

**SUPPLEMENTAL REPORT
ON THE AGRICULTURAL IMPACT ON
PARSONAGE FARM, REDLANDS FARM
AND MOAT FARM, ROBERTSBRIDGE
OF THE REINSTATEMENT OF THE ROTHER VALLEY RAILWAY (RVR)
DATE OF ORIGINAL REPORT – 24TH JANUARY 2020**

1.0 INTRODUCTION

- 1.1 My name is Peter Hodges FRICS CAAV. I am a Consultant to Lambert & Foster and prepared a report on the agricultural impact on Parsonage Farm, Redlands Farm and Moat Farm, Robertsbridge of the reinstatement of the Rother Valley Railway (RVR) dated 24th January 2020 (Appendix 1). This report will form part of the evidence of the Rother Valley Railway Limited (RVRL) at the Inquiry into its application for the Rother Valley (Bodiam to Robertsbridge Junction) Order (“The Order”) under the Transport and Works Act 1992.
- 1.2 Since preparing my original report and sharing it with the land agent representing the owners of the above-mentioned farms, I have been given the opportunity to meet with Will and Tom Hoath and their agent, Andrew Highwood together with Emma Ainslee and her Agent, Nick Young. I was also accompanied by Gardner Crawley as a representative of RVRL. We met on Thursday 12th March 2020 and walked most of the length of the proposed railway.
- 1.3 The draft Order includes in article 3 (application of other railway legislation, etc.) the incorporation of section 68 (accommodation works by company) of the Railway Clauses Consolidation Act 1845 which requires RVRL to provide occupation crossings over the railway where necessary to provide access to fields from one side of the railway line to fields on the other side. The Order plans submitted with the application for the Order included indicative provision for a number of such crossings on the level across the railway corridor. I was asked by RVRL to provide a report on the impact of the reinstatement of two affected farm holdings Parsonage Farm and Redlands Farm, and Moat Farm. The conclusions I came to in that report were as follows:

“The fields on Parsonage Farm lying north of the River Rother and in the immediate vicinity of the railway will be materially affected in terms of agricultural activity. There would be more small areas of pasture (or even smaller areas of existing pasture) with some areas that are currently arable becoming pasture. However, the overall effect on the farming operation (including Redlands Farm and, even more so when taking into account other land that is farmed by the landowner) will not be significant. There will be inconvenience in the immediate locality of the railway and it is likely that after adjustments have been made to the farming operation there will be a small reduction in income/profitability which will be addressed by compensation.

In respect of Moat Farm, providing that at least one further access can be provided the effects will be relatively minor. Moving livestock will be a little less convenient but as no land is being lost and no fields are being severed the impact on the farming activities will not be significant”.

- 1.4 As indicated above, my original report was based upon the provision of a total of five level crossings to mitigate the effect of the railway line across parts of Parsonage Farm/Redlands Farm and Moat Farm.
- 1.5 Since the original report the Office of Rail and Road (“ORR”) has submitted a Statement of Case to the Department for Transport [insert Inq ref no]. Although dealing primarily with the at-grade crossings of the public highway, the ORR also refers to the proposed accommodation crossings along the route of the railway and comments on page 9 “*we recommend that the railway and landowners be required to come to agreement on alternative methods of access that do not require at-grade crossings of the railway route*”. Accordingly, therefore, this supplemental report assesses the agricultural impact of that recommendation. It considers the effects on access to the fields that are severed by RVR of having no accommodation crossings, whether there are alternative means of access and what impact the lack of access over the railway would be likely to have on the practicalities of farming particular fields and the effect on farm income.

2.0 ROTHER VALLEY RAILWAY LIMITED (“RVRL”) – POSITION WITH NO ACCOMMODATION CROSSINGS

- 2.1 Sheets 3,4, 5 and 6 of the land and works plans submitted with the application for the Order [insert Inq doc no] showed, for indicative purposes, five at-grade crossings of the railway for mitigation of severance impacts on Parsonage and Redlands Farm, and on Moat Farm. My original report assessed the impact of the re-instatement of RVR on those farms, with the benefit of those five crossings. In this section of my supplemental report, I consider the impact of the re-instatement of the railway on those farms with no crossings of the railway provided (“the no accommodation crossings scheme”).
- 2.2 I have considered the impact of the no accommodation crossings scheme on each of the relevant fields of Parsonage and Redlands Farm and Moat Farm by reference to the field numbers used in my original report and identified on the plan at Appendix 4 of that report.

Field 1

Without the accommodation crossing the southern part of this Field, 1b, can continue to be grazed by livestock as it is currently, with livestock free to walk under the A21 via the existing underpass. Access by vehicle will no longer be possible unless a vehicular bridge is provided over the River Rother. If there is not a bridge, it will not be possible to carry out field maintenance such as fertilising, rolling, harrowing or spraying. The implication of this is that, over time, the land would become less productive and is likely to become unkempt. Inspecting of livestock on a daily basis is likely to be carried out by quad bike. This will no longer be possible and therefore inspecting the livestock on a daily basis would become more difficult and would need to be carried out on foot. This will be less convenient and will take longer.

Field 2b

With the accommodation crossing, access is available from Church Lane via Field 3a. On the south side of Field 2b adjacent to the footbridge crossing the river is an extant bridge crossing with the main steel supports, but no decking. Subject to a confirmation that it is structurally sound and the obtaining of any necessary Environment Agency approval, the decking could be reinstated. This would then allow access onto Fair Lane. The reinstatement of the bridge

could be carried out by either RVRL or by the landowner in order to mitigate his losses with the cost being included as part of his claim for compensation.

If access is required from the north of the railway, that will no longer be possible and any inspections, movement of livestock or farming operations that might originate from Parsonage



Farm would have to be approached from down Church Lane, onto the A21 and then down Fair Lane. Whilst that may be the preferred access in any event, as it does not involve having to open so many gates or having to cross the railway line, nevertheless the provision of the accommodation crossing does provide much greater flexibility of access to Field 3a.

If the bridge cannot be reinstated or is not allowed to be reinstated because the necessary permissions are not granted, Field 2b together with 4b, 4c and 5a can only be accessed over the footbridge on the south side of Field 2b.

Field 3

Assuming the bridge crossing is reinstated, there will be no material change to this field by the loss of the accommodation crossing between Field 2b and 3a.

Fields 4b, 4c and 5a

Without the two accommodation crossings shown indicatively on the Order plans, – one at the western end and one towards the eastern end of these fields, although livestock will be able to wander freely through all three of these fields as stated in my original report, access will be entirely via Field 2b (assuming the bridge on the south side of 2b can be reinstated) and off Fair Lane. Any tractor and machinery operations that originate from the farming base at Parsonage Farm will have to gain access to these fields by taking a more circuitous route via Church Lane, the A21 and Fair Lane adding a further 1 kilometre to the journey.

Fields 6b and 7b

With the accommodation crossing that serves these two fields and 6a/7a, it would be possible for each of these two fields to continue to be cropped for arable purposes, as access to them could be provided directly from the arable fields on the northern side of RVR. The fields would be a less convenient shape and size, but nevertheless it would have been possible to continue with the fields being farmed as arable.

In the absence of a crossing, access would be alongside the river via Fields 4b, 4c and 5a and across Church Bridge Lane which is a bridleway on land owned by the landowners. It is currently a track with hedgerows down each side. Since there is such a long route to gain access to Fields 6b and 7b, it would not be practical to continue to use these fields for arable farming. Even if the fields are grassed down for grazing, it would not be possible for livestock to graze freely as access would not be freely available across Church Bridge Lane. Therefore there would be additional livestock movements and the need for inspecting would be more time consuming and less convenient.

The draft Order provides for a level crossing of the railway line by the bridleway. It would be possible to cross the railway line with a quad bike and then access into both Fields 5a and 6b. This will improve the flexibility of access to these fields but access would be extremely restricted if there was not an accommodation crossing.

3.0 ALTERNATIVES

3.1 In the previous Section 2, I have set out the effects on each of the fields as a result of the “no accommodation crossing scheme”. I have also considered what alternative means of access might be possible in order to mitigate the adverse effects of the no accommodation crossing

scheme. In addition to the greater use of the A21 and Church Lane as identified in Section 2. I have also considered whether the provision of bridges and/or underpasses would help to mitigate the adverse effects. I am not qualified to comment upon whether or not the provision of bridges and underpasses is feasible from a structural or engineering point of view and neither am I able to comment upon the cost of providing such structures; but I am able to



comment if those structures were provided how they would mitigate the adverse effects of the no accommodation crossing scheme.

3.2 In considering whether it is possible to provide bridges or underpasses, I note the points that will need to be considered:

1. Whether planning permission is needed or consent from the Environment Agency;
2. The bridges or underpasses would be in a flood plain and Area of Outstanding Natural Beauty; and
3. Ramps would need to be provided which will be outside the boundaries of RVR as shown on the land plans.

3.3 Below, I have considered how necessary is a bridge crossing or underpass to replace each at level crossing:

Crossing Field 1

Whilst livestock will continue to be able to graze as mentioned in clause 2.2, for there to be vehicular access it is essential that there is either a bridge provided crossing the River Rother on the southern side of Field 1 or alternatively an underpass or a bridge crossing the railway line to replace the level crossing that is currently proposed.

Crossing Field 2a/2b

On the basis that the river bridge crossing on the southern side of Field 2b can be reinstated, this level crossing does not become so essential. It would still be extremely desirable to have such a crossing as it enables access to be provided from both Church Lane and Fair Lane to those fields between the railway line and the River Rother. Providing the bridge across the River Rother is reinstated, however, access to the fields can continue to be from Fair Lane.

Crossing Field 4a/4c

This crossing is similar to 3a/2b crossing in that providing that the bridge across the River Rother on the south side of Field 2b is reinstated, access can be provided from Fair Lane. However, if one wanted to move livestock out of the fields, field 5 would be some 800 metres from the public highway. This would be impractical, particularly if the livestock needed to be moved as far as the buildings or land to the north of the railway. This crossing is therefore essential.

Crossing Field 6a, 7a/6b, 7b

With a level crossing, 6b and 7b become pasture land which creates significant difficulties in gaining access. If there are no legal rights of access for the landowner down Church Bridge Lane then these fields will become land locked. Accordingly, therefore, provision of access across the railway at this point either by an underpass or a farm bridge is essential in the no accommodation crossing scheme.

3.4 Additional Compensation

In the no accommodation crossing scheme scenario and in the absence of any alternative means of access, the amount of compensation will increase. Access to Field 1b will only be able to be accessed by livestock on foot; Fields 2b, 4b, 4c and 5a will have reduced access and Field 6b and 7b will have very significantly reduced access or even no access at all. I

made have an estimate of the additional injurious affection to these fields together with the possible effects on the business and estimate the overall extra compensation payable will be £30,000-£40,000 before any mitigation of losses by the landowners.

4.0 MOAT FARM

- 4.1 Under the current RVRL proposals, 25 acres that will be severed to the south of the RVR are to be accessed via a single crossing as shown indicatively on sheet 5 of the Order plans [insert Inq doc ref]. On the southern side of this severed land is the River Rother which is the farm boundary and accordingly, if there is no level crossing, this area of land will be inaccessible. Therefore if that level crossing is not provided it is absolutely essential that alternative means of access in the form of either a farm bridge or underpass is provided.
- 4.2 I have considered the amount the amount of compensation that might be payable. For the land loss alone, this could amount to £130,000-£150,000. In addition, one would need to take into account the effect on the remaining farm business.

5.0 AGRICULTURE BILL

- 5.1 Since preparing my original report, the Agriculture Bill has been published. The Bill sets out the Government's proposals for future farm subsidies. The proposal is to move to a system based on "public money for public good" whereby the "system" will be primarily delivered by the new Environmental Land Management Scheme (ELMS). This is due to replace direct payments and Countryside Stewardship. Once direct payments are phased out by 2028, ELMS will be the main source of "replacement" funding. The key concept is farmers and land managers will be paid "public money" for using their "natural capital" to deliver environmental "public good".
- 5.2 Whilst there are currently no details as to what farmers and landowners will need to provide in order to be entitled to the funding, nevertheless it demonstrates the Government's increased emphasis that, in order for farmers to receive public funding, they will need to be able to deliver greater environmental and stewardship benefits under ELMS.
- 5.3 Insofar as affects Parsonage and Redlands Farm, where there will be small areas of land that cannot be farmed for arable purposes, the new legislation will, if enacted, mean more opportunities for using these areas for environmental purposes than under the current direct payment and stewardship system.
- 5.4 In respect of Moat Farm where the farming system is already focused on environmental and stewardship farming policies, future farming policies through ELMS are likely to be of greater benefit than with the existing system.

6.0 SUMMARY

- 6.1 The absence of accommodation crossings to mitigate the effects of severance caused by the re-instatement of the railway would significantly worsen the impacts of the railway on Parsonage and Redlands Farm. As described above, there are several fields where accessibility would be reduced and the potential for some otherwise useful land to be rendered inaccessible.
- 6.2 In respect of Moat Farm, without the proposed accommodation crossing there would be 25 acres of land that is entirely severed. This could have a material effect on the financial viability of what is already a small farm.
- 6.3 If level crossings are to be omitted, subject to the reinstatement of the bridge on the south side of Field 2b, the loss of those between Fields 3a/2b and 5a/5c would have the least adverse effect but their omission would nevertheless make it harder to gain access to those



fields between the railway and the river as access would almost be entirely from Fair Lane whereas at present they are accessible from both Fair Lane and Church Lane.

Dated 20th April 2020

A handwritten signature in black ink, appearing to read 'P R B Hodges', written over a dotted line.

P R B HODGES FRICS
On Behalf of Lambert & Foster Ltd