

**From:** Noonan Liz [<mailto:Liz.Noonan@networkrail.co.uk>]  
**Sent:** 13 February 2019 16:31  
**To:** Keeling, Chris  
**Cc:** [joannavincen@personaassociates.co.uk](mailto:joannavincen@personaassociates.co.uk); Tom Day; AngliaLevelCrossings  
**Subject:** RE: Thorley Flood Pound SSSI

**This message originated outside Winckworth Sherwood**

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Dear Chris,

Network Rail appreciates that the Thorley Flood Pound SSSI is an integral component of a network of wildlife habitats in the Stort Valley.

As we have explained in discussions and in correspondence with the Herts. and Middlesex Wildlife Trust (HMWT), in relation to the proposals to close H09 Fowlers Crossing, the crossing is not a public crossing. It is an accommodation crossing providing access to Mr Carpenter's non-SSSI land only. The Wildlife Trust does not have a lawful right to use this crossing to access the SSSI land for maintenance, management or any other purpose. Nor is there any lawful right for Mr Carpenter to use Fowlers crossing to access that small part of the SSSI that is in his ownership; the level crossing serves Mr Carpenter's non-SSSI land only.

There is no part of the SSSI lawfully accessible by Fowlers crossing and therefore no part is only accessible by that crossing, as your letter suggests. The HMWT and Mr Carpenter's lawful rights to access the land forming the SSSI are unaffected by the closure of Fowlers crossing.

As there is no part of the SSSI lawfully accessible by Fowlers crossing and therefore no part is only accessible by that crossing, as your letter suggests. The HMWT and Mr Carpenter's lawful rights to access the land forming the SSSI are unaffected by the closure of Fowlers crossing.

Network Rail explained most recently in a letter dated 13 December 2018 to HMWT that the proposals to close Fowlers crossing do not affect the existing vehicular access to that part of the SSSI owned and managed by the Trust at the southern end from Spellbrook Lane. Network Rail explained to the inspector at the public inquiry into the Order on 18 October 2018 that the issue of southern access to the SSSI could be resolved by the Trust within its landholding.

In the event that Mr Carpenter is accessing the SSSI land via Fowlers Crossing (which the grant of rights over Fowlers does not permit), when Fowlers Crossing is closed through the Order, Network Rail is willing to permit the replacement grant of rights through the underbridge to include not only a right to access Mr Carpenter's non-SSSI land, but an alternative access to all of Mr Carpenter's land on the eastern side of the railway including his SSSI land. This was explained in correspondence with HMWT in correspondence, and most recently by letter dated 30 January 2019.

Network Rail does not consider that the closure of Fowlers crossing will impact on either the lawful access to the SSSI for present or future management of the SSSI or be incompatible with the aspirations of the Green Transport Corridors project, which aims to accommodate more wildlife and enable greater movement between sites along the railway corridor and other railway land. Indeed, closure of level crossings will reduce public disturbance of the railway corridor, leading to a greater contiguous area in which wildlife can flourish.

Network Rail will continue to engage with landowners in relation to the Order proposals including those at Fowlers crossing concerning scheme details should the Order be made and implemented.

Should you have any further questions, please don't hesitate to contact me directly.

Regards

Liz

Liz Noonan  
Objection Management **Anglia Level Crossings**  
07715960244

**From:** Keeling, Chris <[Chris.Keeling@naturalengland.org.uk](mailto:Chris.Keeling@naturalengland.org.uk)>  
**Sent:** 13 February 2019 11:31  
**To:** Noonan Liz <[Liz.Noonan@networkrail.co.uk](mailto:Liz.Noonan@networkrail.co.uk)>  
**Cc:** [joannavincent@personaassociates.co.uk](mailto:joannavincent@personaassociates.co.uk); Tom Day <[Tom.Day@hmwt.org](mailto:Tom.Day@hmwt.org)>  
**Subject:** Thorley Flood Pound SSSI

Dear Liz

Following the transfer of that part of the SSSI formerly managed by the Environment Agency to the Herts & Middlesex Wildlife Trust it has been possible with the commitment and hard work of the HMWT to establish effective management and the subsequent restoration of the SSSI to favourable condition. Work undertaken by HMWT with the agreement of Natural England has established the SSSI as an integral component of a network of wildlife habitats in the Stort Valley as set out in the attached document **Sawbridgeworth, Thorley & Little Hallingbury – Three SSSI's in a Living Landscape** and crucially the reintroduction of the critically endangered water vole to the Stort Valley.

It is therefore a matter of concern that any future management of that section of the SSSI currently only accessible by a railway crossing will be untenable if proposals by Network Rail to close the crossing are progressed. Management of the SSSI is integral to the aspirations set out in the attached document, in addition to which Natural England refers you to you Network Rail's **Green Transport Corridors project** which seeks to manage the network's 'soft estate' for the benefit of wildlife.

Natural England welcomes the Trust's commitment in seeking to ensure that access to the SSSI via the railway crossing is maintained in order that the SSSI can be fully and effectively managed and Network Rails willingness to engage in further discussion with the Herts & Middlesex Wildlife Trust. In so doing Natural England strongly recommends that Network Rail should seek to consider whether or not closure of the crossing is compatible with the aspirations of its Green Transport Corridors project.

Kind regards

Chris Keeling

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