. Whereas these bye-laws were to be formulated under the provisions of the Commons Act of 1876, those included in a further fourteen Bills passed between 1898 and 1901 applied sections of the Public Health Act of 1875. As an aid to further legislation, a Bye-laws Clause was inserted in the Model Clauses Bill passed at the end of the session of 1901. The Margate Corporation Act of 1902, for example, incorporated the clause so as to enable bye-laws to be imposed on areas within 1,500 yards of any well, adit or other works. The Llanelly Waterworks Act of 1909 and Northampton Corporation Act of 1913 took powers to protect water supplies from sewage contamination, and explicitly from 'the contents of an effluent from any water closet, privy, midden, ashpit or manure heap'.

Whilst recognising the great importance of protecting water supplies, the Local Government Board consistently argued that it was wrong in principle and difficult in practice for local authorities to enact bye-laws, where they had no jurisdiction as sanitary authorities. The fact that so few undertakers took advantage of their powers to enact bye-laws seemed to prove the Board's point that it was more effective either to purchase the land or enter into a voluntary agreement with existing owners. The Bye-law Clause was omitted from the Model Bill of 1912. Parliamentary Select Committees struck the Clause from four local Bills, and objections on the part of the Board and Lord Chairman of Committees led to its abandonment in ten further cases. The principal exception, the Manchester Corporation Act of 1919 enabled Haweswater to be impounded. Since grazing of the commons would continue, and public access to the entire catchment was granted, Manchester Corporation was

empowered to enact bye-laws to safeguard the water supplies from the abuse of these rights.

In its report to the Parliamentary Committees that would consider the Brighton Bill, the Ministry of Health (the successor to the Local Government Board) emphasised how the bye-laws sought by the Corporation would be fundamentally different from those previously granted to regulate what happened. Any prohibitory powers were inferential. The Corporation sought expressly to forbid the construction and use of certain things. The Ministry, nevertheless, perceived special circumstances warranting compulsory land-purchase powers, and the enactment of bye-laws to ensure that all cesspools remained in a watertight condition.

Whilst the Corporation found the Ministry's report both 'fair and favourable', East Sussex County Council, and every local authority within the affected areas challenged the report, and petitioned against both the land acquisition and bye-law powers. Hugh McIlveen, Clerk to the County Council, was unable to discern any exceptional circumstances within the threat allegedly posed to Brighton's water supplies, that might warrant such drastic powers. Each of the twenty-two houses erected on Sweet Hill used a dry closet and pail system, and therefore ashpits. The Bill was seen simply as a further example of the Corporation's long-standing desire to acquire considerable areas of land outside its boundaries.¹¹

The County Council refuted any notion that the interests of the Corporation should prevail, simply because it had chosen to range beyond its boundaries for water. Local authorities in the administrative county had at least as great an interest in the purity of supplies. The municipal borough of Hove, as well as the adjacent urban and rural districts, also took their supplies from the Brighton waterworks. Echoing the sentiments expressed earlier by the Local Government Board, McIlveen insisted it was wrong in principle that a body not elected by the County or District Councils should have powers to impose bye-laws dealing with issues, for which the local sanitary authorities already had responsibility, particularly – if ironically – that evidence suggested that the pollution of Brighton's water supplies partially occurred from insanitary arrangements within the Borough itself. Not only would a further set of bye-laws bring greater obligations and therefore costs, but the restrictions on further building development would reduce the capacity of the administrative county to meet them through a growth in rateable income.

For the Corporation, Town Clerk J.R. Rothwell acknowledged that the petitioners' major objection concerned the uncertainty over the bye-laws' contents and later amendations. By defining their scope closely within the Bill, and preparing as definitive a draft as possible during its promo-

tion, he sought to allay at least some of the most exaggerated perceptions as to what was intended. The petitioning bodies, nevertheless, rejected all attempts by the Corporation to enter into detailed discussions, and the Ministry of Health's offer for one of its officers to preside over a conference in London. The prospects of success in defeating the Bill seemed so good that meetings, with McIlveen in the chair in March and April 1924, reaffirmed the determination of opponents to oppose the Bill in principle, and to resist any move to discuss its provisions in detail.¹²

Scrutiny Before Parliament

The introduction of the Bill in the Commons was hardly auspicious for the Corporation. Five MPs put down notices for its rejection on the second reading. Despite the convention of both Houses that the fate of local Bills should be determined by a close study of the evidence at the Committee Stage, Rothwell warned that the recent success of such hostile tactics meant the opposition had to be taken seriously. A particularly 'stubborn' attitude was taken by Rupert Gwynne, MP for Eastbourne and a member of the County Council, who insisted that the Corporation should 'pay for everything', purchasing the land wherever the Corporation sought to constrain the owner's prerogative.¹³

In the event the Bill secured a second reading 'on the nod' in May 1924, and was referred to a Commons' Select Committee. On the premise that 'an array of counsel undoubtedly impressed committees', and might ensure no point was missed, each petitioning authority was represented by legal counsel. It was to no avail. Having heard the speeches for and against the Bill, and the evidence of policy and expert witnesses as presented through counsel over a period of fourteen days, the Committee found the preamble to the Bill proved.¹⁴

Even before the Committee's proceedings were formally concluded, an indication of the petitioners' future course of action was required. In a conference in the corridor, the five District Councils made clear to McIlveen that they could not afford the further expense of individually opposing the Bill in the Lords. For them, the better course might be to negotiate the maximum concessions by way of amendments to the detail of the bye-laws clause, but such a course of action would undermine the County Council's decision to fight the Bill in principle in the Lords. Instead the local authorities sealed the County Council's petition, and were represented by the same legal counsel.¹⁵

Reappraisal of another kind was required of the West Sussex County Council. As its Clerk conceded, the Council had not realised, until the proceedings of the Select Committee, what Brighton was attempting. The

local authorities affected by the Bill in West Sussex had not sought help. The bye-laws clause, as originally drafted, had obscured its wide scope, and drafts had been sent only to the petitioning bodies. Whilst the type of buildings under construction at Sweet Hill certainly menaced water supplies, and warranted the moves made to acquire the land, there was no justification for the bye-laws in West Sussex County Council's estimation. The decision to petition the Lords aimed to secure the elimination, or at least relaxation, of the clause.

Whilst welcoming this belated support, the reaction of East Sussex County Council turned to horror on learning that the Finance and General Purposes Committee of the West Sussex County Council had decided to withdraw the petition, and negotiate on the detail of the clause, so as to avoid legal costs of some £300. Legal counsel warned McIlveen that a withdrawal, without West Sussex having 'fired a shot', would place the remaining petitioners in 'a very disadvantageous position'. At a further meeting of the Finance Committee, McIlveen and the acting Chairman of the East Sussex County Council offered to include West Sussex among the other petitioners which their counsel would represent before the Lords' Select Committee, on the understanding that a third of the costs (up to a maximum of £300) would be met. The offer was accepted by the full Council later that morning.¹⁶

None was more shocked at the decision of the Commons' Select Committee than the plot-owners on Sweet Hill. Whilst they had received formal printed notice of the Bill in February 1924, the estate developer, Thomas Gasson, conceded it was not until they read of the proceedings in local newspapers that they realised the Corporation stood a chance of succeeding, and that they should object most strongly in person or by legal representation. As the principal owner, he had spent several thousand pounds on the provision of water supplies and 'hardening' the roads. As Gasson pointed out, and the Medical Officer of Health for East Sussex confirmed, the Corporation's own holding, Waterhall Farm, was 'a flagrant negation of the precautions' sought by the bye-laws. The pig sties were on bare soil. A deep well had been sunk in the corner of the stockyard, itself heavily carpeted in straw and manure.¹⁷

An 'Agenda' drawn up for the defence of the Sweet Hill owners, in May 1924, recounted how it was extremely unjust that wounded, ex-servicemen and others, equally unfortunate in civilian life, should be denied their 'comfort and security by' Brighton Corporation, a body run by 'autocratic businessmen'. Their success would create a precedent for other powerful corporations. The plot-owners did not want the Corporation's money in the form of compensation, but rather the 'pleasure' of their own freeholds where they could be their own master until the end of their days. Since the Corporation had rejected the cheaper

course of installing proper sanitation, despite the owners' willingness to accept any sensible system, there were inevitably grounds for suspicion as to why it was so keen to purchase the area. As the Agenda pointed out, there would be nothing to stop the Corporation, if the Bill was passed, from providing roads and sewerage facilities for the estate at modest costs, and then re-selling the plots at a profit of several thousand pounds per acre, particularly as, at that time, it seemed probable that a railway station would be built nearby.¹⁸

A memorial from forty-one plot-owners to the Lord Chancellor, Lord Haldane, in May 1924, sought his support before the Lords' Select Committee, and recounted that as 'poor working people totally unversed in legal procedures', they were 'very chary of employing legal counsel on financial grounds'. Sympathetic to their cause, Haldane approached the Ministry of Health which, in turn, questioned the necessity of evicting the owners, in view of the bye-law powers. The Town Clerk replied that 'the menace of Sweet Hill' was so imminent as to make it impossible to wait for the bye-laws to come into effect. Although it was the intention to purchase the land, an assurance had already been given to the small-holders that they could remain, so long as they did not damage water supplies.¹⁹

Whilst the Commons' Committee had followed customary practice in not giving reasons for its decision, McIlveen believed the main issue had been lost in 'the cloud of argument about the details of the (bye-laws) clause put forward by Brighton and possible amendments of the wording', until the impression was given that it was the form of the clause that was in question, rather than whether the clause as a whole should be permitted. To guard against such a distraction in the Lords, counsel for the petitioners cross-examined Corporation witnesses and made a speech setting out the objections of the County Councils and local authorities to the Bill. By calling no witnesses, counsel was able to ensure the proceedings ended with the focus entirely on the principle of the Bill. This procedure denied the right of reply to Counsel for the Corporation.²⁰

The water engineer, Vaux Graham, had given expert testimony for the County Council in the Commons. Whilst anticipating a favourable outcome for the Council's good case, he suggested that if the fight continued into the Lords, greater emphasis should be placed on the fact that the Corporation, by purchasing so large an area, was taking far more elaborate well-protection measures than had ever been considered necessary by other undertakers in the North and South Downs, including Folkestone, Dover, Eastbourne, Worthing, and Chichester. Before the Lords' Committee, counsel emphasised that the petitioners accepted the compulsory acquisition of land around the Patcham pumping station, on the premise that this alone would be more than adequate for protection of the

water supplies. There would be no need whatsoever for bye-law powers over a further area of 12,000 acres, representing four or five times the area of the County Borough.

Rather than interfering with the existing 'proper persons to carry out the provisions of the Public Health Act', counsel contended that they purified the water wherever the large-scale purchase of the catchment failed to secure that end. Throughout the Committee proceedings, the Corporation's counsel ridiculed the contention of allowing the water to become polluted, and then taking steps to purify it. As the Medical Officer of Health insisted, it was important for visitors to health resorts, such as Brighton and Hove, to have the confidence that they drank pure, natural water, as opposed to polluted water purified by the addition of chemicals. Counsel for the County Council retorted that Bournemouth already softened its water, and London chlorinated its supplies.²¹

Once again, the petitioners together with many observers were shocked to discover the Select Committee was of the unanimous opinion that the case for the Bill had been proved. In the words of the Chairman, Lord Kintore, 'We recognise that the Petitioners, through their Counsel, have made a very gallant fight but they have not prevailed'. The Royal Assent was given in August 1924.²²

Implementation

A draft of the bye-laws was approved by the Ministry of Health in January 1925, and the statutory consent of the local authorities obtained; under the Act, the minister was empowered to over-rule, where consent was 'unreasonably withheld or delayed'. The Ministry formally approved in the following December. In summary, the bye-laws prohibited any owner, lessee or occupier of any lands within a zone of protection from knowingly causing or allowing any discharge from 'a watercloset, urinal, privy or midden, receptacle for sewage, pigstye, cattleshed, stable, slaughter house or manure pit' to flow over the chalk surface or to percolate into the subsoil. A watercloset or urinal was permitted only where connected to a drain or sewer, communicating with a sewage disposal works, cesspit or cesspool of approved type. An 'approved' cesspit or cesspool was defined as being watertight, constructed of cast iron of at least one inch in thickness, and having no overflow or outlet pipe.²³

A Sub-committee made up of the Chairman of the Waterworks Committee, the Mayor and two councillors was appointed to deal with all claims received in respect of the acquisition of land, by compulsion or agreement. Some 14.5 acres were retained by ex-servicemen on the Sweet Hill estate, and a further 8.5 acres under deeds of covenant on the

Bendigo estate. By the time the last arbitration awards were announced in March 1927 Brighton had expended £92,460 on land purchases, and every opportunity was taken to make more land acquisitions further afield. In March 1925, for example, 776 acres of mainly rough downland, making up the greater part of Balsdean Manor in Rottingdean, were purchased as an assurance against the time when water supplies might be required from that part of the Downs. The water-pumping plant, no longer required at Sweet Hill, was transferred for the use of the farm tenant.²⁴

The Longer-Term Implications

It would be extremely misleading to suggest that the bye-laws and acquisitions programme represented the end of the matter. However convenient it might be for the historian to pursue the unfolding of a particular policy or executive action as a discrete but short-term entity, those responsible for serving the wide constituency of interests in local government, and for making the maximum use of expensive resources, would not subscribe to such a blinkered chronology. Land might, for example, be acquired for water-gathering purposes, but councillors and officers alike had financial and social obligations to promote as many other secondary uses as possible. Accordingly, early in 1927 there was perceived to be nothing exceptional in the Waterworks Committee help to the Brighton and Hove Motor Racing Club establishment of a national motor road race track on the Corporation's Mile Oak Farm. Such a lease was worth much more than that ordinarily paid by a farm tenant but, as a Brighton councillor observed, 'looking at it from a business point of view, there must be [additional] money in it'. A letter of support from the Brighton and Hove Hotels and Restaurants Association argued for the emulation of Brooklands where a half-day Easter meeting drew a crowd of 21,000 to Surrey.²⁵

Long-standing misgivings in some quarters as to the Corporation's motives appeared confirmed. Not only had questions been raised as to the real purposes behind the Corporation acquiring so large a tract of water catchment, but also its assumption of a leading role in the field of town and country planning. As well as seeking to impose water bye-laws, the Corporation also became the driving force behind the formation of a Brighton, Hove and District Joint Town Planning Committee, made up of the twelve constituent authorities responsible for statutory planning between the Adur and Ouse. Almost straight away, a Technical Committee began to prepare the ground for the Advisory Committee to take executive powers for implementing the recommendations made, first

in an interim survey of 1928 and then a final report of 1932. Whilst all supported the sentiment that 'the preservation of attractiveness, beauty and amenities' should be made the main object of town planning, there was scepticism as to how the Corporation might define such terms in its drive, as exemplified by the racing-track scheme, to turn that part of the Downs into a money-spinning 'playground' for Brighton.²⁶

At first, the impotence of the contending parties prevented much happening. The racing club was unable to raise sufficient funds, and local authorities were reluctant to yield their albeit rudimentary planning powers to a joint body. Even the County Council, which had been 'casting around' for a way of giving the rural areas 'their proper share of influence' was unable to form a Joint Executive Committee of its own, that excluded the County Borough of Brighton. Those district councils that had made some headway in planning were unwilling to sacrifice it for the nebulous advantages of a joint venture.

The revival of the track proposals in 1933 brought matters to a head. The furore of opposition made the Corporation even more determined to press ahead, insisting that the £410,000 spent in acquiring the downs was 'no pious pretence of preservation'. It had, for example, secured the famous landmark, the Devil's Dyke, in 1926 to prevent its 'falling into the wrong hands'. As a Councillor remarked, Brighton deserved to be trusted to impose proper safeguards on the building and management of the race-track. In protest at the criticisms made by other members, the Corporation withdrew from the Joint Advisory Committee, dismissing it as 'a mere debating society and a luxury'. The Portslade Urban District Council was threatened with a claim of £10,000 for compensation, if it persisted, as a local planning authority, in refusing consent for the track.

But an opening had been created for the County Council. In order to bring unity of purpose to the preservation of the South Downs, and circumvent the limited financial resources of individual authorities, it promoted a South Downs Preservation Bill, that would transform its role from that of a mere bystander to the most powerful planning body over the Downs. There was wholehearted support from its West Sussex counterpart, the Council for the Preservation of Rural England (CPRE), the National Trust, and the Society of Sussex Downsmen, founded in 1923 to agitate for the preservation of the Downs in their natural condition and agricultural use. Predictably, the Corporation interpreted this initiative as 'a dead set at Brighton over the Motor-Racing Track'.

Once again, the Corporation and County Council found themselves on opposite sides before a Lord's Select Committee. As the Chairman, Lord Redesdale, later recalled, three questions were uppermost in the Committee's mind; was special legislation needed, what was meant by 'preservation' and were the proposals equitable? Whereas the County

Council sought to maintain the *status quo*, whereby visitors would continue to see the Downs only from existing rights of way or from afar, as a backdrop to Brighton and other coastal resorts, the Select Committee commended the Corporation's policy of developing its landed estate to fulfil a pressing public need, by allowing the average holiday-maker 'to indulge in every kind of relaxation and amusement imaginable during his few days' holiday'. On the promise that any Downs preservation scheme must have the co-operation of Brighton and Hove, Redesdale adjourned the Select Committee, on its eighteenth day, to give the parties three months to come to an agreement. Without that consensus, the Bill would fail.²⁷

The opponents of the Bill had, in effect, been made masters of the situation. In a letter of October 1934, the Corporation set out a series of proposals, based on the assumption that each part of the Downs would have differing requirements. At least two zones might be envisaged, namely one where the regulations, as set out in the Bill, might be imposed, and another where further activities, such as sports and recreation grounds, hotel and refreshment facilities, sanatoria, and organised camping, might be permitted. The Corporation should be the statutory authority for the area within the administrative borough, and for all lands owned or later acquired beyond its boundary.

The County Council opposed the Corporation becoming the authority for 'an indeterminate area of virtually unlimited extent'. Rather than two zones of protection, and the acrimony which their definition would arouse, the better course was to permit some relaxation where special circumstances dictated it, and the approval of the Minister of Health was obtained. The area leased to the racing company might be one such area. Whilst the Corporation found the concessions too limited to warrant its withdrawal of opposition from the Bill, officials of the Ministry of Health believed consensus might have been achieved, through the good offices of the Select Committee.²⁸

It was the relationship of the municipal borough of Hove to Brighton, particularly in the light of the acquisition of the water-gathering grounds, that caused the rejection of the South Downs Preservation Bill. On the basis that both Hove and Brighton were resorts, and had an equal interest in the Downs, Hove contended it should contribute equally to their preservation. Brighton was, however, a county borough and, under the Bill, liable only to claims for compensation arising from those land-owners adversely affected by decisions taken within the borough boundaries. As part of the administrative county, Hove was expected to help meet the County's liability, estimated at £600,000. Since Hove contributed a third of the county's rateable income, it would contribute a much higher sum than Brighton. Hove Town Council insisted its liability should not exceed twenty per cent of the County's costs.

The County Council noted that Brighton's low liability reflected both its status and the fact that it had spent large sums buying the downland to protect its water supplies, thereby negating any need to compensate private landowners for future development restrictions. Hove agreed, but pointed out that the costs had been met from Brighton's revenue as a water-undertaker. Hove had contributed thirty-six per cent of that income in the form of payments for its share of the water. Whilst accepting this, the County Council insisted that, far from deserving privileged concessions, Hove was so near to the Downs that it stood to gain far more in benefits than, say, Rye or East Grinstead, which were not even in sight of the Downs. It would be grossly inequitable if Hove failed to make a contribution, in proportion to its rateable value, towards a matter of common interest to all East Sussex ratepayers. Lord Redesdale regarded the impasse as so 'insuperable' as to force the Committee to conclude that the Bill should not be allowed to proceed.

Conferences between officials in 1935-6 failed to ease further strains in relations between the Corporation and County Council, despite the continued inability of the racing syndicate to raise the necessary development capital. Brighton insisted that there should be no preservation measures within a radius of eight miles of its Town Hall, extending almost to Lewes, that might have the effect of preventing any land being used for popular recreational purposes by those living or visiting the resort. The County Council became even more determined to secure agreements with landowners for the permanent preservation of their estates, particularly where these might be compromised by the development of Brighton properties.²⁹

In 1935, the County Council put forward a scheme, whereby a uniformly strict standard of preservation would be negotiated with landowners throughout the 35,000 acres of downland in the administrative county, under existing town and country planning legislation. The land would be reserved either for farming or private recreational purposes. Where such agreements were drawn up, and claims for compensation were made, the County Council offered to meet the authorities' costs, where they exceeded the capitalised product of a farthing rate on the District concerned. Whilst agreements in principle were reached with all districts, legal opinion confirmed that it would be *ultra vires* for the discretion of a town-planning authority to be fettered by the undertakings given to the County Council, as a condition for the compensation payments. The only course was for the County Council to be nominated the responsible authority for planning schemes, and for the functions of implementing those schemes to be delegated back to the district councils on the basis of the agreements already reached. After much negotiation, four councils agreed to do so. Drawing on the experience of the Hailsham

Rural District Council, which had already made a number of agreements, the County Council drew up formal agreements, under Section 34 of the Town and Country Planning Act of 1932, for the preservation of 23,420 acres, out of a total area of 29,582 acres of downland within those four districts.

Throughout these negotiations, the County Council had been severely constrained by the threat of the Corporation to develop its estate more intensively, and the apparent ease with which Brighton extended its boundaries (the Administrative Borough was enlarged fivefold in 1927).³⁰ Under a further local Bill, the Corporation proposed, in June 1937, to extend its boundary further to incorporate that part of the parish of Telscombe which included 3000 acres of downland, covered by a recently-negotiated preservation agreement between the landowner and County Council. Despite the predictable protests of the County Council, the subsequent negotiations (which quickly came to encompass the whole administrative boundary) provided a framework of reference, in which it was at last possible to combine negotiations on the whole question as to how the Corporation could be free to adopt whatever form of preservation it might choose, and the County Council might pursue unchallenged its form of preservation beyond the space required to meet the essentially urban demands of Brighton for building land, water catchment, and opportunities for more organised forms of outdoor recreation.

By the outbreak of war in 1939, draft headings had been agreed, whereby the Corporation accepted that the 2000 acres of its property falling outside the revised boundary should be embraced by the County form of preservation, subject to a saving clause for water-gathering purposes. The County Council agreed that the planning consent previously given under duress for the race-track, should be widened to include general recreational uses. The impediments formerly placed by the County Council and the landowner, the Crown Commissioners, to the construction of a northern access from the Devil's Dyke road to the proposed track, would be removed.

Water, Land and Community

In his account of the management of water resources in the Australian State of Victoria between 1834 and 1988, J.M. Powell adopted the subtitle, 'Water, land and community' to convey a sense of the integral role played by water in every type of activity in that Continent's most populous State.³¹ Whilst Britain might not face the same extremes in terms of the absolute quantities of water available, the purpose of this paper has been to illustrate the significance of attempts to protect the volume and

purity of water resources, both in a tangible sense in determining the use and management of land, and in the wider context of relationships within local government.

Writing of land use in Sussex since the last war, Clare Lukehurst noted how the superimposition of such activities as water catchment, landscape and wildlife protection, and informal recreation represented a form of *de facto* multiple land use.³² However effective the controversy of the South Downs Preservation Bill in highlighting the need for protecting amenity and opportunities for outdoor recreation, it was in the field of water-resource protection that a clearer guide emerged as to the way ahead for according special treatment to designated areas, as a supplement to that afforded by statutory planning. The imposition of 'zones of protection' around the pumping stations was a harbinger of what was enacted after the Second World War. Under the designation of Area of Outstanding Natural Beauty, made in 1966, landscape conservation had to be taken into close account by those granting planning permission for changes in use, and the extension or intensification of existing functions. The appointment of a Sussex Downs Conservation Board in April 1992 represents a further attempt to secure an effective integration of the different forms of resource use and management.

In commenting on the bitterly-contested outcome of the Brighton Corporation Water Act of 1924, one local newspaper, the *Brighton and Hove Herald*, observed that it seemed necessary for not only a League of Nations, but for a League of Sussex Authorities.³³ Whilst none doubted the importance of closer regulation of the use and management of the Downland environment, the legacy of Brighton's moves to protect its water supplies in the early 1920s severely prejudiced attempts to secure a consensus as to how that requirement might be met, during negotiations on the abortive South Downs Preservation Bill, some ten years later. A rapprochement began to emerge only in the late 1930s, not through some initiative taken explicitly to protect the distinctive qualities of the Downlands, but as part of the wider national debate as to where administrative boundaries should be drawn. In that sense, the case study of Brighton and the Downs highlights the more holistic view, which both central and local governments were being forced to take, in their response to changing perceptions of the geography of inter-war Britain.

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Notes

¹ P. Brandon and B. Short, *The South-east from AD 1000* (London, 1990), pp. 289–90; J. Sheail, *Rural Conservation in Inter-war Britain* (Oxford, 1981).

² A.S. Potts, T.J. Browne and H.M. Rendell, 'Hydrology and water supply in Sussex', in *Sussex: Environment Landscape and Society* edited by the Geography Editorial Committee (Gloucester 1983), pp. 76–86.

³ East Sussex Record Office (ESRO), A 2791, 62 & 68; Brighton Corporation Waterworks Act, 1872, 35 & 36 Victoria, cap lxxxvi; Brighton Corporation Water Act, 1896, 59 & 60 Victoria, cap cxxii.

⁴ ESRO, A 2791, 62

⁵ M. Swenarton, *Homes Fit for Heroes* (London, 1981). Housing, Town Planning, &c., Act, 1919, 9 and 10 George V, s. 25.

⁶ ESRO, A 2791, 68 & 94.

⁷ ESRO, A 2791, 62 & 68.

⁸ ESRO, A 2791, 62.

⁹ ESRO, A 2791, 62 & 68.

¹⁰ ESRO, A 2791, 62.

¹¹ ESRO, A 2791, 62 & C/C77, 12.

¹² ESRO, A 2791, 68 & C/C77, 12.

¹³ ESRO, A 2791, 68.

¹⁴ ESRO, DB/B1, 15.

¹⁵ ESRO, C/C77, 12.

¹⁶ ESRO, C/C77, 12 & 13.

¹⁷ ESRO, C/C77, 12 & 15.

¹⁸ ESRO, C/C77, 14.

¹⁹ ESRO, A 2791, 94 & C/C77, 14.

²⁰ ESRO, C/C77, 12.

²¹ ESRO, A 2791, 62 & C/C77, 12.

²² ESRO, DB/B1, 15; Brighton Corporation Water Act, 1924, 14 & 15 George V, cap lxiii.

²³ ESRO, A 2791, 62.

²⁴ ESRO, A 2791, 68 & SWA 2/1, 28.

²⁵ ESRO, SWA 2/1, 27.

²⁶ Sheail, *op. cit.*, pp. 96–115; ESRO, C/C2; South Downs Preservation Bill, 1934, 24 & 25 George V.

²⁷ *Parliamentary Debates*, Lords, vol. 91, pp. 907–23; vol. 96, pp. 122–50.

²⁸ Public Record Office, HLG 54, 59.

²⁹ ESRO, C/C2.

³⁰ Brighton Corporation Act, 1927, 17 & 18 George V, cap lxxxi.

³¹ J.M. Powell, *Watering the Garden State* (Sydney, 1989).

³² C. Lukehurst, 'The use of land in Sussex, 1947–1978', in *Sussex: Environment, Landscape and Society*, pp. 175–7.

³³ *Brighton and Hove Herald*, 12 July 1924.