

## Written evidence submitted National Farmers Union

### Introduction

1. The NFU represents 46,000 farming and growing businesses across England and Wales. We welcome the opportunity to respond to the Public Accounts Committee on Flood Defences. Given our members' interests, we have chosen to respond to the Committee's inquiry from an agricultural perspective.

### Executive Summary

2. The NFU's response outlines the impacts flooding has on agriculture, the challenges the agricultural sector is facing and what is needed to increase resilience within the sector.

### Current Flood Risk management arrangements

3. British farmers and growers find themselves experiencing severe weather events more frequently, more extensively and over longer durations. 58% of grade one agricultural land, the most productive and versatile land, is situated in the floodplain ([Developing the evidence base to describe the flood risk to agricultural land in England and Wales, R&D Technical Report FD2634/TR, Defra/ Environment Agency, November 2011](#)). 9% is at high risk of coastal flooding with around 550 hectares (ha) of higher quality (Grade 1,2 and 3) agricultural land projected to be at risk from coastal erosion by 2100 according to the [Environment Agency's State of the environment: the coastal and marine environment report](#) published in January 2023.
4. We need clarity on what Government support for flood-hit areas farmers can access. Despite asking for clarification from both Defra and the Environment Agency (EA) we still do not have an answer three weeks on from Storm Babet.
5. We have concerns around the accuracy and reliability of the EA's use of automation for flood warnings and flood defence systems.
6. Our members need to have confidence in any natural flood management (NFM) project taking place on their land. This must be planned, agreed and paid for, with fair reward for the public good provided. We have concerns around liability and the lack of long-term funding opportunities for management and maintenance of NFM features. Provisions needs to be made so that there is funding, resources and legislation in place to safeguard the landowner.
7. We need to see a long-term strategic plan for managing water scarcity and flooding events, managing flooding as it happens, and having the infrastructure to capture, store and move water in times of plenty, taking a whole catchment approach. We know that the solutions to flooding and drought are intrinsically linked and that we cannot tackle the issues in isolation from each other. The [NFU's Integrated Water Management Strategy](#) challenges Government and its agencies to end silo thinking when it comes to managing this crucial resource and its related risks across the country.

### Government's preparedness to manage and reduce flood risk in the future.

8. The Government must recognise the importance of maintenance and put in place a proactive management plan for EA controlled watercourses and flood defences as a priority. The artificial distinction between investment in capital schemes and revenue funding for maintenance works

presents a real risk that new assets are being built at the expense of allowing existing assets to deteriorate.

9. A review is needed of the current policy, which uses a cost benefit ratio that does not work for rural areas, to justify Flood Defence Grant in Aid (FDGiA) funding. The way that funding for flood defences is currently allocated, leaves farmers and rural communities at a higher risk than urban communities.
10. Flood storage must be recognised as a public good that farmers should be fairly paid for with agreements put in place that allow them to plan in advance, and ensure aftercare is in place. It is often provided at great cost to landowners to protect surrounding urban areas. This should be by mutually agreed design and not an assumed default, as without insurance cover for their losses, farming businesses are being put under increased financial pressures after each flood event.
11. The NFU was pleased to see the Government's plan to implement Schedule 3 of the Flood and Water Management Act 2010. We now need to see this implemented, and support provided to Local Authorities for implementation and enforcement.
12. We would like clarity on the timescale for introducing the secondary legislation that will enable new Internal Drainage Boards (IDBs) to be created, including when the consultation for the Statutory Instrument will be published.

## NFU Response

### **Agricultural land is increasingly at risk**

13. The government's current approach to managing flood risk is increasing the risks to agricultural land and inhibiting farmer's ability to be resilient to flooding, with implications for their businesses, the wider rural economy and food security.
14. British farmers and growers find themselves experiencing severe weather events more frequently, more extensively and over longer durations. 58% of grade one agricultural land, the most productive and versatile land, is situated in the floodplain ([Developing the evidence base to describe the flood risk to agricultural land in England and Wales, R&D Technical Report FD2634/TR, Defra/ Environment Agency, November 2011](#)). 9% is at high risk of coastal flooding with around 550 hectares (ha) of higher quality (Grade 1,2 and 3) agricultural land projected to be at risk from coastal erosion by 2100 according to the [Environment Agency's State of the environment: the coastal and marine environment report](#) published in January 2023.
15. Agricultural land deserves to be protected. The importance and contribution of our food and farming sectors to the economy must not be overlooked. Alongside sustainable food production, UK farming delivers a range of environmental benefits and ecosystem services, maintains landscapes, and helps protect critical infrastructure. When land is flooded, these benefits disappear.
16. The recent Storms Babet and Ciaran have caused significant damage, with thousands of acres of agricultural land underwater, thousands of poultry lost, crop losses, both in the ground and in stores, and yards and homes flooded, alongside environmental damage and loss of wildlife. Many arable members have reported it is worse than 2019, the last very wet autumnal period, as this time the crop has been drilled and inputs applied. There will also be implications for next year's harvest as farmers still to plant autumn crops will now struggle to get these in the ground, and there are concerns around availability of seed for spring cropping. As of the 10th of November, fields are still inundated in some areas, including near Fishlake in Yorkshire. These storms are just the latest in a series of flood events that have heavily impacted agricultural land and businesses.

## Recognising the importance of maintenance

17. We need a proactive management plan for EA controlled watercourses and flood defences as a priority. We have concerns that the current Government approach to managing flood risk does not recognise the importance of maintaining existing assets and systems, which, if in better condition, could better accommodate rainfall events or allow for swifter recovery from flooding. Whilst the NFU recognises the increase in capital funding for flood defence, the importance of maintaining existing defences must stay at the forefront of the Government's flood risk management strategy. The artificial distinction between investment in capital schemes and revenue funding for maintenance works presents a real risk that new assets are being built at the expense of allowing existing assets to deteriorate.
18. Maintenance of our existing flood risk infrastructure is hugely important as the entire catchment needs to be fully functional, not only to alleviate flood risk, but also to protect the environment and safeguard the nation's food security and water resource availability. Looking from a catchment perspective, we cannot just maintain parts of a watercourse whilst neglecting others and expect the land to function effectively.
19. Rural landscapes require management to function effectively. Our members regularly highlight a lack of maintenance in river channels in terms of siltation, trees and other vegetation, substantially reducing their capacity and potentially exacerbating flooding elsewhere. There are countless other examples of overtopping due to a lack of main river maintenance; largely caused by in-channel silt, vegetation and trees restricting conveyance and resulting in unprecedented river levels. In the most recent storms, we have seen numerous overtopping events across Lincolnshire including at Wainfleet, an area badly impacted in 2019 when the bank breached, in Ancholme, and in Fiskerton near Lincoln, all leading to extensive flooding of farmland. The most recent storms have also seen reports from both the Northeast and East Anglia of lower networks being choked up with material and debris or plants leading to overtopping, whilst further downstream rivers are not at capacity.
20. Members also highlight unrepaired damage to embankments, especially in areas where the risk is low in terms of numbers of houses protected. We have seen numerous breaches of flood embankments. For example, in 2019 alone, the Wainfleet Relief Channel on the River Steeping, Dorrington Catchwater and Barlings Eau, east of Lincoln, all failed, which led to thousands of acres of agricultural land being flooded. We've also seen several breaches following Storm Babet including on the River Bain near Coningsby in Lincolnshire.
21. For 2022-2023 the EA has said it has a £34 million deficit when it comes to maintenance spending which is very concerning. This comes alongside a decline in the condition of assets across England, from 98% to 93.5%, meaning 6% of flood risk assets are not at target condition (EA Winter Readiness Call 2023). The pressure on these assets will only increase, with reducing maintenance and the increasing impacts of climate change and extreme events. [The Climate Change Committee's Investment for a well-adapted UK report](#), published in January 2023, states that higher maintenance spending will be needed to deal with climate change - *'Flood defence assets will be worn down more quickly by the impacts of climate change. Long-term asset maintenance and replacement costs have been found to increase by factors of 3 and 5 once climate change has been factored in'*.
22. Ensuring there is adequate funding and investing properly in maintenance is vital to be prepared for future flood events. It is also cost effective. The EA has revealed that maintenance is a better investment with an 11:1 benefit: cost ratio for maintenance against a 5:1 ratio for capital investment. Reprioritising maintenance would improve the overall return on investment and minimise the whole-life cost of structures and systems. The current restricted maintenance budget means the Agency

has to repair problems as they arise, rather than proactively investing in the maintenance of flood risk assets and watercourses in anticipation of problems.

## Valuing agriculture

23. Farming is the bedrock of the UK's largest manufacturing sector, food and drink, which contributes over £120 billion to the country's economy, supports more than 4 million jobs and provides 64% of the food eaten in the UK. We need a system that recognises the value agriculture brings to this country and that considers the impacts to rural businesses, to food security, and to the environment, when rural areas are flooded.
24. The way that funding for flood defences is currently allocated, leaves farmers and rural communities at a higher risk than urban communities. A review is needed of the current policy, which uses a cost benefit ratio that does not work for rural areas, to justify Flood Defence Grant in Aid (FDGiA) funding. The weighting towards people and property means many rural places are unable to compete for funding and they will never score highly enough to receive any. Recent analysis in the Northeast ([EA Upper and Middle Hull catchment Capital Funding Position Statement \(March 2022\)](#)) and Initial Assessments (August 2022) has shown that projects where the main benefits are focussed on reducing flood risk to land or dispersed rural communities, with limited numbers of properties, are likely to require significant, if not all funding, from partners other than the EA, unless we see a change to the FDGiA cost-benefit analysis.
25. The NFU recognises that the total amount of funding available for flood risk management has increased - between 2016 and 2019 there was an increase of more than £100m in the annual funding available for the installation of new flood defences. However, very little of it has been used to protect rural communities or agricultural businesses.
26. Rural and agricultural communities are unlikely to be given any new funding to support flood defences, whilst at the same time they are dealing with the EA withdrawing maintenance from existing assets and river channels. We will continue to see withdrawal of maintenance across rural areas nationwide unless there is a renewed focus on maintenance and a recognition of the value of agricultural land and rural communities.

## Floodwater Storage

27. Flood storage must be recognised as a public good that farmers should be fairly paid for with agreements put in place that allow them to plan in advance, and ensure aftercare is in place. It is often provided at great cost to landowners to protect surrounding urban areas. This should be by mutually agreed design and not an assumed default, as without insurance cover for their losses, farming businesses are being put under increased financial pressures after each flood event.
28. Farmland is consistently being used to store flood water with thousands of acres inundated during Storm Babet. In 2019-20 in Yorkshire the floodwater spanned as far as the length and breadth of two Lake Windermere's. In February 2020 the floodwater across the Severn Valley spanned over 10km in lowland areas.
29. Farmers across the country are ready and willing to help alleviate the risks of extreme events. But they will need support to do this.
30. The Efra Committee Report on Flooding published in February 2021 stated: *'The Government has been clear that paying farmers for measures such as floodwater storage forms a key part of its plans. Any measures which call on farmers and land managers to allow their land to be used in this way must ensure proper recognition for the public goods provided'*. Yet we are still seeing farmers

experiencing damage from floodwater at great cost to their businesses and without any payment for the service provided, including in the most recent flooding during Storms Babet and Ciaran.

31. Where agreements do exist, we have seen members suffer due to one-off payments, agreed back in the 1980s, that do not consider the changing nature of our climate and landscape, with some members seeing the area of land used to store floodwater increase up to fivefold. The increase in frequency and extent of events today could not have been determined 30 years ago, and agreements should be able to be reviewed regularly. As the frequency and magnitude of flood events have been increasing, so too have the financial losses farmers and landowners face when providing these flood alleviation measures.

### **Current approach to Natural Flood Management (NFM)**

32. Our members need to have confidence in any project taking place on their land. This must be planned, agreed and paid for, with fair reward for the public good provided.

33. It was encouraging to see that the EA's 2022 [Natural Flood Management Programme Evaluation Report](#) highlighted the importance of strong community-based partnerships and recognised that local experience and knowledge, particularly that of landowners and farmers, are key to the successful delivery of projects. The report shows that the greatest successes are when landowner engagement is community led, and when relationships had been established prior to the NFM programme. Effective engagement with landowners is critical.

34. However, we do have several concerns around the current approach to NFM projects, including the lack of information on long-term funding opportunities for the maintenance and long-term delivery of NFM measures, in comparison to the funding available for developing and installing projects. We were pleased to see the EA and Defra announce £25 million in funding for improving flood resilience through a new NFM programme, but this is another example where future and ongoing maintenance will not be paid for. The EA suggests that one way of funding this could be through Environmental Land Management schemes (ELMs), but we do not feel we have clarity on this yet for farmers to benefit.

35. The [Natural Flood Management Evaluation Report](#) recognised the importance of being clear on responsibilities for maintaining measures over the longer term, as landowner's concerns around asset maintenance are a significant barrier to the uptake of these solutions. The report highlighted a lack of understanding amongst stakeholders regarding what maintenance is required for different assets, and who is liable to fund and carry out that maintenance.

36. We also have concerns around the ownership of risk. Liability for nature-based flood defence needs to be made clear and provisions made so that there is legislation in place to safeguard the landowner.

37. It must also be recognised that NFM cannot be considered alone, as the solution to flood risk.

### **Support for Recovery**

38. We need clarity on what Government support for flood-hit areas farmers can access. The NFU welcomed the provision of the Farming Recovery Fund in 2019-20 to help farmers severely affected by flooding and related uninsurable losses. We have concerns around the uncertainty involved in the current approach to recovery funding and the lack of a clear method to understanding what resource is available. The recent Storm Babet events have shown it is not clear what support farmers can receive. It has been over 3 weeks, and we still do not have clarity on whether farmers can access the Government support for flood-hit areas, despite asking for clarification from both Defra and the EA.

## **Environment Agency use of automation**

39. We have concerns around the EA's use of automation. We have had reports from several regions this year of a lack of accuracy of warning systems and miscommunication of information. We understand that currently automation use is in part due to industrial action within the EA, but the concern is that this will become the norm, and we are left with a less accurate service. Our members have also expressed concern and frustration around automation of flood defence systems themselves. During the recent Storm Babet the failure of a sensor meant a sluice gate did not automatically operate as it should have at the Horncastle Flood Alleviation Scheme resulting in the £8.1 million scheme failing. It required a farmer who adjoins the scheme to contact the EA using a number he had from when the scheme was constructed to alert them to the issue, but it was another two hours before the EA was on site to shut the outfall.

## **Schedule 3 of the Flood and Water Management Act 2010**

40. The NFU was pleased to see the Government's plan to implement Schedule 3 of the Flood and Water Management Act 2010, which would end the automatic right to connect, and would require local authorities or water companies to adopt and maintain systems, rather than the onus falling onto the landowner. We now need to see this implemented, and support provided to Local Authorities for implementation and enforcement.

41. All drainage and sewage systems need to accommodate new development and cope with existing development pressure, plus additional pressures being created by climate change. New developments are currently increasing the risk of flooding on farmland, as excess water in the system has nowhere else to go.

42. The [National Infrastructure Commission's Second National Infrastructure Assessment](#), published in October 2023, recommends that Government should '*require planning authorities to ensure that by 2026 all new development is resilient to flooding from rivers with an annual likelihood of 0.5 per cent for its lifetime and does not increase risk elsewhere*'.

## **Secondary legislation required to create new Internal Drainage Boards (IDBs)**

43. We would like clarity on the timescale for introducing the secondary legislation that will enable new IDBs to be created, including when the consultation for the Statutory Instrument will be published.

44. IDBs are public bodies that manage water levels in areas of 'special drainage need'. They are funded through drainage rates paid directly by agricultural landowners and special levies paid by local authorities. We are currently in a position where existing IDBs cannot extend their boundaries and new IDBs cannot be created. This is because the special levies use 1990s ratings lists which are either no longer available or incomplete. The Environment Act 2021 included powers to address the issue of missing data and allow for an update to the valuation calculation, via secondary legislation, using a Statutory Instrument.

45. The Secretary of State is under a duty to consult on the draft SI. We are still waiting for this consultation 2 years on and for the secondary legislation to be approved by Parliament. In the meantime, we have groups of members who feel an IDB would help with flood management and resilience in their area, but who cannot take any action to improve their situation in this way. There is great uncertainty around how members can continue to be flood resilient whilst this process is delayed.

## **Integrated Water Management**

46. We need to see a long-term strategic plan for managing water scarcity and flooding events, managing flooding as it happens, and having the infrastructure to capture, store and move water in

times of plenty, taking a whole catchment approach. We know that the solutions to flooding and drought are intrinsically linked and that we cannot tackle the issues in isolation from each other. The [NFU's Integrated Water Management Strategy](#) challenges Government and its agencies to end silo thinking when it comes to managing this crucial resource and its related risks across the country.

47. Increasingly discussions revolve around how to save and store water during flood events rather than pumping millions of gallons out to sea, including the use of reservoirs for flood water storage, and how this water could be stored and transferred to where it is needed. The Felixstowe Hydrocycle in Suffolk is one example of saving fresh water which would otherwise be pumped out to sea, which is now being used to irrigate farmland.

**November 2023**