

Network Rail
c/o Winckworth Sherwood LLP
Minerva House
5 Montague Close
London SE1 9BB

29th June 2017

Dear Sir,

**HMWT Statement of Case: Network Rail Anglia Level Crossing
Reductions TWA Order (Essex and others level reduction)**

Herts & Middlesex Wildlife Trust (HMWT) is the freehold owner of a property (Thorley Wash Nature Reserve) in the Parish of Thorley, East Hertfordshire. This property is materially affected by the current proposed level crossings reduction order. Map 1 shows the location of the property outlined in purple.

HMWT was consulted on the developing proposals on several occasions, including a meeting with Gateley Hamer consultants acting on behalf of Network Rail in December 2016. We raised a number of queries and concerns, which have not been addressed in the Order and we have received no confirmation of any proposed solutions.

We have one concern directly in relation to a crossing closure:

- H09 – Fowlers crossing has served as emergency access for HMWT. This can be the only safe and practical access to our site in times of flooding for us to remove grazing livestock. Because our property is very wet and boggy at the southern end where our main access is sited, Fowlers crossing is the only practical access for machinery to carry out ditch clearance work during the winter months, which is necessary to keep the statutory designated Site of Special Scientific Interest in favourable condition. No alternative solutions have been provided. If this crossing were to be closed, we request alternative access provision to be considered to the north of our property.

We have a number of additional concerns over the re-routing of an affected Public Right of Way (PROW) over our property:

- The new proposed PROW is routed through our property. This is coloured in red in Map 2. The site is sensitive to disturbance. It is a designated Site of Special Scientific Interest and a nature reserve. It is also an important site for the legally protected water vole. The proposed new PROW is routed alongside Thorley Marsh Ditch, which is an important feature on the site for the water vole. Currently there is a permissive path along that route but it is currently used only for those people visiting the nature reserve and has a very low use, in keeping with a quiet wildlife watching experience. Upgrading this to a PROW as part of a longer route would increase the foot traffic and potential impacts on the water voles and other wildlife in and around the unfenced part of the route. We have received no assurance of any mitigation or compensation and there appears to be none proposed as part of the Order. If the new Public Right of Way is approved, we request ecological compensation to be provided by



**Herts and
Middlesex**

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Chief Executive: Lesley Davies



Hertfordshire & Middlesex
Wildlife Trust Limited is registered
in England No 816710 at the
above address and is registered
as a charity under Registration No
239863. VAT No 366 9276 06

President
Sir Simon A Bowes Lyon, KCVO

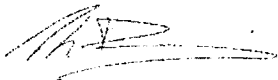
carrying out increased water vole habitat restoration works, including sections of ditch improvements for water vole on other parts of our site.

- The surface of the current permitted path is bare turf, in keeping with a quiet low-use nature reserve. There is an existing part of the Public Right of Way cutting east-west across our property and this section becomes very muddy, slippery and uneven in the winter due to the larger footfall. The existing Public Right of Way is shown in pink in Map 2. We are concerned that these problems will be extended further around our property if the Public Right of Way is rerouted, which could create unnecessary Health & Safety issues, as well as being damaging to HMWT's reputation. Deterioration of the surface due to increased foot traffic is unacceptable to HMWT but we have received no assurances or commitments from Network Rail. If the new Public Right of Way is approved, we request that it is upgraded to a compacted unbound man-made surface (hoggin or similar).
- The new route for the Public Footpath is proposed to cross Thorley Marsh Ditch at the north end of our property. The bridge is owned by HMWT. The bridge is marked with an orange star in Map 2. There is currently no public access over this bridge and HMWT cannot give any assurance as to its condition or safety for that purpose. HMWT does not have a repairing budget for this bridge and our position is that this must remain closed to the public. If the new Public Right of Way is approved, HMWT requires formal confirmation that HMWT would have no repairing or H&S liabilities for the bridge if it were to be converted into a Public Right of Way.

We also have an additional concern that the rest of the Site of Special Scientific Interest, which is outside of our ownership, is potentially going to have its vehicular access removed. This could mean that it becomes impossible for the landowner to manage it adequately for its protected features. This would likely lead to a deterioration of the SSSI that we share, which has only recently reached 'Favourable Condition' status. A map of the SSSI is shown coloured in purple in Map 3. HMWT would like an assurance that this designated site continues to be able to be managed appropriately into the future to conserve its features of interest. We would appreciate clarity on whether this land will be compulsory purchased, who will manage it and how it will be accessed to ensure it is able to be appropriately managed into the future.

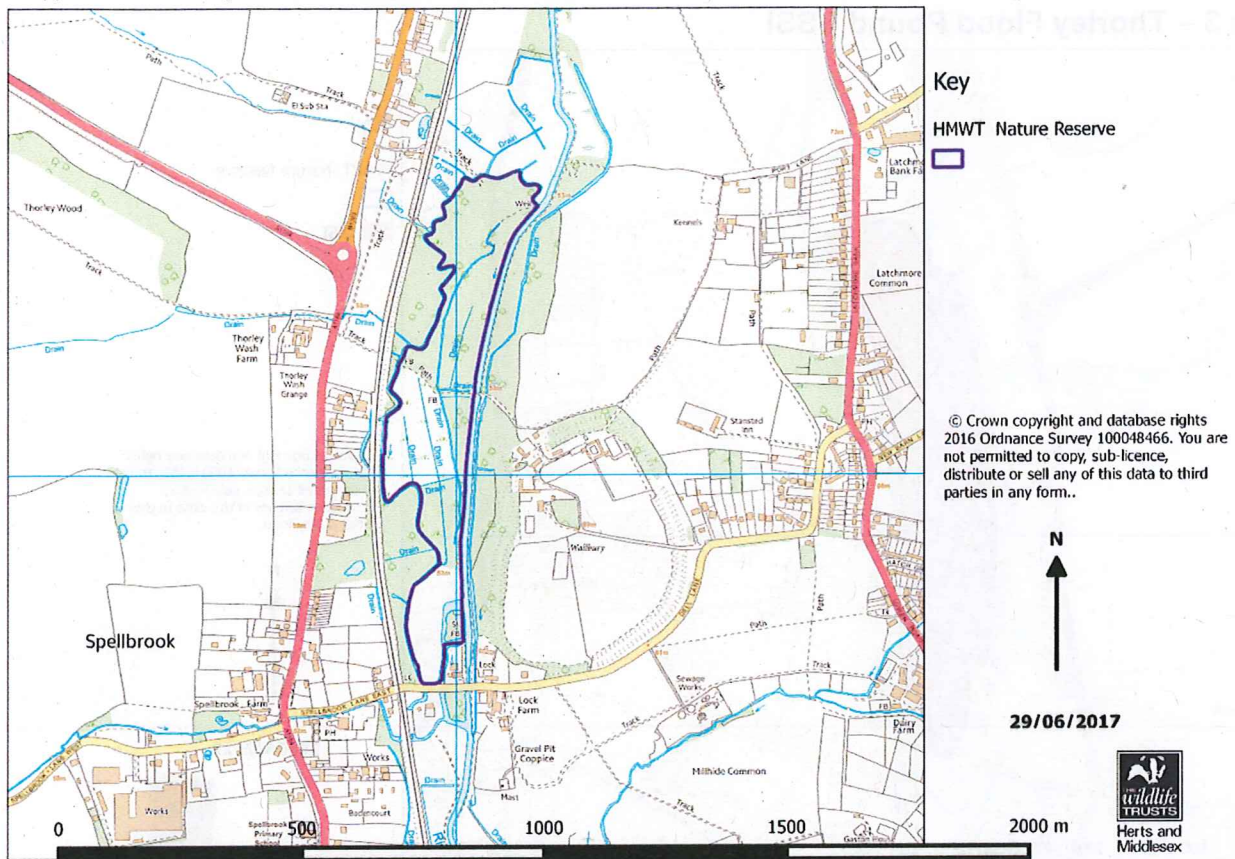
HMWT therefore formally objects to the proposals in their current form until such time as our concerns have been addressed.

Yours faithfully

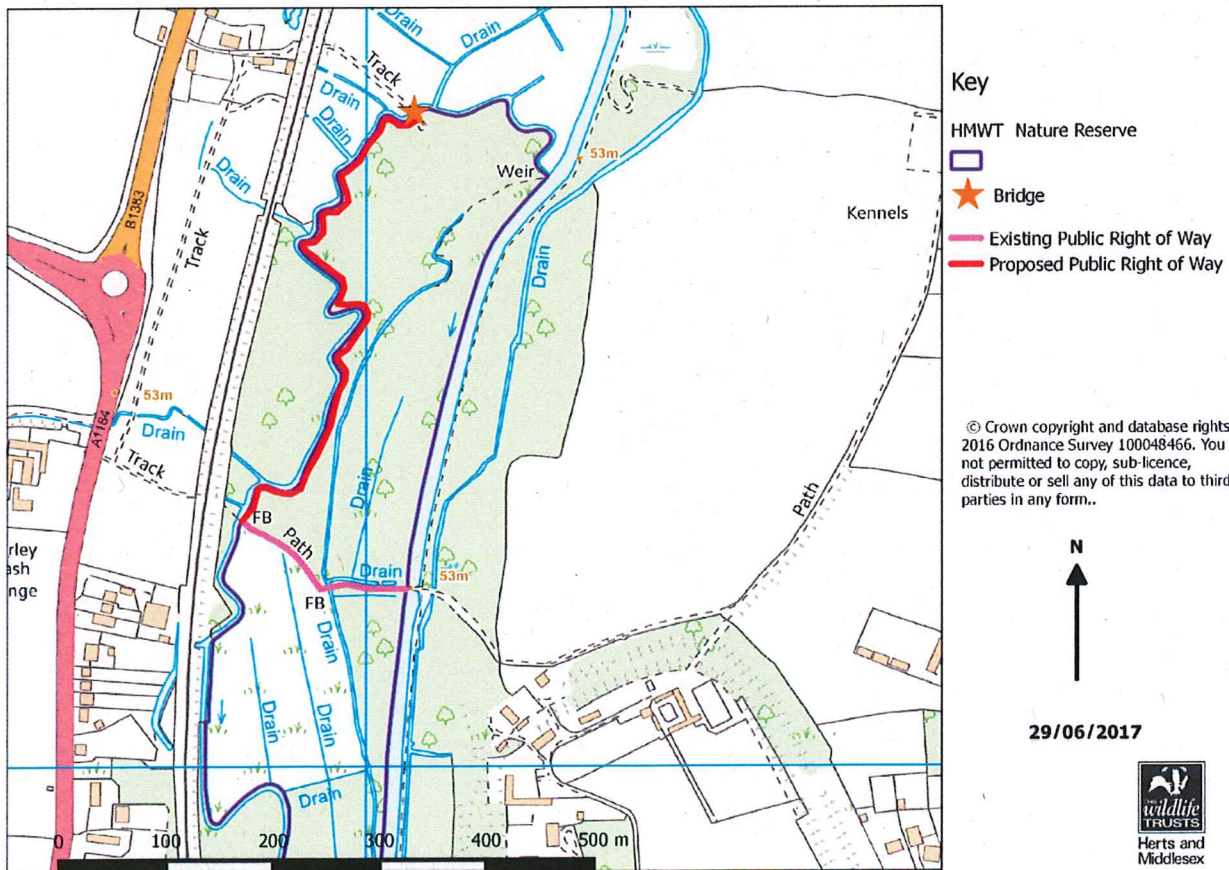


Dr Tom Day
Head of Living Landscapes

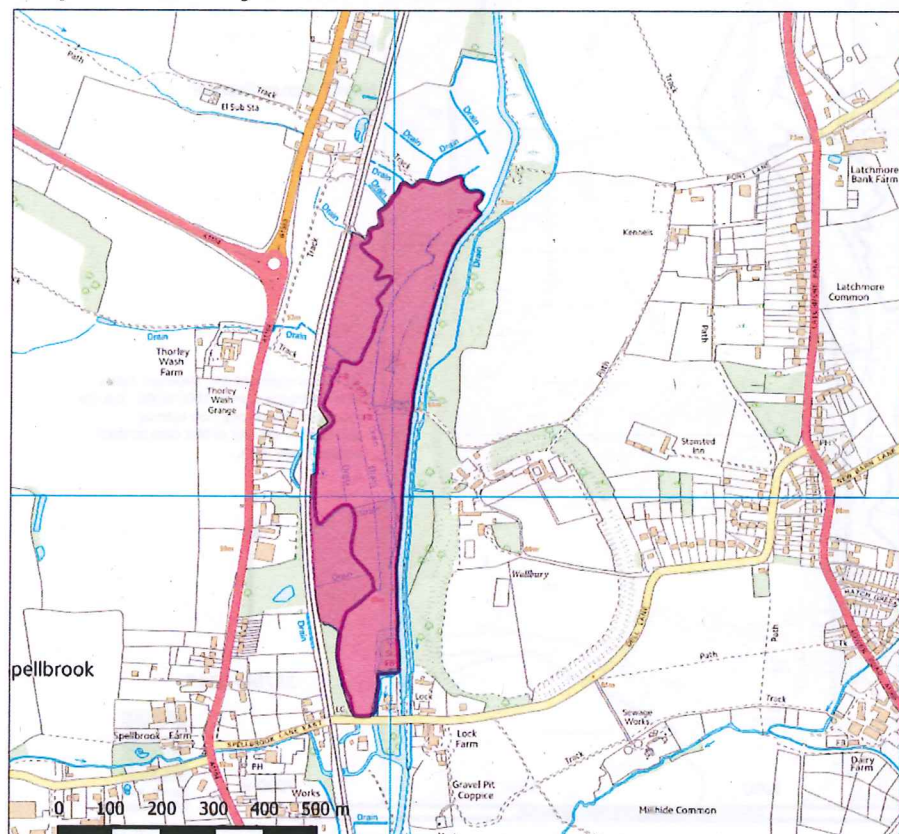
Map1 – Thorley Wash Nature Reserve



Map 2 – northern end of Thorley Wash Nature Reserve, showing footpaths and bridge referred to in the text



Map 3 – Thorley Flood Pound SSSI



Key

HMWT Nature Reserve



SSSI

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29/06/2017

