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29 January 2021

Our Ref: JEW/33916/00001

Dear David

**Proposed Rother Valley Railway (Bodiam to Robertsbridge Junction) Order
Land adjacent to A21 level crossing**

Thank you for your letter of 26 January 2021. I note that your clients assert prescriptive rights of occupation and grazing over the Highways England land at the foot of the embankment on either side of the A21 and your clarification regarding the use of the culvert under the A21.

I am grateful for your suggestion that the matter can sensibly be addressed by an agreement or exchange of letters to avoid the need for Rother Valley Railway Limited to promote a further land acquisition TWAO. I have taken the liberty of drafting a short agreement along the lines you proposed, because it will need to be completed very quickly in order to avoid the promotion of a further order. I think we probably need an agreement rather than letters.

One point that concerns me is the need to capture, as parties to the agreement, all those persons who enjoy the prescriptive rights. I would therefore appreciate your assurance that there is no-one else, to your clients' knowledge, who has acquired rights over these two slivers of land.

With regard to the other points you raise –

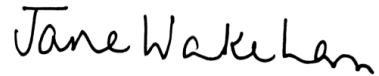
I have asked RVR to let me have a corrected sheet 3 as soon as possible and will forward it to you once received. It will merely show the Order limits (i.e. the red dashed line) on both the northern and southern sides of the railway corridor.

With regard to the fencing, I thought it would be helpful to include a commitment from RVR regarding this in the draft agreement.

The detailed drawings relating to the level crossing affect the Highways England land only – apart from the two small parcels where we now understand your clients assert prescriptive rights. In relation to the rest of the line where it crosses your land, the detailed design will be worked up once statutory powers have been obtained in the usual way. The HE drawings are to be

submitted with the rest of the Further Environmental Information on 8 March. However, I must stress how eager the RVR team is to co-operate with your clients to reduce adverse impacts on their farming operations and that any progress regarding accommodation crossings and other matters that can be made in the coming months would be regarded as without prejudice to your clients' ongoing objection to the scheme. The RVR team also remains ready and willing to treat with your clients for the acquisition of land.

Yours sincerely

A handwritten signature in black ink that reads "Jane Wakeham". The script is cursive and fluid, with the first letters of each word being capitalized and slightly larger than the others.

Jane Wakeham
Partner

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