



Tom Day  
Head of Living Landscapes  
Herts and Middlesex Wildlife Trust  
Grebe House  
St Michael's Street  
St Albans  
Hertfordshire

Network Rail  
Paris Gardens  
1-2 Paris Gardens  
London  
SE1 8ND

20 September 2018

Dear Mr. Day

### **The Network Rail (Essex Level Crossing Reduction) Order**

Further to Herts and Middlesex Wildlife Trust's (HMWT) meeting with Network Rail on 4 September 2018, we address your ongoing concerns below.

You remain concerned that the proposed new Public Rights of Way (PRoW) are, in part, routed through the SSSI and along Thorley Marsh Ditch an important feature for the water vole.

Network Rail carried out environmental impact assessments prior to the application of this Order, which concluded the proposed PRoW will have no significant impact on the water vole. In keeping with other PRoW paths in the vicinity of an SSSI, Network Rail will not be seeking to surface the route, which is on a raised embankment and not subject to flooding. However, Network Rail acknowledge there will be an additional burden on the site that may include how HMWT manage the area. As a result, Network Rail will be willing to pay the compensation sum of £4920 (five years of ditch work), as set out in correspondence with Laura Baker, to assist HMWT in managing any impacts on your estate subject to HMWT formally withdrawing their objection to the Order, the Order being made and Network Rail implementing the closure of H05 and H06 level crossings

Network Rail also understands that HMWT currently utilises Mr Carpenter's private level crossing access in times of flooding and during maintenance of the site for ditch works. However, as Network Rail has previously indicated, HMWT has no legal right to access this crossing and Network Rail therefore is not required to provide alternative access to your site. During our meeting on 4 September, Network Rail walked the route and notes that the vehicular access to the south has a section in low-lying land that may be subject to flooding, however, it will be for the HMWT to improve this route if required.

Following consideration of the above offer, please could you write to or email the Secretary of State at the Transport and Works Orders Unit at the Department for Transport (address below) to formally withdraw HMWT's objection to the Order.

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

Or by email: [transportandworksact@dft.gsi.gov.uk](mailto:transportandworksact@dft.gsi.gov.uk)

In either case, please refer to: The Network Rail (Essex and Others Level Crossing Reduction) Order (Obj/137) for quick identification.

We would be grateful to receive a copy of your correspondence.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Elizabeth Noonan', with a stylized, flowing script.

Elizabeth Noonan  
Anglia Level Crossing Reduction Team  
Network Rail

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

17<sup>th</sup> 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 29<sup>th</sup> June 2017 to the above proposed Order and to correspondence from Network Rail's Objection Management Team dated 20<sup>th</sup> 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 20<sup>th</sup> 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 20<sup>th</sup> September



**Herts and  
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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

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 29<sup>th</sup> June 2017.

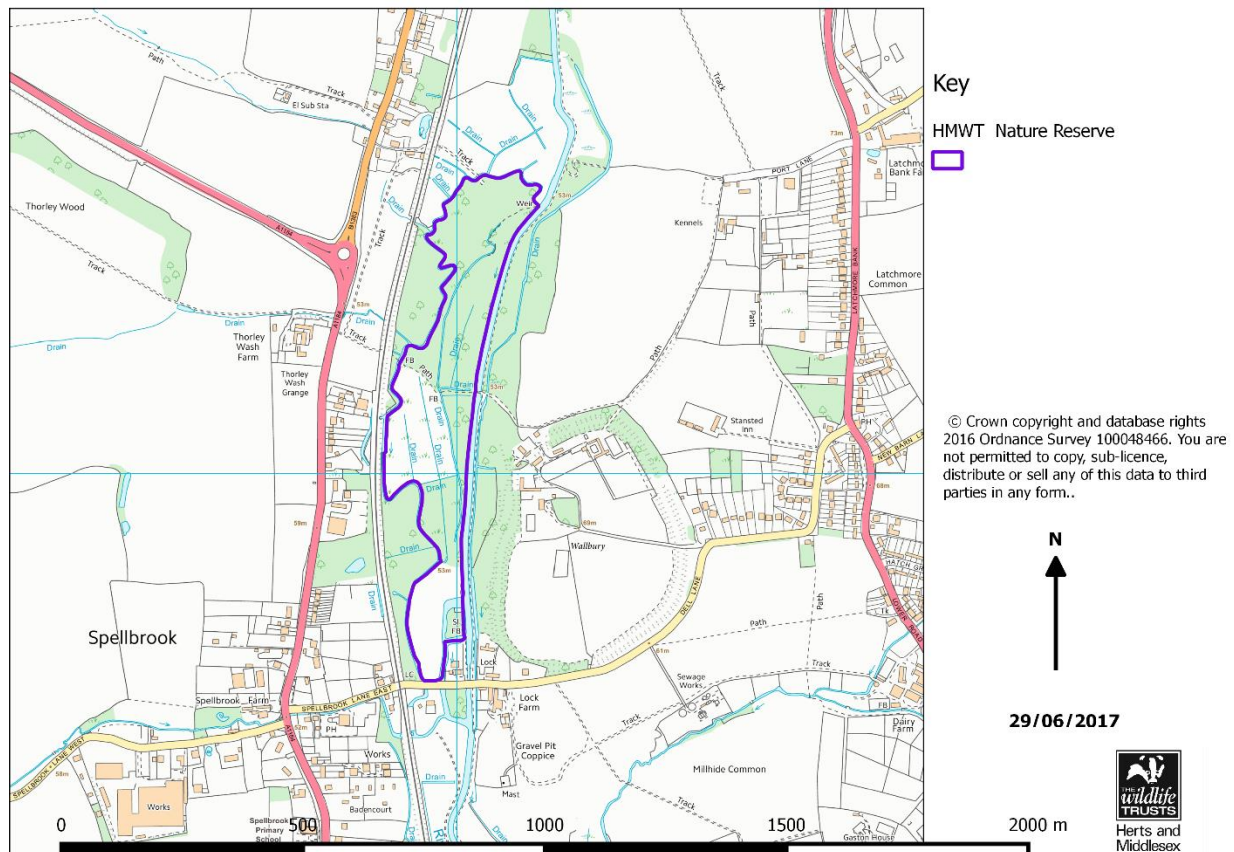
Yours faithfully

A handwritten signature in black ink, appearing to read 'Tom Day', with a long horizontal flourish extending to the right.

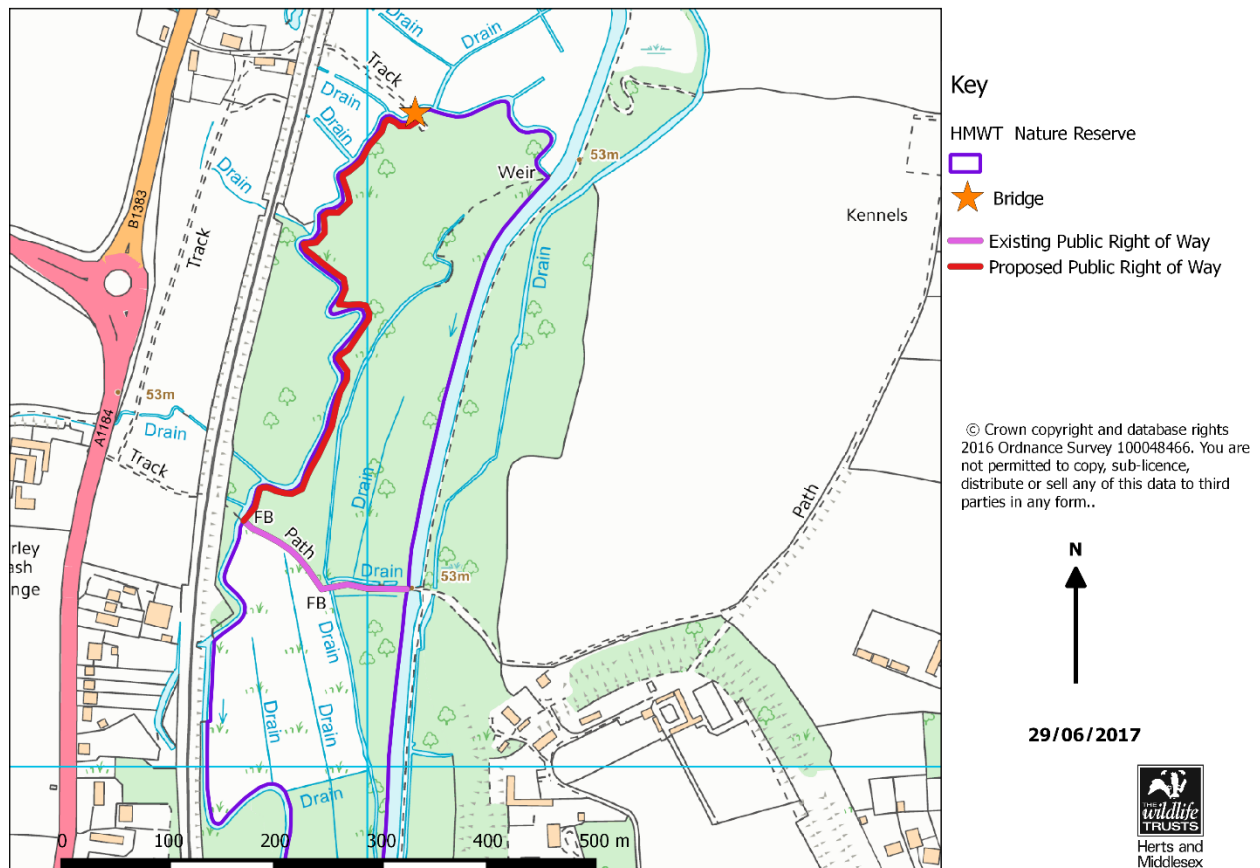
Dr Tom Day  
Head of Living Landscapes

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**



 SSSI

1



Herts and  
Middlesex



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

