



Flooding advice for farmers and land managers

This guidance gives information for farmers and land managers whose land has been flooded.

The guidance covers the following schemes and services.

Basic Payment Scheme (BPS)

Countryside Stewardship (CS)

Environmental Stewardship (ES)

Farm Woodland Premium/English Woodland Grant Scheme

Reporting animal movements

Cross compliance

Temporary measures and minor change request

Flooded agricultural land is still eligible for BPS, and may not affect land in a CS and/or ES agreement, if the flooding is temporary and the land would otherwise still be available for agricultural activity.

You should return the land to agricultural use as soon as practically possible, and continue to meet the scheme rules or requirements of agreement options on the affected land parcels.

Where flooding means that temporarily you cannot manage your agreement according to the CS or ES option requirements, you can request a minor and temporary adjustment to those requirements.

Read more information about this for [Countryside Stewardship and Environmental Stewardship](#)

Once you have filled in the relevant form, you can either return the form to us by post or you can scan it and email to ruralpayments@defra.gov.uk in the subject title include 'Adjustment Request', the relevant scheme and your agreement number.

Force majeure

Where the impact of flooding is more serious and permanent, you may request force majeure. This is where you are unable to meet scheme requirements or agreement obligations due to exceptional and unforeseeable circumstances outside your control.

For BPS, the impact could be regarded as more serious and permanent if the land can no longer be considered as 'eligible' for BPS and no longer meets the land eligibility criteria. For example, if a stretch of river bank and part of the land parcel has been washed away and the boundary of the field subsequently moved, then the area washed away would be a permanent change. Another example would be where stone or debris is covering eligible land and making that land ineligible.

For ES and CS, the impact may result in a permanent change to the agreement land and/or land features meaning that you can no longer manage the land according to the requirements of the options in your agreement. For example, a hedgerow or newly created woodland that is part of your CS or ES agreement has been destroyed.

How to request force majeure

You must email ruralpayments@defra.gov.uk or write to us, in the subject title include 'Flooding 2019', your SBI and your agreement numbers. You must send your email or letter within 15 working days of being in a position to do so. This means within 15 working days of the time you realise that you cannot meet any regulatory obligations. It is not necessarily 15 working days from the force majeure event itself.

You will need to prove that, despite taking every care that could have been expected of you, the exceptional circumstances prevented you from meeting your obligations.

Your evidence should include details of the actions taken with an explanation of the events and the dates they occurred.

SSSI land

If SSSI land is affected and you need to carry out remedial work/boundary repairs, you may need consent from Natural England before you start any work. Use a [Notice form](#) that you can find on GOV.UK.

Where you need to carry out emergency works you can do this without Natural England's consent. However, you must notify [Natural England](#) and include details of the emergency as soon as you can.

Reporting animal movements

Where livestock are at risk from rising flood waters, as an animal keeper you must move them to a safe location as soon as possible, providing it is safe to do so.

For cattle keepers, you may not be able to report cattle births, movements to another holding and deaths within regulatory deadlines and this may affect cross compliance. You should update your farm records and report your animal births, movements, and deaths as soon as possible. Contact BCMS if you have any problems.

For [sheep](#), [goat](#) and [pig](#) keepers, where it has been necessary for you to move the animals to land on another holding, you may not be able to complete the movement documents normally required before moving the animals. This may affect cross compliance. You should update your records with details of the movement and complete the movement documents as soon as possible.

If you have already moved or still need to move your livestock inside the 6 day standstill period, the Animal and Plant Health Agency (APHA) will licence these moves. You should contact APHA on 03000 200 301.

Unregistered calves and cattle under restrictions

You may need to move cattle when some or all of them are very young unregistered calves that don't have a passport, or are under one of the following restrictions:

- an Individual Movement Restriction (CPP 27)
- a Whole Herd Movement Restriction (CPP 28)
- a Notice to Identify (CPP 30)
- a Notice of Registration (CPP 35)

If you're moving them to a safe location that is part of the same holding, you do not need to notify BCMS because no movement has taken place.

If the safe location is on a different holding, you should call BCMS on 0345 050 1234 as soon as possible after the animals have been moved to ask for a retrospective movement licence.

If the animals without passports are very young calves and ear tags have not yet been fitted, you do not need to fit ear tags before the calves are moved.

You should keep movement licences with your on-farm herd records and update those records with movement details as soon as possible.

Once the flooding has subsided and you can return animals to the original holding, you will need to request a further movement licence by calling BCMS – you will need to give the reference number of the original movement licence. This second licence will only allow you to move the animals back to the holding they came from.

TB testing delays

You should tell APHA that you have not or cannot complete your TB test due to flooding. No cross compliance action will be taken.

Inspections

We will postpone any scheduled inspections in affected areas until the situation eases.

Other Cross compliance requirements

For there to be a breach of cross compliance, you must be directly responsible for any action or inaction.

Therefore, any cross-compliance breaches caused by flooding will not be considered as breaches as they are not the result of any action or inaction you have taken. For example, where landscape features protected by Good Agricultural and Environmental Conditions (GAECs) such as stone walls or hedgerows are washed away or Public Rights of Way have become obstructed.

You are also exempt from the rules where any action is carried out by a statutory body acting under its statutory authority. For example, utility companies carrying out electricity, water, gas or highway works.

Many of the GAECs already include exemptions that allow works to be carried out in emergency situations. For example, cutting or trimming trees where they are damaged and are a risk to people.

You are also exempt from a GAEC rule in the following circumstances.

- There is a risk to human or animal health or safety
- It is necessary to control or treat serious causes of harm to plant health
- It is necessary to prevent or treat serious pest or weed infestations

You do not need to write to us to ask for an exemption.

We can grant derogations where work is to be carried out for the following reasons.

- it would enhance the environment
- it relates to livestock or crop production
- it would improve public or agricultural access

You must apply to us in writing for a derogation. You must wait for written permission before carrying out any works.

If you are concerned about a breach of the cross compliance rules that's out of your control, you should keep a record of it. Use photos and/or a written record of the issues. You can show these if you are inspected at a later date, so we can see how you were affected.

If any of the above-mentioned 'directly attributable' provisions, exemptions and derogations do not apply in the case of a cross compliance breach, we can consider cases where 'force majeure' or exceptional circumstances prevented you from meeting cross compliance rules.

Farm Woodland Premium/English Woodland Grant Scheme

If you are unable to complete or maintain the work set out in your Farm Woodland Premium or English Woodland Grant Scheme contract due to flooding, you must contact the Forestry Commission.

You must provide a description of the incident, including a timeline of the events that have taken place, within 15 days of being in a position to do so. The Forestry Commission will then discuss and agree with you what action can be taken with respect to your agreement. This could include:

- giving you a longer period in which to complete the work
- agreeing a reinstatement plan where this is possible
- agreeing to accept a lower standard of work than would otherwise be expected of you
- reviewing your plan with a view to modifying or removing operations that are no longer appropriate.

You will not be asked to repay grants for work that you have carried out, but which are subsequently affected by flooding, as long as you tried to minimise the impact or make good the damage. Where we are unable to pay grants due to flooding, we may reschedule the years in which grants can be claimed.

To request force majeure, email fs.compliance@forestrycommission.gov.uk and include your case (agreement) reference number.

Fallen trees and felling licence

You do not need a felling licence to fell a dangerous tree or remove a fallen tree.

You should gather evidence that supports your decision that the tree was an imminent danger. If possible, you should take photos (with reference to scale) that show the tree setting and condition before and after felling or if fallen. Other forms of evidence might include maps, site surveys or reports and, importantly, a record that confirms when tree felling took place.

For information on the felling licence process, please see [Felling licence: getting permission](#).

For North Yorkshire:

- The Environment Agency is supporting the multi-agency response to flooding in North Yorkshire, and Wainfleet, Lincolnshire.
- Landowners and riparian owners are responsible for the removal of debris from the land and watercourses that flooded on 30 July.
- The Environment Agency is providing advice and guidance to partners and customers on how they can recover from the flooding with a focus on waste. Farms that have been affected can contact the local environment management team with their specific questions on managing waste resulting from the flooding by emailing yorkshirewaste@environment-agency.gov.uk
- The Environment Agency has advice for farmers about flood recovery on the NFU's website: [Flood recovery advice for agriculture](#)
- Post recovery the Environment Agency will continue to support partners and landowners to develop resilience and mitigation plans to reduce the risk of flooding in the future.

Contact us

Email ruralpayments@defra.gov.uk or write to us at:

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PO Box 352
Worksop
S80 9FG

Call us on 03000 200 301