

NFU Flooding Update

18th December 2015

Helpful information for dealing with the consequences of flooding...

Grants & Financial Assistance

DEFRA's Farming Recovery Fund is **now open** for applications for support payments worth up to £20,000 for people who have been affected by flooding. The Farming Recovery Fund will provide assistance with four key areas, including:

- Restoring productive land
- Restoring and repairing boundaries
- Restoring farm vehicle access
- Repairing agricultural drainage

The guidance and application form are online, the application can either be downloaded or printed in order to complete. You can only apply once so it is vital that you are fully aware of the full extent of damage on your farm before making an application. Evidence will be required where applicable, including photos, maps, and insurance details. The deadline for applications is the **18th March 2016**. Further information and to follow links to the documents to download please <http://www.nfuonline.com/news/latest-news/farming-recovery-fund-opens-for-applications/> Please note, if you are applying to the Farming Recovery Fund you need to speak to Natural England before you submit your application, or you do any work, if any of the land that you are applying about is in a scheme. This includes ELS, HLS or Catchment Sensitive Farming.

Key organisations that may be able to offer assistance, alongside financial support include:

- [Farm Community Network](#) – **03000 111 999**
- [RABI](#) - **08082 819 490**
- [Addington Fund](#) – **01926 620 135** (particularly regarding transport of livestock or haulage)
- [Forage Aid](#) – **07967 219 991**

2015 Flood Damage Survey

The NFU is working with the Farmer Network and other organisations to assess the scale of the impact of storm Desmond and subsequent flooding on farms, so we are better placed to help you and your business recover. We are also working with government and other organisations to provide appropriate support during the recovery. A team of people are contacting farm businesses to complete this survey over the telephone, but if you have not yet heard from us or prefer to complete it yourself, please use the following link: **[December 2015 Flood Damage Survey](#)**

The survey is being coordinated on behalf of: The Addington Fund, Cumbria Agricultural Chaplaincy, Farming Community Network (FCN), The Farmer Network, Federation of Cumbria Commoners, Forage Aid, Foundation for Common Land, NFU, Mitchells, RABI and Westmorland Agricultural Society.

Priority payment of BPS monies

George Eustice has confirmed that 600 flood affected farmers in Northern England will see their BPS payments prioritised where they have not already been paid. The NFU continues to lobby RPA to make all BPS payments as soon as possible and we are in regular contact with the RPA at all levels. We have also asked for any outstanding partial payments for agri-environmental to be made in flooded-areas.

River channel and bank works

The Environment Agency do not require landowners to get a Flood Defence Consent under the Water Resources Act to **undertake bank repairs or removal of accumulated debris from rivers impacted by the recent flooding**, where those

The voice of British farming

NFU North West, Agriculture House, 1 Moss Lane View,
Skelmersdale, Lancashire, WN8 9TL
Tel: 01695 554917 Fax: 01695 554901



NFU Flooding Update

18th December 2015

works are required in order to prevent further flooding from happening. They will consider these to be emergency works, where they are **necessary** to avoid a significant risk to human life, health, property or the natural environment and involves the need for **immediate action** to manage the risk. However, **the EA and any other statutory consultee (such as Natural England) should be informed at the earliest possible opportunity and ideally prior to the works starting.** Dredging is not an emergency activity. Please contact the customer contact centre on **03708 506 506** to notify them of such works or for any points of clarification.

Blockage Removal

If there is an obstruction in the river posing significant risk you can remove it without consent.

Stone, Gravel and Debris

Clean stone and gravel can be reused within the river catchment for repairs without being considered waste. The EA have responded to our call to be pragmatic in their approach and the EA are happy for you to stockpile gravel in fields for re-use for tracks or paths etc. on the farm or private land, where it has been deposited.

For the remainder of the waste deposited by the floods:

- Smaller items should where possible be bagged or placed in a container ready for collection either by the local authority, hopefully free of charge (tbc) or if you wish a private contractor, at your own cost.
- Larger items, e.g. white goods should also be stored. The local authority will accept these.
- Clean wood and plant waste can be burnt under a waste exemption (D7) which allows the burning of waste wood, bark and plant tissue in the open.
- Spoiled bales can be burnt under the same proviso after their plastic wrapping has been removed!

For further information contact the Environment Agency Flood Hotline number 0345 988 1188 or visit our NFU page on debris [deposits on land](#).

If you need clarity on whether you are using gravel in the same catchment, contact your local environment agency officer.

Environmental Stewardship and SSSI

Natural England has helped farmers affected by flooding by temporarily lifting agri-environment and SSSI requirements to allow recovery work to take place. If you are in an Environmental Stewardship Scheme agreement **you should contact Natural England as soon as you are in a position to do so.** They will redirect you to the relevant officers dependent upon the type of agreement you are in and are able discuss the potential options or to replace capital items previously provided under Stewardship agreements. Contact your local NE adviser or contact **Technical Services on 0300 060 6000** or email enquiries@naturalengland.org.uk

Management of Commons in Cumbria

Natural England recognises that there will be situations where lower lying ground will not be available for grazing or for holding livestock due to the floods. As such Natural England will waive normal restrictions on winter stock numbers on intake, fell and common land currently within an [agri-environment-schemes](#). Natural England also recognises that normal supplementary feeding sites may not be available. Where this is the case, preference should be given to feeding on land that is not SSSI and/or is not under HLS options. This general relaxation will be reviewed by the end of January and in intervening period we will review this waiver on a case by case basis as staff resources allow. Please inform Natural England, within 10 days of being able to do so, where any of the above apply. You should include your ES agreement number or the name of the SSSI and you can contact them by:

The voice of British farming

NFU North West, Agriculture House, 1 Moss Lane View,
Skelmersdale, Lancashire, WN8 9TL
Tel: 01695 554917 Fax: 01695 554901



NFU Flooding Update

18th December 2015

- Telephone: **0300 060 3900**,
- Writing to: Natural England ,Block B, Government Buildings, Whittington Road, Worcester ,WR5 2LQ
- Emailing: cumbriaareateam@naturalengland.org.uk

Agri-Environment Capital Items

We have received additional guidance for **capital items** funded by agri-environment agreements affected by flooding:

- Contact your NE or FC (if EWGS scheme) adviser as soon as possible if you have damage to trees, fencing, gates etc. funded through HLS/ EWGS.
- Take photographs of the damage as soon as it is safe to do so.
- Local NE/FC advisers will need to check that it is appropriate to replace damaged items before committing to any additional funding. Do not undertake any works before this unless it is absolutely essential do so. If it is then you should keep evidence of any related expenditure. **In** some cases it may not be possible or sensible to replace items or there may be a value for money question if items have already been replaced before for example. So there will need to be a case by case assessment.
- Force majeure rules will apply if the situation/ damage is directly linked to flooding (e.g. run-off from fells)

Woodlands and Storm Damage

Customers concerned about the impact of flooding on new woodlands created under the English Woodland Grant Scheme should contact the North West & West Midlands or Yorkshire and the North East Area offices. They will consider the use of 'Force Majeure' and the potential to support the replacement of trees using Countryside Stewardship on a case by case basis.

Where mature trees have been affected by the storms consideration will need to be given to felling and the potential removal of those trees. There are exemptions to felling license requirements in some instances and land owners and agents should, if in any doubt, contact Area offices for advice on tree felling regulations.

Impending Tax Bills

Those with forthcoming tax bills or tax return deadlines that have been affected by the floods can contact a dedicated HMRC phone line (**0800 904 7900**). HMRC have also published the sort of concessions that they may be prepared to make; more details can be found online [here](#).

Impact of flooding on BPS / Cross Compliance requirements

We have been working closely with the RPA to feedback issues surrounding animal movements, inspections, debris, rock, silt etc. The RPA confirmed that flooded land is still eligible for BPS if the flooding is temporary and the land would otherwise still be available for agricultural activity. RPA expect the land to be returned to agricultural use as soon as practically possible. For more information can be found on this dedicated Gov.uk website page [here](#).

It is important that members try to comply with the rules in place, keep a diary, keep records up to date and take photos of events: these may be invaluable going forward should RPA or others question member's actions. It is also important to reflect on the rules in place in particular cross compliance and understand there are some actions that members may be exempt from the rules, but in other situations where a request for a derogation needs to be sought.

The voice of British farming

NFU North West, Agriculture House, 1 Moss Lane View,
Skelmersdale, Lancashire, WN8 9TL
Tel: 01695 554917 Fax: 01695 554901



NFU Flooding Update

18th December 2015

Equally members need to consider contacting the RPA if they believe they fall into force majeure and need to do this within 15 working days of being in a position to do so.

Carcass disposal

In the meantime, if you discover carcasses on your land belonging to someone else, current guidelines state that businesses as usual approach should be applied, and local fallen stock disposal companies must be contacted to organise clearance. Please refer to the [republished the NFU's business guide on fallen stock on NFU online](#). The page also contains information to helpful websites such as the [National Fallen Stock Company \(NFSCo\) frequently asked questions](#) page, and further information on [Defra's website](#). **National Fallen Stock Company: 01335 320014**

Slurry Handling

The [Environment Agency has released an updated advice position on actions during exceptional wet weather](#). In particular it makes reference to slurry handling. Currently NVZ restrictions have not been lifted. Area based Environment officers may then make agreements to spread on land if it is not to cause a water pollution event or damage soil. If you have major concerns regarding infrastructure damage or full slurry stores, do please contact the EA at the earliest possible opportunity. You can remain anonymous if you like.

Farm Yard Manure

Muck heaps, containing FYM or material from flooded barns, may be stored in sensible locations if it can be stacked. As long as muck heaps are stackable they can be spread all year round; similar to FYM, which has no restrictions on timing (other than when field conditions dictate) as in accordance with COGAP and NVZ. If you need to relocate muck heaps, ensure that muck is stored in sensible locations to reduce the potential for run-off or leaching. If you are in an NVZ, risk maps should be updated pinpointing these new locations of FYM heaps if stored in field locations, even if temporary.

Phone and Internet Connection

We are aware that there are a number of people still without phone or internet connection. If you are experiencing service interruptions, please contact your service provider for more information about how this will be resolved. If your provider fails to repair a fault by when they say they will or you are unhappy with how long it is taking, you should follow their formal complaints procedure

Red Diesel, Driver's Hours and Operator's License Rules

HMRC have confirmed that they will take a pragmatic view towards the use of red diesel in emergency situations such as recently experienced with the floods in Cumbria and Lancashire. HMRC have advised that officers will apply a common sense approach if they come across the use of red diesel in these circumstances.

The Department of Transport has advised us that driver's hours and operator licensing rules which would normally apply to non-agricultural activity such as flood clear up work **will not** be applied in emergency situations where immediate preventive action is required to preserve human and animal life and property. However the relaxation of the rules **will stop** once the immediate threat has passed and general non-emergency clear up work will be subject to the rules as it will not be classed as agricultural activity.

Future Flooding

More advice, include weather warnings, three-day forecasts and river level information can be found on our new [weather and flooding toolbox](#).

The voice of British farming

NFU North West, Agriculture House, 1 Moss Lane View,
Skelmersdale, Lancashire, WN8 9TL
Tel: 01695 554917 Fax: 01695 554901



NFU Flooding Update

18th December 2015

For the latest news and updates from the NFU visit www.NFUonline.com/flooding

Key Contacts

NFU Jenny Willis: 07551 151329

NFU Mike Sanderson: 07817 726133

DEFRA Flood Recovery Fund: 03000 200 301

Environment Agency: 03708 506 506

Environment Agency Flood Helpline: 0345 988 1188

Natural England: 0300 060 6000

National Fallen Stock Company: 01335 320 014

The voice of British farming

NFU North West, Agriculture House, 1 Moss Lane View,
Skelmersdale, Lancashire, WN8 9TL
Tel: 01695 554917 Fax: 01695 554901

