

SURREY COUNTY COUNCIL**CABINET MEMBER FOR HIGHWAYS, TRANSPORT AND FLOODING****DATE: 9 NOVEMBER 2016****LEAD OFFICER: JAMES PAINTER,
COMMUNITY PARTNERSHIPS TEAM MANAGER****SUBJECT: FLOOD PREVENTION PRODUCTS****SUMMARY OF ISSUE:**

In June 2016, Surrey County Council was informed by the Environment Agency that products that restrict airflow beneath a building's floor, such as self closing airbricks, may not be suitable at properties within 250 metres of a current or historic landfill site.

Prior to this time between, 1 April 2014 and July 2015, Surrey County Council administered the Repair and Renew Grant on behalf of the Department for Environment, Food and Rural Affairs (Defra), and, as part of this scheme, grant funding was provided to properties in Surrey to install flood protection products including self closing airbricks.

In view of the amended advice, this paper proposes that Surrey County Council consider offering a financial contribution to residents for the cost of replacing the self-closing airbrick.

RECOMMENDATIONS:

It is recommended the Cabinet Member for Highways, Transport and Flooding agrees that:

1. Surrey County Council should write to inform affected homeowners who used their Repair and Renew Grant to fit self-closing airbricks to their property, where their property is within 250 metres of a current or historic landfill site them and ask that they consider replacing these products with an alternative flood protection product.
2. Surrey County Council offer a financial contribution to homeowners to assist with replacing the self-closing airbricks fitted with grant funding from the Repair and Renew Grant, where their property is within 250 metres of a current or historic landfill site. It is proposed that £65 per airbrick is provided to enable, at the residents' discretion, either direct replacement with a standard airbrick or an alternative flood prevention product.
3. Surrey County Council identifies a budget of £30,000 in order to cover the costs of any financial contribution to homeowners and that authority is delegated to the Community Partnerships Team Manager to authorise and manage expenditure against this budget.

REASON FOR RECOMMENDATIONS:

Following advice from the Environment Agency received in June 2016 that products installed through the Repair and Renew Grant Scheme, administered by Surrey County Council on behalf of Defra, may not be suitable for properties within 250 metres of current or historic landfill, it is considered that a responsible public authority should provide a financial contribution to either return the property to its original condition or an alternative flood protection product.

DETAILS:

1. In June of this year it was brought to the attention of Surrey County Council (SCC) by the Environment Agency (EA) that products that restrict airflow beneath a building's floor, such as self closing airbricks or airbrick covers may not be suitable for properties within 250 metres of a current or historical landfill site. It is understood this is in line with the guidance provided by the Construction Industry Research and Information Association (CIRIA).
2. The EA has now written to residents under the Property Level Products River Thames Scheme and is currently seeking to arrange for replacement of the measures which it has installed.
3. Self closing airbricks and airbrick covers were identified as applicable measures within the original Defra Repair and Renew Grant (RRG) guidance, and as such were permissibly installed at properties in Surrey paid for through the RRG.
4. Since this matter has been brought to SCC's attention by the EA, the Council has reviewed all cases where self closing airbricks and airbrick cover measures were granted to properties within 250 metres of a current or historic landfill site, under the RRG scheme in line with the original Defra guidance provided.
5. As a public body SCC considers that it is reasonable to write to affected homeowners who used their RRG to fit self closing airbricks to their property to inform them about this issue and ask that they consider replacing these with an alternative flood protection product which does not restrict airflow underneath the floor of their property, or reinstall a non closing airbrick.
6. Whilst SCC has not directly installed any measures to properties and is not responsible for the flood protection and resilience measures residents have installed to their properties, SCC consider it reasonable to offer a contribution of £65 per airbrick to the resident to install an alternative flood protection product or replace the self closing airbrick. It would be the responsibility of the property owner for works to be undertaken. SCC consider this reasonable as property owners, when originally installing self closing airbricks or airbrick covers, were following the Defra RRG guidance.

CONSULTATION:

7. SCC has conducted a series of multi-agency discussions since being made aware of this issue, with the EA, Runnymede Borough Council and Spelthorne Borough Council.

RISK MANAGEMENT AND IMPLICATIONS:

8. The EA has identified that products that restrict airflow beneath a building's floor, such as self closing airbricks, may not be suitable at properties within 250 metres of a current or historic landfill site.

Financial and Value for Money Implications

9. This matter will have direct financial implications upon SCC as it is understood that the cost of replacement and installation of alternative measures will cost the authority in the region of £30,000.

Section 151 Officer Commentary

10. SCC is currently under severe financial pressures and seeking to make further in year savings. This £30,000 will add to this pressure, although not in a material way.

Legal Implications – Monitoring Officer

11. The Council's role was to administer the Repair and Renew Grant Scheme and it did not enter into any contract with or provide advice to homeowners. The Monitoring Officer does not therefore consider that the Council has any legal liability arising from the changing advice regarding the suitability of self closing airbricks in some locations. . Nevertheless, in the circumstances that have been outlined in this report the Cabinet Member may consider that it would be a reasonable exercise of the Council's general power of competence to provide small financial payments to affected homeowners to facilitate the replacement of self-closing airbricks with a more suitable product.

Equalities and Diversity

12. It is not expected that this proposal will have any negative impact on those with protected characteristics. It has therefore not been deemed necessary to conduct an Equalities Impact Assessment regarding this proposal.

Public Health implications

13. The EA has identified that products that restrict airflow beneath a building's floor, such as self closing airbricks, may not be suitable at properties within 250 metres of a current or historic landfill site. This report proposes measures to address this.

WHAT HAPPENS NEXT:

- Mid-November 2016: Replacement Scheme Offer letter to be sent to affected residents.
- Mid-January 2017: Deadline for return of Offer Acceptance Form
- End of January 2017: Payment of all Acceptance Applicants Received

Contact Officer:

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Consulted:

Surrey County Council

Jason Russell, Assistant Director for Environment & Infrastructure
Anne Charlton, Director of Legal, Democratic and Cultural Services
Alan Stones, Planning Development Team Manager

David John, Audit Performance Manager
Andy Tink, Senior Principal Accountant
Kevin Kilburn, Deputy Chief Finance Officer
Carmel Briody, Principal Lawyer

Environment Agency

Malcolm Smith, Ruth Eales, Sameena Khan, Penny Yorath

Runnymede Borough Council

Pat Hollingsworth, Duncan Cairns, Sarah Keenan, Andrew Davidson & Jane Margetts,

Spelthorne Borough Council

Sandie Muirhead, Siraj Choudrey

Sources/background papers:

- All background papers used in the writing of the report should be listed, as required by the Local Government (Access to Information) Act 1985.
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