

The Secretary of State for Transport
Transport and Works Act Orders Unit
General Counsel's Office
Department for Transport
Zone1/18, Great Minster House
33 Horseferry Road
London
SW1P 4DR

17th October 2018

Dear Sir,

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

I refer to Hertfordshire & Middlesex Wildlife Trust's objections and Statement of Case submitted on 29th June 2017 to the above proposed Order and to correspondence from Network Rail's Objection Management Team dated 20th September 2018.

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. We also have concerns over the future viability of part of the Thorley Flood Pound Site of Special Scientific Interest (SSSI), which lies outside HMWT's ownership (see Map 4 attached). This SSSI compartment will be permanently cut off from the landowner if Fowlers Crossing were to be closed, which would lead to the certain deterioration and loss of the designated features of this SSSI compartment.

The correspondence from Network Rail's Objection Management Team dated 20th September 2018 focused only on HMWT's objections raised in relation to our own land. It did not address our concerns that the part of the SSSI outside of our ownership would be threatened as a result of cutting off its last remaining vehicular access by the landowner. This SSSI compartment is shown in pink on Map 4 attached.

Network Rail's Objection Management Team has since tried to clarify the situation in relation to this, and HMWT remains concerned. Regardless of technicalities over whether the landowner has a legal right or not to this particular parcel of land over Fowlers crossing, HMWT does not consider it is acceptable for a SSSI to be knowingly put in a position where its designated interest features are unable to be maintained into the future. As a public body, Network Rail has a duty under the Natural Environment & Rural Communities Act 2006 to have regard for biodiversity and HMWT does not consider that due regard is being demonstrated. Network Rail must provide vehicular access to allow the SSSI to be maintained. If it is considered that there is overriding public interest to achieving this, Network Rail must propose suitable measurable ecological compensation for this loss of biodiversity. Therefore HMWT's objection in relation to this particular matter remains in place.

HMWT does not necessarily agree with all the conclusions made in the letter from Network Rail's Objection Management Team dated 20th September



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Middlesex

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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

2018 but HMWT would be willing to withdraw our points of objection specifically addressed in that letter, subject to confirmation of the offered compensatory sum of £4,920 (exclusive of any Value Added Tax that may apply) to carry out ditch works at Thorley Wash Nature Reserve. HMWT's acceptance of this offer is also subject to confirmation that HMWT would have no additional costs or liabilities with respect to maintaining the surface of the new proposed Public Right of Way or any structures it passes over.

For the avoidance of doubt, if the above conditions cannot be met in full, HMWT maintains all points of objection made in the submitted statement of Case dated 29th June 2017.

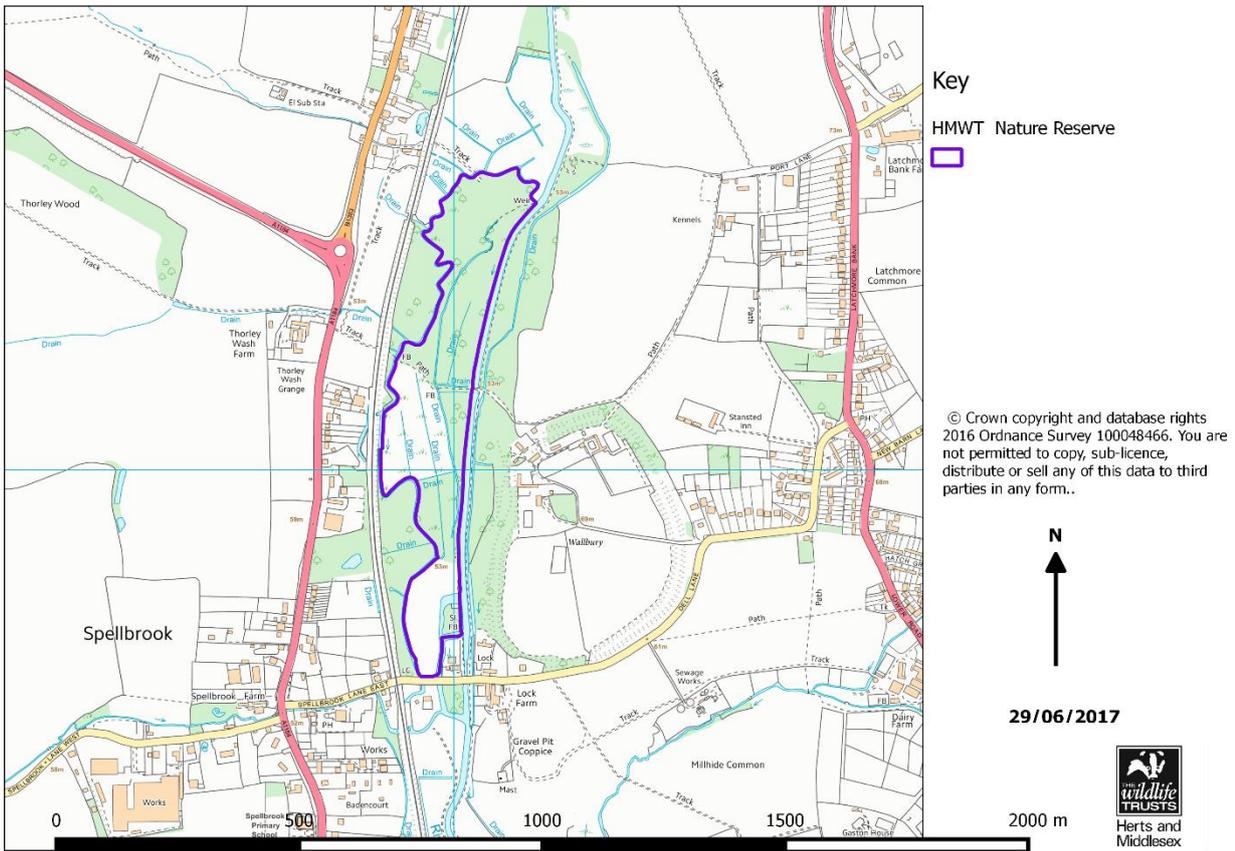
Yours faithfully

A handwritten signature in black ink, appearing to be 'M. D.', with a horizontal line underneath.

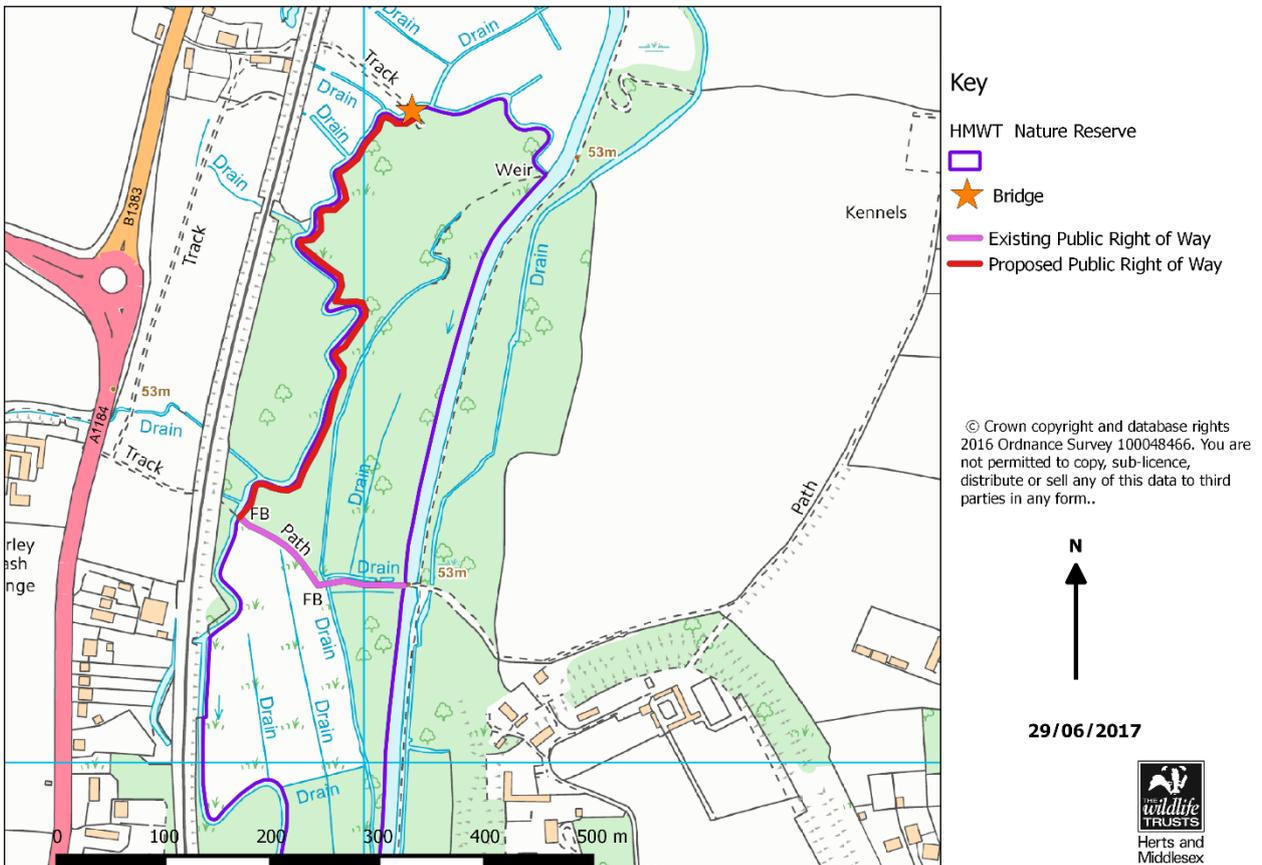
Dr Tom Day
Head of Living Landscapes

Cc Elizabeth Noonan, Network Rail Objection Management Team
Joanna Vincent, Enquiries Manager, Persona Associates

Map1 – Thorley Wash Nature Reserve

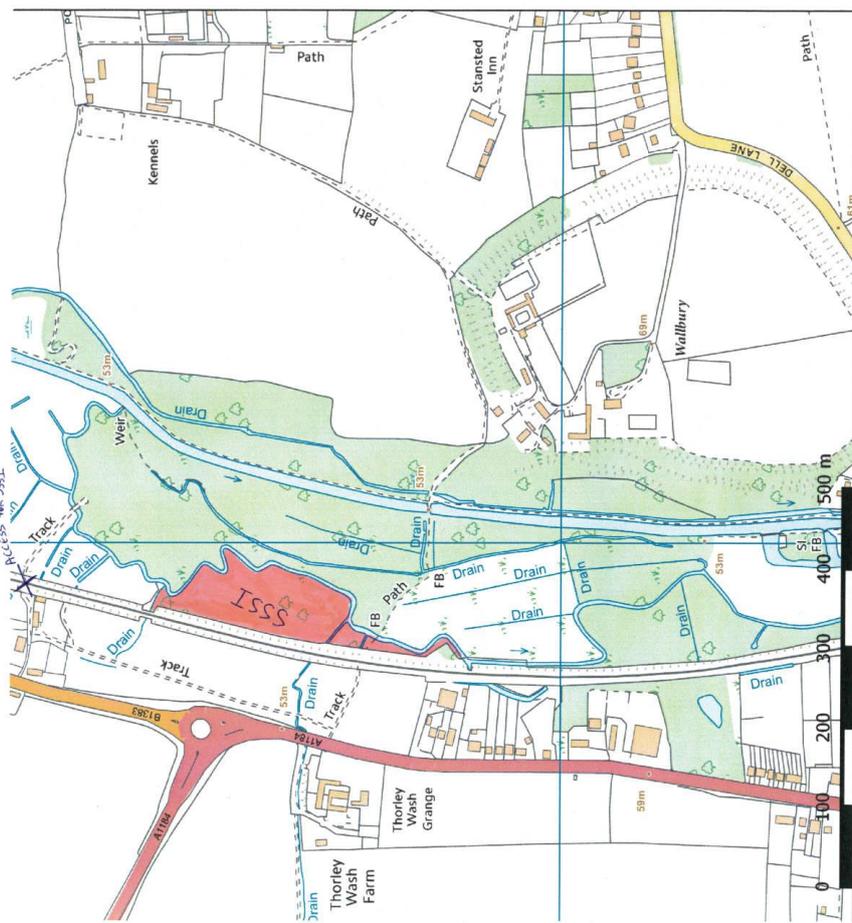


Map 2 – northern end of Thorley Wash Nature Reserve, showing footpaths and bridge referred to in the text



Map 4 – SSSI compartment at threat from proposed railway crossings closure order (outside HMWT ownership)

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24/09/2018

