



February 2020

## **CLA Member Briefing: Flooding**

The flooding caused by Storm Dennis and Ciara within 10 days has brought into stark relief the devastating impact flooding has on agricultural land and businesses. The last six months have seen an increasing number of significant flooding events, with very few areas in England or Wales not affected in some way. Climate change is undoubtedly causing an increase in extreme weather events, including drought and flood, and farmers and landowners are at the frontline of these impacts.

In June 2019, as a direct result of the breach of the River Steeping near Wainfleet over 2000 acres of agricultural land was flooded for upwards of 10 days. In addition, several thousand acres were also flooded as a result of the heavy rainfall which in some cases took a week to dissipate and the soil could take more than two years to recover.

In July 2019, the Yorkshire Dales experienced some of the most intense rainfall ever, receiving 113mm of rain in just three hours. As a direct result of this rainfall, there has been extensive damage to farm infrastructure, crops and livestock fields

In November 2019, Yorkshire was hit again, with flooding across South Yorkshire, Lincolnshire and parts of the Midlands is having a significant impact on farmers and landowners in these areas, causing serious short- and long-term damage.

The recent damage cause by Storm Ciara and Dennis is still yet to be evaluated and in most cases the clean-up is still ongoing. Concerns are firstly with those who have lost their homes and businesses in addition to those farmers facing further damage to their land and infrastructure.

Although there is little that can be done to prevent rainfall, the frequency and severity of flooding can be reduced and there are a number of options to improve the resilience of farmers and landowners and to mitigate the potential damage caused. Responsibility for flooding is shared between Environment Agency (England), Natural Resources Wales (Wales), Local Lead Flood Authorities and Internal Drainage Boards, alongside landowners and farmers, many of whom may have flood defence infrastructure or assets on their land. The Department of Food, Environment and Rural Affairs (Defra) also has some strategic oversight of flood and coastal erosion risk management. It is crucial, wherever possible, to delineate responsibilities and work together to minimise damage, speed up recovery and improve long term resilience.

Farmers and landowners can play a key role in flood mitigation through the way in which they farm and manage their land. The new Environmental Land Management Scheme (ELMS) being developed by Defra will be the key vehicle for incentivising actions that maximise natural flood management but it needs to be adequately funded and administered carefully.

Separately from ELMS, farmers and landowners can also reduce the damage of flooding in urban areas through schemes which pay farmers to allow their land to flood protecting high value commercial, industrial and residential areas. These schemes need to be drawn up fairly and require partnerships between farmers/landowners and relevant government agencies, not as is presently the case where some farmland is deliberately flooded without compensation.

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### **CLA Priorities:**

Over the past 12 months, the CLA has been lobbying Defra and the Environment Agency, both through formal UK Government consultations and our ongoing engagement with officials, on a number of flooding priorities. Some of the key actions we have taken are included at Appendix One.

In light of the recent events, we will be increasing our calls for government to take action on flooding. Our key priorities are:

- Once the current flooding events resulting from Storm Ciara and Dennis have passed consideration for extending the Farming Recovery Fund (FRF) wider than the current areas of North Yorkshire, South Yorkshire and the Midlands to those that have experienced similar levels of rainfall.
- Ensuring the Rural Payments Agency (RPA) and Defra take a pragmatic approach to farmers and land managers obligations in relation to the Basic Payment Scheme and agri-environment schemes. The prolonged wet weather is making it increasingly difficult to meet for example crop diversification requirements and we urge the relevant agencies to make use of derogations and *force majeure* where possible.
- Long term investment in flood defence infrastructure with ring-fenced funding for rural areas, acknowledging the devastating impact flooding can have on agricultural land;
- Local engagement with farmers and landowners to ensure resilience is built and the right solutions are found;
- Farmers and landowners should be empowered to carry out minor flood defence work on their own property to protect their assets and livelihoods;
- Push the Environment Agency for a review of wash-land agreements, where landowners previously agreed to allow temporary flooding on their land to reduce risk on higher value sites, to ensure the financial compensation reflects that major flooding events are occurring more often than expected when many agreements were struck;
- Influence the next Spending Review to ensure sufficient resource for Environment Agency to meet statutory obligations on waterway management (bank maintenance, burrowing animals, surveying).

### **Member engagement:**

Alongside our work lobbying government, the CLA has been engaging extensively with farmers and landowners across England and Wales, providing advice and assistance to those impacted by flooding. This has included:

- Assisting members when applying for the Farming Recovery Fund and advise on whether they need to apply for “force majeure” or any minor or temporary adjustments (depending upon which scheme they are part of).
- Ensuring Environmental Land Management Scheme (ELMS) pilots includes payment for natural flood management.
- Ensuring members are aware of the Abstraction Plan Priority Catchments trials to test the feasibility of abstraction during high water flows.



## **Useful information for those impacted by flooding:**

The information outlined below is a useful resource for members impacted, or likely to be impacted, by flooding.

## **IMMEDIATE ACTION IF YOU ARE AT RISK OF FLOODING**

### ***Flood risk***

Forecasters are warning of further rain which could result in repeat or new flooding. You can check your flood risk via the Environment Agency in England:

<https://www.gov.uk/government/news/storm-dennis-vigilance-advised-ahead-of-further-severe-weather-this-weekend>

and Natural Resources Wales:

<https://naturalresources.wales/flooding/?lang=en>

### ***Preparing for flooding***

For advice on what to do if flooding is about to occur and in the immediate aftermath, please see:

<https://nationalfloodforum.org.uk/about-flooding/preparing/checklist-action-plan/>

<https://nationalfloodforum.org.uk/about-flooding/during/during-a-flood/>

### ***Flooding advice relating to Basic Payment and agri-environment schemes***

For advice on flooding in relation to BPS and agri-environment schemes in England:

<https://www.gov.uk/guidance/flooding-advice-for-farmers-and-land-managers>

## **CLEAN UP AND RECOVERY**

### ***Insurance claims***

For members insured with CLA Insurance 01234 311 211 or [insurance@cla.org.uk](mailto:insurance@cla.org.uk)

Website: <https://clainsurance.co.uk/claims/>

The insurance trade body, the ABI, has issued advice to homeowners and business people about what to do if you have been flooded. You should contact your insurer as soon as possible.

“With masses of personal possessions ruined or damaged by the flooding, insurers do not want to hold up the recovery process by delaying the removal of flood damaged items. It will help the insurance claims process to have as much detail as possible about items which



have been ruined, but insurers do not expect customers to keep piles of damaged belongings, so once you've spoken to your insurer you can:

- Dispose of any items which pose a health risk, such as rotting food.
- List details of damaged items and take photos of them wherever possible before they are moved. For items like carpets and soft furnishings, try to take a cutting.

Many drying and restoration companies can fully restore water damaged items, so if you are able to store them in the garden it may be worth keeping them for inspection and repair if possible.”

For more information, see the ABI website:

<https://www.abi.org.uk/news/news-articles/2020/02/storm-dennis-clean-up-what-to-do-with-damaged-items-and-other-advice-from-the-abi/>

## **FINANCIAL HELP WITH RECOVERY**

### ***In England***

The Government in England has announced that it is making available funds to local authorities to help people in the worst-hit areas to recover and get back on their feet as soon as possible.

The help will apply to those affected in district or unitary authorities that have 25 or more flooded households as a result of Storms Ciara and Dennis.

Qualifying areas are in West Yorkshire, Cumbria and Lancashire following Storm Ciara, and in Nottinghamshire, Leicestershire, Derbyshire, Shropshire, Telford and Wrekin, Worcestershire and Herefordshire following Storm Dennis.

The support (listed below) seeks to help both households and businesses. Contact your local authority to check if you are eligible and how to apply.

- Flood-hit households in affected areas can apply for up to £500 in financial hardship payments to give cash quickly to those in short-term need.
- Households and businesses significantly affected by recent flooding will be eligible for 100% council tax and business rates relief for at least three months.
- Small-to-medium sized businesses in affected areas which have suffered severe, uninsurable losses will be eligible for up to £2,500 from the Business Recovery Grant.
- Flood-hit homes and businesses can apply for up to £5,000 to help make them more resilient to future flooding.

For more information and updates:

<https://www.gov.uk/government/news/major-package-of-support-for-storm-hit-areas>

<https://rabi.org.uk/fast-track-help-in-wake-of-storm/>

### ***In Wales***



The Welsh Government has also announced its intention to provide help

Its emergency flood relief scheme will be set up within seven days of the announcement on 18 Feb to ensure people affected get financial help as quickly as possible. The revenue funding will support:

- People whose houses have been damaged by the storms. Funding will be made urgently available to ease the acute pressure on people.
- Businesses and high streets impacted by the storms.

For more information and updates:

<https://gov.wales/first-minister-establishes-emergency-funding-relief-scheme>

### ***Repairs***

Before you get started on any renovations, it's a good idea to discuss these modifications with your insurer. In some cases, these fixtures could help reduce your premium.

Please beware of cowboy firms who have a history of targeting victims of flooding.

The National Flood Forum has good advice on the process of repair:

<https://nationalfloodforum.org.uk/about-flooding/recovering/reinstating-my-property/>

### ***Future flood-proofing***

It is very worthwhile to think about whether you can help to flood-proof your property as part of the repair process, so that clean up and recovery is quicker and less costly should flooding happen again in future. The government in England has announced grants to assist with this. There is a growing range of products and solutions available. Lots of information is available on the National Flood Forum website:

<http://bluepages.org.uk/>

## **SUPPORT AND ADVICE**

The National Flood Forum is a charity with vast experience of assisting flood victims with practical advice and moral support. You can call their helpline for assistance and advice on a wide range of issues, including how to get started with recovering from flooding and personal health and wellbeing.

**National Flood Forum helpline: 01299 403 055**

<https://nationalfloodforum.org.uk/>



## Appendix One: CLA actions on flooding over the past 12 months

| Event  | Date                | Action   | Result   |
|--|---------------------|--|--|
| Defra <i>Improving our management of water in the environment</i> consultation | 12 March 2019       | The CLA responded to this consultation. On flooding, we signalled our support for the proposed amendments to the Land Drainage Act 1991 that aim to make it easier for new Internal Drainage Boards to be established. | Defra indicated it would go ahead with the proposed amendments. The Rivers Authorities and Land Drainage Bill is currently awaiting its third reading in the House of Lords.   |
| Environment, Food and Rural Affairs (EFRA) Committee Call for Evidence         | 30 April 2019       | The CLA responded to call for evidence on coastal flooding and adaptation to climate change, calling for landowners to be empowered to undertake flood risk management work on their own land.                         | Interim report published by EFRA acknowledged the importance of agricultural land and noting that the Environment Agency (EA) has not shown sufficient leadership and does not receive enough funding to adequately fulfil its statutory responsibilities. |
| Flooding in North Yorkshire and Wainfleet                                      | June 2019           | Joint letter with NFU to Therese Coffey requesting long term funding mechanism for sacrificial flooding and improved management of waterways to prevent banks bursting.  | Farming Recovery Fund established to support farmers whose land was damaged by this flooding event.  |
| Defra Call for Evidence on Flooding and Coastal Erosion                        | 19 August 2019      | The CLA's response highlighted the devastating impact of coastal and fluvial flooding on agricultural land and calling for additional funds to improve flood defence infrastructure.                                   | DEFRA is now analysing the consultation responses and will publish public feedback shortly.  |
| Flooding in South Yorkshire, Lincolnshire, Midlands, Gloucestershire.          | Early November 2019 | Letter to Rebecca Pow requesting consideration for "force majeure and derogations" and extension of Farming Recovery Fund.   | The RPA is considering the best approach to dealing with cross compliance and has issued updated wet weather guidance. Farming Recovery fund has been extended.  |
| Flooding in above in addition to North Yorkshire and Wainfleet                 | November 2019       | CLA letter to Sir James Bevan (CEO of Environment Agency) reiterating points in joint NFU letter and requesting a review of wash-land agreements and abstraction licenses.   | Response from EA highlighted the need for ministerial decisions to be taken on many issues around flooding (which CLA will be following up with Defra), and invited the CLA for further discussions with EA director on flood and coastal erosion risk.    |