

Elizabeth Noonan
Network Rail
Paris Gardens
1-2 Paris Gardens
London
SE1 8DN

14th December 2018

Dear Ms Noonan,

**RE: The Network Rail (Essex and Others Level Crossing Reduction)
Order (Obj/137)**

I refer to your letter to me dated 13th December 2018. You say that I did not refer to correspondence between Network Rail and the Trust in my previous letter dated 17th October 2018. However, if you review the fourth paragraph of that letter you will see that I did indeed refer to correspondence between us, and despite your clarifications, HMWT remains concerned that the proposals will permanently cut off any physical vehicular access the landowner has to the SSSI compartment outside HMWT's ownership. We consider this to be an unacceptable act that will result in the loss of a compartment of Thorley Flood Pound SSSI.

You suggest that the landowner's legal access to the SSSI has already been extinguished as a result of a previous level crossing removal by Network Rail. If this is the case, HMWT would ask why Network Rail, as a responsible public body, did not at the time arrange alternative legal access for the landowner in the interests of protecting the SSSI? If that was not done at the time, HMWT consider that it should be done retrospectively, and the situation must not be exacerbated further by the permanent removal of the last remaining physical access point without a suitable replacement being proposed. Access by foot alone will not allow the landowner to be able to adequately manage the SSSI.

You mention in your letter that Natural England responded to an earlier consultation to confirm their view that the proposals were not likely to significantly affect any of the SSSIs. If Natural England agree with your assessment in relation to that compartment of the SSSI and consider that it has already fallen into neglect and is unable to be appropriately managed both now and in the future, then I would request their formal detailed view on this specific matter and query why it has not been undesignated. I have therefore copied in Aidan Lonergan, Natural England's Area Manager, who I hope will be able to shed further light on this matter.

You do not appear to have accepted the terms laid out in my previous letter in relation to HMWT's conditional acceptance of the compensatory sum. Instead you stipulate that this sum would only be able to be paid if HMWT withdrew all of its objection in full, including the unresolved issue above, for which we still have outstanding concerns. However, the issue above is completely unrelated to the purposes behind the compensatory sum offered. Whilst I am absolutely sure that it would not be Network Rail's intention, HMWT is nonetheless being put in a position that might potentially be perceived by some audiences as bribery. HMWT cares about its reputation and needs to be mindful of how situations like this could be perceived by



**Herts and
Middlesex**

**Grebe House
St Michael's Street
St Albans
Hertfordshire
AL3 4SN**

Tel: (01727) 858901
Email: info@hmwt.org
www.hertswildlifetrust.org.uk

Chief Executive: Lesley Davies



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President
Sir Simon A Bowes Lyon, KCVO

others, regardless of the actual intention. I'm sure Network Rail would feel the same. Therefore HMWT cannot accept all the terms of your letter. I request instead that you separate out the issues, and connect the conditions for payment of the compensatory sum purely to those impacts it addresses.

I look forward to your response on this matter and in the meantime, HMWT maintains all of its objections in full.

Yours faithfully

A handwritten signature in black ink, appearing to be 'TD' followed by a long horizontal stroke.

Dr Tom Day
Head of Living Landscapes

Cc Joanna Vincent, Enquiries Manager, Persona Associates
Aidan Lonergan, Area Manager – West Anglia Team,
Natural England