



## The Summary report of National Trust consultation on connecting grazing areas across Harrison's Drove March 2012.

### Introduction

The Wicken Fen management team sent out a consultation paper during March 2012 to a range of stakeholders including; local parish councils, Cambridgeshire County Council Rights of Way team (CCC RoW), Natural England (NE), Environment Agency (EA), members of the Wicken Fen Local Committee and members of the Wicken Fen Users Group as well as others who requested to input. The consultation invited comments on a broad range of potential options for the creation of a crossing point for the Trust's free ranging herds of cattle and ponies which are currently segregated by Harrison's Drove.

There was a good response from stakeholders with a range of responses coming in, either via general email correspondence, letter or face to face comment at a public drop in day which was held at Wicken Fen on 31<sup>st</sup> March.

The Trust would like to thank all those who have provided responses and fed into the process. This summary report provides a collation of all the formal responses; responses from individuals have been included without personal identification, those from formal organisations are identifiable. The report then summarises the key point raised by respondents and then goes on to suggest the ways in which The Trust would like take this consultation forward.

### Summary of key points raised

Feed back from stakeholders seemed to fall into two main categories; firstly the impacts of different crossing structures on users of the RoW, nature conservation or landscape, and secondly, what was thought to be feasible, or not within the legal framework. Below are our summary of these points (full text is within the collation of responses)

**Cattle grids** - Several responses were received regarding the installation of cattle grids as part of some of the crossing options on the carriageway section of the drove. The majority of these responses were opposed to the installation of cattle grids primarily due the potential danger they could cause to horses.

**Gates** - a variety of responses discussed the implication of installing gates on the route. Feedback was diverse from those recommending gates as the most favoured option because they would have limited impact for the majority of users, be the simplest to install and have no visual impact, through to others saying they would no longer be able to use the route if they had to open gates from horse back. Several respondents pointed out that the suggested box gate design was inappropriate on a bridleway as there would be several gates to negotiate rather than single gates which are more commonly found on bridleways.

**Bridge Crossings** - several respondents stated they were in favour of some form of up and over, bridged crossing; the most popular design recommended seems to be some form of arched crossing going over the highway with livestock going over the top and users continuing to use the RoW with no barriers. This idea of a bridged crossing was seen as favourable by some as it may become a type of "Green Bridge" with earth banks helping it blend into the landscape. However there were also some responses opposed to any bridge like structure due to the potential for detrimental effects on the landscape or wildlife habitats.

**Location** – the best location for particular crossing was commented on. Some respondents explaining the potential confusion over where the carriageway may end and the bridleway may start. Seemingly the section under the EA waterproof bank may have some form of "dual" status. Natural England pointed out that any crossing point developed on the bridleway section would be within the SSSI and Fen's SAC (Special Area of Conservation, European designation) and would therefore need consent to be implemented.

**Land Ownership** – the unusual nature of the land ownership of Harrison's drove was commented on.

**Feasibility of different options within the current RoW legal frame work** – a few respondents outlined what options they thought would be possible within the legal frame work and within the particular circumstances of Harrison’s Drove. A formal response was also received from CCC RoW with initial feed back on the proposals within the consultation and their feasibility.

## Initial National Trust responses

**Landownership** – the current position was outlined in the consultation and remains the same,

*During the first public enquiry the ownership of the Drove itself was questioned. The National Trust has managed and maintained the un-adopted section since the 1950s. There is no document conveying the freehold of the un-adopted section of the drove to the Trust in its title deeds, but the Trust reserves the right to claim possessory title.*

*The possibility that Swaffham IDB own the drove was examined; the IDB stated that it has no title deeds and “does not claim responsibility for ... the drove”; but equally that it has no record of having disposed of the drove. It was suggested that drives which no longer produced an income (to the Board) from grazing were “just abandoned”. The Inspector (Peter Millman) concluded that “Harrison’s Drove probably passed from the ownership of the IDB to the Trust at some time between the 1930s and 1950s”.*

To conclude, there appears to be no title to the land and the Trust does not have freehold title, we have stated our position and reserve the right to claim adverse position. However as this may have caused some uncertainty the Trust can confirm it has no plans to take forward an adverse possession claim at this time.

**Location** – within the consultation several possible locations for crossings were suggested. A crossing point located across the concrete road section (carriageway) would fit in best with the conservation interests of the site, because it would be within the main grazed areas and would be outside the SSSI (thus needing less consents).

However any crossing point on this section constructed at ground level would require a cattle grid in order to allow vehicular access, as it is a carriageway. Equally any “up and over” crossing would need to comply with highways regulations (width, height etc). Therefore taking in to account local concerns about cattle grids and highway constraints, the Trust recommends looking at a crossing location on the bridleway section only (beyond the waterproof bank due to the confusion of its status), thus removing the need for any cattle grids.

Due to this location being within the designated area, NE will need to give consent and be assured that any crossing will not have a detrimental impact on the nature conservation value of the site and so any design and implementation at this location will be dependant on them.

**Box Gates** – The Trust has worked with local users to try to develop a “Box Bridle Gate” that prevents livestock escaping from fields should a single gate be left open, yet is still functional for equestrians. To date these have only been installed on permissive paths and footpaths. Taking account of the responses from some users, the parish councils and comment from CCC the Trust concludes box gates could potentially cause an unreasonable inconvenience to some users at this particular location and so recommends that this option is no longer investigated for Harrison’s Drove at this time.

**Legal Issues** – A variety of views have been expressed regarding the various issues relating to implementing a crossing of either the carriageway or the bridleway, and in particular how they could relate to the individual circumstances of Harrison’s Drove. Rather than looking at all these in detail here, the Trust recommends looking at the specific points relating to individual options discussed in “next steps” below. The Trust will continue to seek guidance and advice from the authorising authority, our legal department and independent specialists where necessary.

## Next Steps

**Revised options** – The Trust is recommending investigating further, the feasibility of implementing three options which have evolved from some of the original options outlined within the consultation process.

**Option 1 “Green Bridge”** – this proposal is based on Option 3 in the consultation paper “an arched bridge for livestock over highway section”. As discussed this proposal would now look at creating such a structure over the bridleway section, thus reducing the highways constraints. The basics of the design would be some form of arch or retaining structure which would then be covered with locally obtained earth. This would soon “green up” creating a “natural” green bridge which could blend into the landscape. Livestock would pass over the top, segregated from the users continuing along the RoW below.

## Key points for further investigation;

1. What would be the visual landscape impacts?
2. What would be the impacts on the nature conservation value of the immediate crossing location?
3. What is the likelihood of obtaining planning permission from East Cambridgeshire District Council?
4. What is the feasibility of constructing a structure of this nature in this location and what are the engineering limitations?

5. How would the livestock barriers be designed?
6. Is it possible to build a structure that spans the entire highway at this location, or would the highway width need to be restricted?
7. Is it possible to legally restrict the width of the highway?
8. Can the National Trust build part of a structure on land without holding title?

**Option 2 Simplified gated crossing** – Taking on board the responses regarding gated crossing the Trust feels it appropriate to investigate further the feasibility of designing a much simpler gated crossing point, somewhere on the bridleway section of Harrison’s Drove. This could be a basic equestrian gate either side of an animal crossing, reducing the gates needed to be opened by any user to only two.

#### **Key points for further investigation;**

1. Is such a system acceptable when considering the risk of livestock escaping into the wider countryside, and what further mitigation or procedures may be needed to reduce that risk?
2. Can authorising authority give consents for gates on a highway, when the applicant does not have title to that land?
3. Would users having to pass through two gates on a bridleway be considered reasonable by the authorising authority?
4. Can the National Trust demonstrate that an application for a livestock crossing falls within the definition of agriculture within the application process?
5. Did the previous enquiry investigating the creation of a bridleway along Harrison Drove, determine that gates could never be installed on the RoW?
6. What type of gate would be most appropriate at this location?
7. What further measures could the Trust implement to further mitigate any inconvenience caused by gates to those respondents who have difficulty using gates from horseback i.e.; appropriate handles, opening/closing mechanisms, width, mounting blocks etc?

**Option 3 Gated crossing at different location** - during the consultation it was suggested that it might be possible to look at joining the grazing areas either side of Harrison’s Drove without then need to create a crossing point on the Drove itself. To the South East by Priory Farm this is not feasible at present. The Trust does not own the required land, and as the carriageway continues down Factory Road, there would be similar restraints to the concrete section of the Drove. However, it could be feasible to create a crossing using part of Wicken Lode bank at the top end of Harrison’s Drove.

A short section of the under bank could be fenced connecting the mere area to the reed bed and then a simple gated crossing could be installed on the under bank drove, (just along to the left of the top of Harrison’s Drove as you approach Wicken Lode). A crossing point here would avoid issues relating to the Drove itself and could be relatively straight forward to install and would reflect the tradition of grazing the lode bank.

#### **Key points for further investigation;**

1. What are the nature conservation implications for connecting and grazing parts of the mere and the reed bed?
2. Would users having to pass through two gates on a bridleway be considered reasonable by the authorising authority?
3. Can the National Trust demonstrate that an application for a livestock crossing falls within the definition of agriculture within the application process?
4. Did the previous enquiry investigating the creation of a bridleway along the lode bank, determine that gates could never be installed on the RoW?
5. What type of gate would be most appropriate at this location?
6. What further measures could the Trust implement to further mitigate any inconvenience caused by gates to those respondents who have difficulty using gates from horseback i.e.; appropriate handles, opening/closing mechanisms, width, mounting blocks etc?

**Way Forward** – The Trust is proposing to investigate all three of the options above over the next few months, we will seek guidance and advice on the key points outlined as well as any further considerations raised by stakeholders.

We will seek clarification on the technical aspects of the consent process from the authorising authority. We will seek guidance on the impacts and consent process of each option from the appropriate authorities (NE, EA) and investigate the potential impacts or benefits on habitats by grazing in new areas from specialists. We will also work with users and specialist to look at best design for RoW infrastructure and seek professional engineering advice on bridge structures.

We will also look at the range of options holistically considering all the points covered above as well resource implications of the different proposals.

In taking these proposals forward we hope to be able to continue to work with stakeholders who have expressed an interest as well as the Users Forum and the Local Committee. CCC has requested that we continue to work with the Local Parish councils and if possible involve the local CC member, this seems an excellent idea and we are happy to do so.

The Trust will continue to seek input from all interested parties and guidance from specialists where needed.

**Final Conclusions** – The Trust has a clear objective of establishing an extensive grazing system at Wicken Fen to create a mosaic of habitats for the future sustainability of the Fen and its species. In order to do this we will have to create connectivity between different grazing blocks to establish grazing units of a viable size for the system to demonstrate its long term benefits.

However we are committed to doing this within the legal frame work and with minimal inconvenience for users of access routes, and will continue to involve locals and key stakeholders through out the process.