

**Y TRIBIWNLYS TIR AMAETHYDDOL CYMRU**

**AGRICULTURAL LANDS TRIBUNAL WALES**

**REFERENCE:** ALT 6321

**TRIBUNAL:** Dr Christopher McNall (Deputy Chairman)  
Dr Russell Young MBE JP (Drainage Member)  
Mr Evan Roberts (Farmer Member)

**APPLICANT:** Mr John Stephen Wrench

**RESPONDENTS:** Network Rail Infrastructure Limited

**PROPERTY:** Beeches Farm, Flint Road, Saltney Ferry, Chester CH4 0BW

AND IN THE MATTER OF:

AN APPLICATION UNDER THE LAND DRAINAGE ACT 1991

**DIRECTIONS**

At a hearing held at the Beaufort Park Hotel, Mold CH7 6RQ on 20 June 2016, preceded by a visit to Beeches Farm, Saltney Ferry, and having heard from Mr Philip Meade MRICS, on behalf of the Applicant, and Ms Lisa Barge, a solicitor, on behalf of the Respondents, the Tribunal DIRECTS as follows:

1. The Application (ALT 6321) is not struck-out.
2. In accordance with Rule 45(1) of the Agricultural Land Tribunals (Rules) Order 2007, the Tribunal will request that the Welsh Ministers appoint an official expert (who will not be Kirk Hill of ADAS UK Ltd) to provide the Tribunal with a report on the matters to which the Application relates, and in particular whether the ditches on the Respondent's land near Beeches Farm, the condition of which ditches is the subject matter of this Application, are presently functional or not, and to make recommendations to the Tribunal as regarding the Application.
3. The parties shall co-operate with the official expert in providing to the expert all such documents and information as s/he requires, but shall in any event provide the official expert, upon being notified of her/his appointment (and, at the same time, copying to the other party), the following documents or classes of documents:

3.1 Any level survey(s) including but not limited to the survey said to have been done following the Respondent's letter of 9 July 2014;

- 3.2 Any ecological survey(s) or report, or documentation of a similar character, however described;
  - 3.3 Any Programme of Works or documentation of similar character, however described, in relation to the work already done;
  - 3.4 Any engineers' assessments or reports, or documentation of a similar character, however described, in relation to the work already done;
  - 3.5 Any other materials relevant to the work already done.
4. The parties will each permit the official expert to enter and inspect (on as many occasions as the official expert requires) their respective land for the purpose for which s/he was appointed on at least seven days notice, unless the occupier of the land agrees in writing to a shorter period of notice. Any inspection must take place during the hours of daylight and on a business day unless there is good reason or the occupier consents to the inspection taking place on another day. The parties and their representatives are permitted to accompany the expert at any inspection, including for the avoidance of doubt, any inspection of the other party's land.
  5. The official expert's report will be prima facie evidence of the facts to which it refers.
  6. By no later than two weeks from the receipt of that report, both parties will be permitted to ask any questions of the official expert in writing, who shall respond to the same in writing within a further two weeks.
  7. By no later than two months from receipt of the report the Applicant will deliver to the Secretary (with copies for the Respondent and the official expert) any written comments on the report, including in particular whether, and if so, the Applicant disputes any of the facts or recommendations.
  8. By no later than three months from receipt of that report the Respondent will deliver to the Secretary (with copies for the Applicant and the official expert) any written comments on the report, including in particular whether, and if so, the Respondent disputes any of the facts or recommendations.
  9. The official expert may apply at any time to the Tribunal for further directions in relation to the exercise of her/his function.

10. If the Application, or any part of it, settles, the parties shall immediately notify the Secretary, at the same time providing a signed Consent Order for the Tribunal's consideration.
11. Within one month of these directions, the Respondents shall write to the Tribunal's secretary, setting out the Respondent's procedures, and the timescale for those procedures, and any other information which will be relevant if, in due course, the Tribunal decides that it wishes to undertake a further site visit, but on that occasion entering upon all relevant parts of the Respondent's land including railway land.

Dated 29 June 2016

Christopher McNall  
Chairman