

NOTICE OF ORDER

HIGHWAYS ACT 1980

SECTIONS 118A & 119A

Suffolk County Council

1) Parishes of Creeting St Mary & Needham Market) (Creeting St Mary Footpath 39 (Part) (Gipsy Lane Crossing)) Rail Crossing Diversion Order 2018

AND

2) (Parishes of Needham Market and Creeting St Mary) (Needham Market Footpath 6 and Creeting St Mary Footpath 26 and any unrecorded Public Footpath Rights) Rail Crossing Extinguishment Order 2018

Notice is hereby given that the above referenced Order has been submitted to the Secretary of State for Environment, Food and Rural Affairs for determination. An Inspector will be appointed by the Secretary of State to determine the Order.

The **start date** for the above Order is 19 December 2018

Consideration of the Order will take the form of a public local inquiry.

The Inquiry will be held at **Creeting St Mary Diamond Jubilee Hall, All Saints Road, Creeting St Mary, Ipswich IP6 8NF** on **Tuesday 4 June 2019** at 10.00am.

1) The effect of the Order, if confirmed without modifications, will be to divert the public footpath over the land situate at Gipsy Lane, Needham Market (formerly in the parish of Creeting St Mary) shown by a continuous bold line on the map attached to the order ("the order map") described in Part 1 of the Schedule onto a new public footpath over the land situate at Needham Market (part formerly in the parish of Creeting St Mary) shown by a bold broken line on the order map and described in Part 2 of the Schedule.

SCHEDULE

Part 1

Description of Existing Footpath

Creeting St Mary Footpath 39 (part) (now in the parish of Needham Market)

The entire width of that part of Needham Market Footpath 39 commencing at Ordnance Survey Grid Reference (OSGR) 60842,25573 (Point A on the order map) at the southern boundary of the London Liverpool Street to Norwich Railway Line proceeding in a north easterly direction to OSGR 60843,25575 (Point B) at the northern boundary of the railway line and continuing to OSGR 60846,25576 (Point C); a total distance of 51 metres as shown on the order map.

Part 2

Description of New Footpaths

Creeting St Mary Footpath 39 (part)(to be known as Needham Market Footpath 22A)

Commencing at Ordnance Survey Grid Reference (OSGR) 60846,25576 (Point C), passing through a staggered barrier in the boundary hedge and proceeding in a westerly direction along a track for 48 metres to OSGR 60841,25577 (Point D); changing to a north westerly direction and continuing for 202 metres to OSGR

60825,25590 (Point E); changing to a westerly direction and leaving the track, proceeding for 9 metres to OSGR 60824,25590 (Point F); changing to a north westerly direction, proceeding down a ramp with a gradient of 1:20, for 14 metres to OSGR 608237,255913 (Point G); changing to a westerly direction for 3.5 metres to OSGR 608233,255913 (Point H); changing to a south westerly direction. and passing through the Creting Bridge eastern culvert under the London Liverpool Street to Norwich Railway Line, for 16 metres to OSGR 60822,25590 (Point I); changing to a southerly direction for 3.5 metres to OSGR 60822,25589 (Point J).

2) The effect of the Order, if confirmed without modifications will extinguish:

a) The entire width of Needham Market Footpath 6 commencing at Ordnance Survey grid reference (OSGR) 60851,25549 at the B1113 Stowmarket Road proceeding in a north easterly direction along the unmetalled track known as "The Lodge" to OSGR 60855,25554 then leaving the track and continuing in a north easterly direction (between the western boundary of the property known as "Trispen" and the eastern boundary of the property known as 48 Stowmarket Road) to the southern boundary of the London Liverpool Street to Norwich Railway Line at OSGR 60858,25559; a total distance of 127 metres.

b) The entire width of Creting St Mary Footpath 36 (now in the parish of Needham Market) commencing at OSGR 60858,25559 at the southern boundary of the London Liverpool Street to Norwich Railway Line and proceeding in a north easterly direction to OSGR 60859,25561 at the northern boundary of the railway line; continuing through the wooded area to a junction with Creting St Mary Footpaths 35 and 38 at OSGR 60865,25567; a total distance of 101 metres.

c) The entire width of any public footpath that may exist commencing at OSGR 60859,25561 at the northern boundary of the railway line then proceeding in a north north easterly direction through the wooded area to a junction with Creting St Mary Footpath 38 at OSGR 60864,25568; a total distance of 79 metres.

Any queries relating to this Order should be referred to Jean McEntee at The Planning Inspectorate, Rights of Way Section, Room 3/A Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Telephone: 0303 444 5437. Email: jean.mcentee@pins.gsi.gov.uk Please quote reference number ROW/3207788 & 3207789 on all correspondence.

Any person wishing to view the statements of case and other documents relating to this Order may do so by appointment at Phoenix House, 3 Goddard Road, Ipswich, Suffolk IP1 5PN between 9:00am and 5:00pm Monday to Friday.

Timetable for sending in statements of case and proofs of evidence

Within 8 weeks of the start date by [by 13 February 2018]

The Order Making Authority must ensure their statement of case is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send a copy (excluding copies of any supporting documents - these will be available to view at the Authority's offices) to everyone who has made an objection or representation and the applicant and any other person who has written to us in respect of the Order.

Within 14 weeks of the start date [by 27 March 2019]

Everyone who has made an objection or representation and anyone who wishes to give evidence at the Inquiry must ensure their statement of case¹ is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send full copies to the Authority. Copies will also be sent to the applicant, every person who has made an objection or representation and any other person who has written to us in respect of the Order (excluding copies of any supporting documents - these will be available to view at the Authority's offices).

Within the same period the applicant (if applicable) must ensure their statement of case is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send a full copy to the Authority. Copies will also be sent to everyone who has made an objection or representation and any other person who has written to us in respect of the Order (excluding copies of any supporting documents - these will be available to view at the Authority's offices).

4 weeks before the date of the inquiry [by 7 May 2019]

The Authority, everyone who has made an objection or representation, the applicant (if applicable) and anyone who wishes to give evidence at the Inquiry must ensure their proof of evidence (together with any summary) is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send copies of:

- i) the Authority's proof of evidence to everyone who has made an objection or representation, the applicant and anyone who has submitted a statement of case (excluding copies of any supporting documents – although none should be submitted with a proof of evidence);
- ii) the applicant's proof of evidence to the Authority, everyone who has made an objection or representation and anyone else who has submitted a statement of case (excluding copies of any supporting documents – although none should be submitted with a proof of evidence); and
- iii) all other proofs of evidence to the Authority, the applicant, everyone who has made an objection or representation and anyone else who has submitted a statement of case (excluding copies of any supporting documents – although none should be submitted with a proof of evidence).

All parties must keep to the timetable set out above and ensure that statements of case and proofs of evidence are received by the Secretary of State on time. Late documents will be returned.

We cannot accept any libellous, racist or abusive comments. Any documents containing such comments will be returned.

¹ If you wish to make a legal submission, this should be submitted at the same time as your statement of case. Otherwise legal submissions will have to be submitted in writing on the day of the inquiry.

RAIL CROSSING EXTINGUISHMENT ORDER

HIGHWAYS ACT 1980, SECTION 118A

SUFFOLK COUNTY COUNCIL (PARISHES OF NEEDHAM MARKET AND CREETING ST MARY)

(NEEDHAM MARKET FOOTPATH 6 AND CREETING ST MARY FOOTPATH 36 AND ANY UNRECORDED PUBLIC FOOTPATH RIGHTS)

RAIL CROSSING EXTINGUISHMENT ORDER 2018

This Order is made by Suffolk County Council ("the authority") under section 118A of the Highways Act 1980 ("the 1980 Act").

The footpaths in the authority's area described below cross a railway otherwise than by a tunnel or bridge.

It appears to the authority that it is expedient in the interests of the safety of members of the public using, or likely to use, the said footpaths that they should be stopped up.

Mid Suffolk District Council has been consulted as required by section 120(2) of the 1980 Act and has consented to the making of the order.

THIS ORDER EXTINGUISHES the public footpaths and any unrecorded public footpath rights over the land situate at Needham Market and Creeting St Mary (now all in the parish of Needham Market) shown by continuous bold lines on the map attached to this order and described in the schedule after 56 days from the date of confirmation of this order.

Date: *4 April* 2018

THE COMMON SEAL OF SUFFOLK)
COUNTY COUNCIL was affixed)
In the presence of:)

C. Morgan

23363



(An authorised Officer of the Council)

SCHEDULE

Needham Market Footpath 6

The entire width of Needham Market Footpath 6 commencing at Ordnance Survey grid reference (OSGR) 60851,25549 (Point A on the order map) at the B1113 Stowmarket Road proceeding in a north easterly direction along the unmetalled track known as "The Lodge" to OSGR 60855,25554 (Point B) then leaving the track and continuing in a north easterly direction (between the western boundary of the property known as "Trispen" and the eastern boundary of the property known as 48 Stowmarket Road) to the southern boundary of the London Liverpool Street to Norwich Railway Line at OSGR 60858,25559 (Point C); a total distance of 127 metres as shown on the order map.

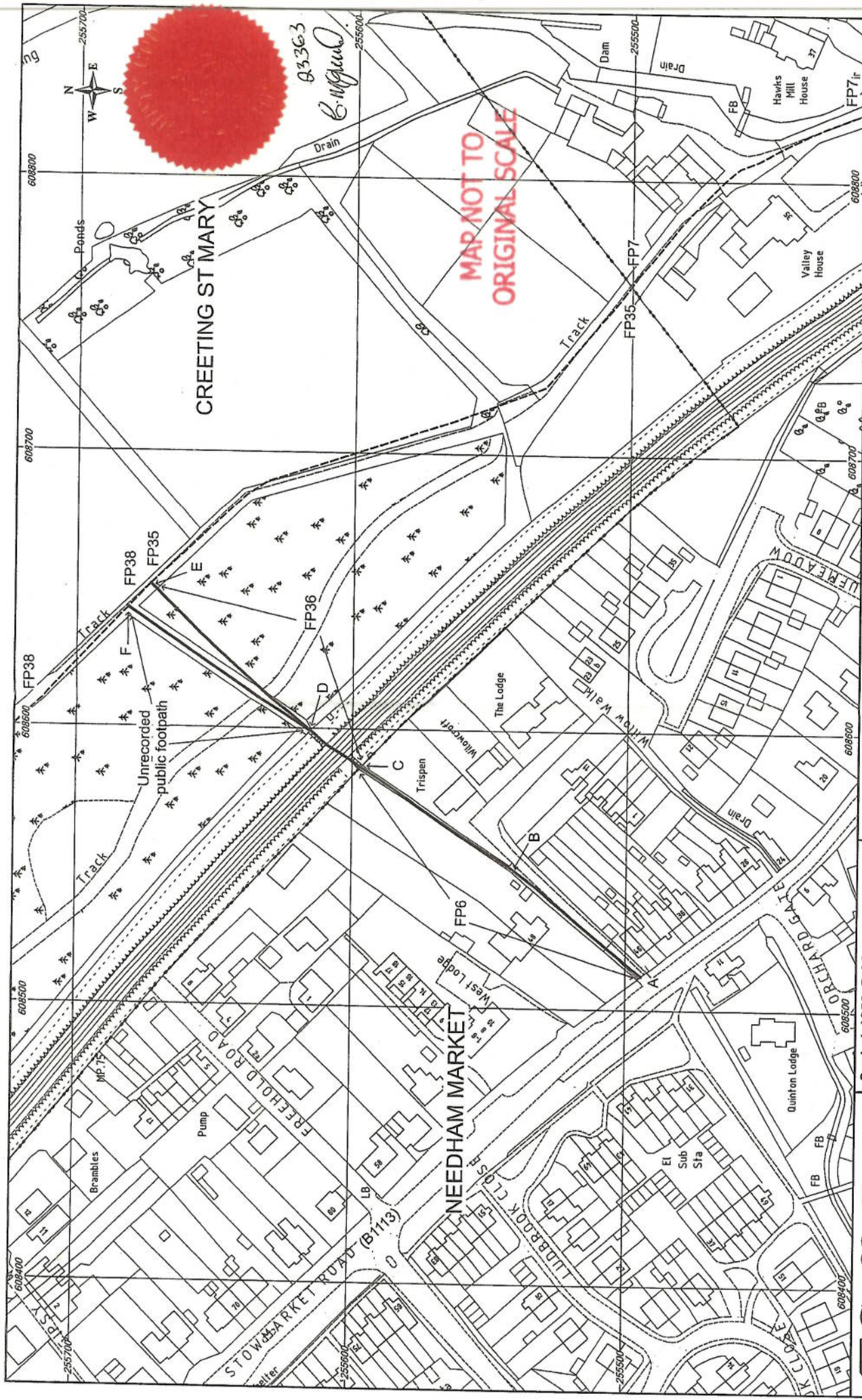
Creeting St Mary Footpath 36 (now in the parish of Needham Market)

The entire width of Creeting St Mary Footpath 36 commencing at OSGR 60858,25559 (Point C) at the southern boundary of the London Liverpool Street to Norwich Railway Line and proceeding in a north easterly direction to OSGR 60859,25561 (Point D) at the northern boundary of the railway line; continuing through the wooded area to a junction with Creeting St Mary Footpaths 35 and 38 at OSGR 60865,25567 (Point E); a total distance of 101 metres as shown on the order map.

Creeting St Mary Unrecorded public footpath (now in the parish of Needham Market)

The entire width of any public footpath that may exist commencing at OSGR 60859,25561 (Point D) at the northern boundary of the railway line then proceeding in a north north easterly direction through the wooded area to a junction with Creeting St Mary Footpath 38 at OSGR 60864,25568 (Point F); a total distance of 79 metres as shown on the order map.

(Map References are taken from OS MasterMap. Distances are quoted to the nearest metre.)



Suffolk County Council
 Director of Growth, Highways and Infrastructure
 Endeavour House, 8 Russell Road, Ipswich, Suffolk, IP1 2BX.

Scale 1:1250 @ A3
 Ordnance Survey MasterMap
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PROPOSED RAIL CROSSING EXTINGUISHMENT OF NEEDHAM MARKET FOOTPATH 6, CREETING ST MARY FOOTPATH 36 AND UNRECORDED FOOTPATH RIGHTS - HIGHWAYS ACT 1980 S118A

Public Footpath (A - B - C - D - E) and Unrecorded Public Footpath (D - F) to be extinguished
 Existing Unaffected Public Footpath
 Parish Boundary

RAIL CROSSING DIVERSION ORDER

HIGHWAYS ACT 1980, SECTION 119A

SUFFOLK COUNTY COUNCIL (PARISHES OF CREETING ST MARY AND NEEDHAM MARKET)

**(CREETING ST MARY FOOTPATH 39 (PART) (GIPSY LANE CROSSING))
RAIL CROSSING DIVERSION ORDER 2018**

This Order is made by Suffolk County Council ("the authority") under section 119A of the Highways Act 1980 ("the 1980 Act").

The footpath described in paragraph 1 of this order in the authority's area crosses a railway otherwise than by a tunnel or bridge.

It appears to the authority that it is expedient in the interests of the safety of members of the public using, or likely to use, the said footpath that it should be diverted onto the land partly of the same owner and partly of other owners as described in Part 3 of the Schedule.

The authority has required the operator of the railway to enter into an agreement to defray any compensation which becomes payable in consequence of the coming into force of this order and any expenses which are incurred in bringing the new site of the footpath and the northernmost footway of the B1113 Stowmarket Road into a fit condition for use by the public.

Mid Suffolk District Council has been consulted as required by section 120(2) of the 1980 Act and has consented to the making of this order.

BY THIS ORDER:

1. The public right of way over the land situate at Gipsy Lane, Needham Market (formerly in the parish of Creeting St Mary) shown by a bold continuous line on the map attached to this order ("the order map") and described in Part 1 of the Schedule hereto shall be extinguished on the later of:
 - (a) the certification by the local highway authority that works have been carried out to bring the site of the new footpath and the northernmost footway of the B1113 Stowmarket Road into a fit condition for use by the public; and
 - (b) the end of 56 days from the date of confirmation of this order.
2. There shall at the end of 56 days from the date of confirmation of this order be a public footpath over the land situate at Needham Market (part formerly in the parish of Creeting St Mary) described in Part 2 of the Schedule and shown by a bold broken line on the order map, ownership and occupation of which is set out in Part 3 of the Schedule. The rights conferred on the public under this order shall be subject to the limitations and conditions set out in Part 2 of the Schedule.
3. The operator of the railway crossed by the footpath described in paragraph 1 shall maintain the structure of the Creeting Bridge eastern culvert (between Points H to J on the order map) under the London Liverpool Street to Norwich Railway Line including any alterations to the culvert as part of the works and shall also maintain the ramp between points E and H (which includes the proposed fencing and earthwork embankment comprised in the works but excluding any surfacing which the authority may itself lay on the floor of the culvert or ramp).

Date: 4 April 2018

23362

THE COMMON SEAL OF SUFFOLK)
COUNTY COUNCIL was affixed)
In the presence of:)



B. McGrath

(An authorised Officer of the Council)

SCHEDULE

Part 1

Description of Existing Footpath

Creting St Mary Footpath 39 (part) (now in the parish of Needham Market)

The entire width of that part of Needham Market Footpath 39 commencing at Ordnance Survey Grid Reference (OSGR) 60842,25573 (Point A on the order map) at the southern boundary of the London Liverpool Street to Norwich Railway Line proceeding in a north easterly direction to OSGR 60843,25575 (Point B) at the northern boundary of the railway line and continuing to OSGR 60846,25576 (Point C); a total distance of 51 metres as shown on the order map.

Part 2

Description of New Footpaths

Creting St Mary Footpath 39 (part) (to be known as Needham Market Footpath 22A)

Commencing at Ordnance Survey Grid Reference (OSGR) 60846,25576 (Point C), passing through a staggered barrier in the boundary hedge and proceeding in a westerly direction along a track for 48 metres to OSGR 60841,25577 (Point D); changing to a north westerly direction and continuing for 202 metres to OSGR 60825,25590 (Point E); changing to a westerly direction and leaving the track, proceeding for 9 metres to OSGR 60824,25590 (Point F); changing to a north westerly direction, proceeding down a ramp with a gradient of 1:20, for 14 metres to OSGR 608237,255913 (Point G); changing to a westerly direction for 3.5 metres to OSGR 608233,255913 (Point H); changing to a south westerly direction and passing through the Creting Bridge eastern culvert under the London Liverpool Street to Norwich Railway Line, for 16 metres to OSGR 60822,25590 (Point I); changing to a southerly direction for 3.5 metres to OSGR 60822,25589 (Point J).

Width:

- 3 metres between OSGR 60846,25576 (Point C) and OSGR 60824,25590 (Point F)
- 2.5 metres between OSGR 60824,25590 (Point F) and OSGR 608237,255913 (Point G)
- 3 metres between OSGR 608237,255913 (Point G) and OSGR 608233,255913 (Point H)
- 2.4 metres between OSGR 608233,255913 (Point H) and OSGR 60822,25590 (Point I)
- 3 metres between OSGR 60822,25590 (Point I) and OSGR 60822,25589 (Point J)

Limitations and Conditions:

A pedestrian/wheelchair-accessible staggered barrier at OSGR 60846,25576 (Point C) at the junction of the footpath with the track.

The available width is limited to 2 metres between OSGR 60824,25590 (Point F) and OSGR 608237,255913 (Point G) due to the presence of foundation ties and a 0.5 metre retaining wall on the north east side of the path.

The available width is limited to 2 metres between OSGR 608237,255913 (Point G) and OSGR 608233,255913 (Point H) due to the presence of foundation ties and a 0.5 metre retaining wall on the north side of the path and a 0.5 metre wing wall on the south west side of the path.

The footpath is limited by the width (2.4 metres) and height (2.1 metres) of the Creeping Bridge eastern culvert (known to Network Rail Infrastructure Limited as Culvert 272) between OSGR 608233,255913 (Point H) and OSGR 60822,25590 (Point I).

The available width is limited to 2 metres between OSGR 60822,25590 (Point I) and OSGR 60822,25589 (Point J) due to the presence of foundation ties and a 0.5 metre retaining wall on the west side of the path and a 0.5 metre wing wall on the east side of the path.

Needham Market Footpath 22

Commencing at Ordnance Survey Grid Reference (OSGR) 60822,25589 (Point J) and proceeding in a generally south westerly direction for 81 metres to OSGR 60816,25584 (Point K); changing to a south easterly direction for 49 metres to OSGR 608208,255819 (Point L); changing to a south westerly direction for 2.5 metres and passing through a staggered barrier to a junction with the B1113 Stowmarket Road at OSGR 608207,255817 (Point M).

Width:

3 metres

Limitations:

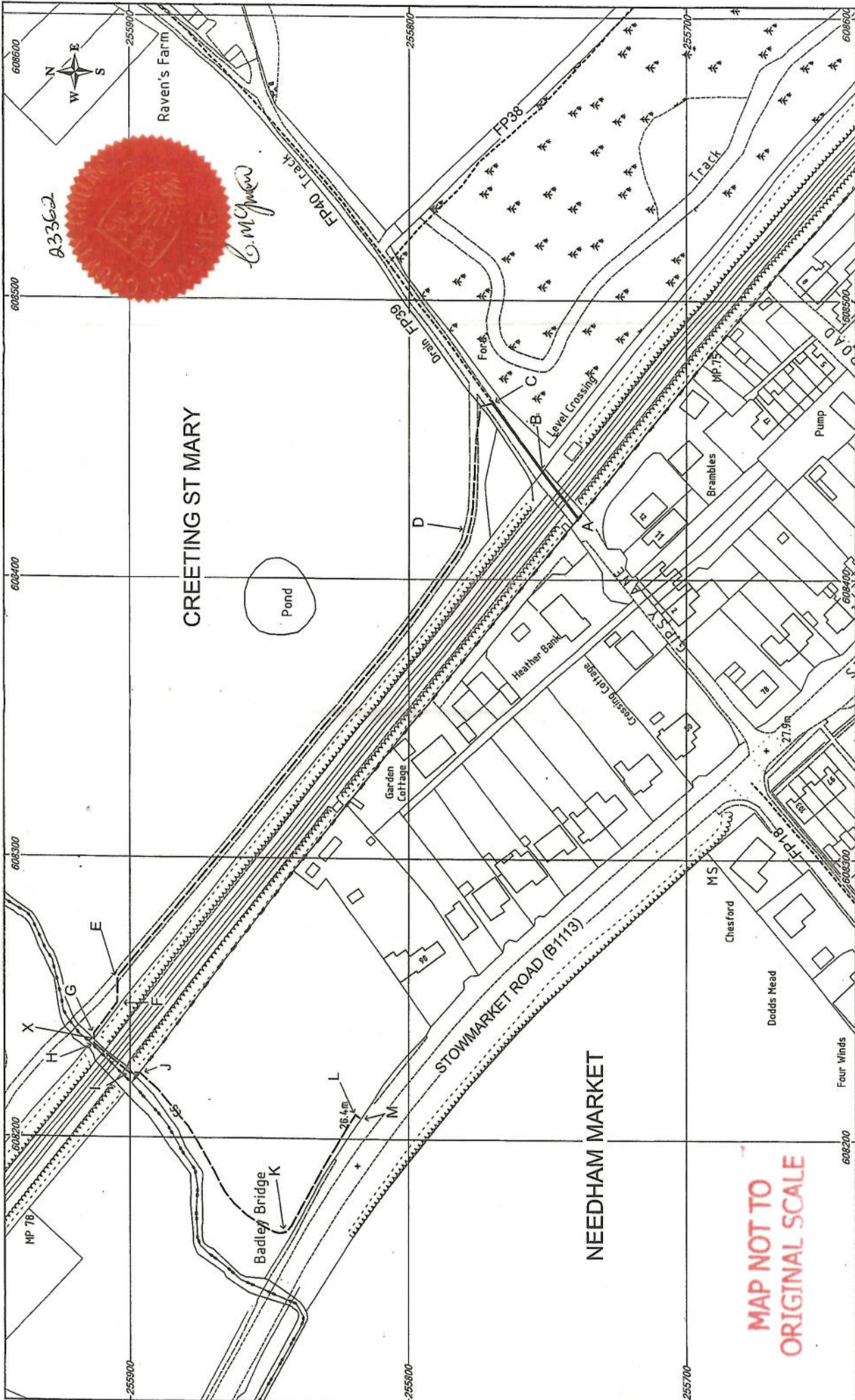
A pedestrian/wheelchair-accessible removable staggered barrier at OSGR 608207,255817 (Point M) at the junction of the footpath with the B1113 Stowmarket Road.

Map references are taken from OS MasterMap. Distances and widths specified above are rounded to the nearest metre, with the exception of dimensions for structures where the width is specified to 1 decimal place.

Part 3

Ownership and Occupation

1. Between Points C and X on the order map the freehold owner (and occupier) of the land over which the new path will run is Messrs Mark and Anthony Fayers.
2. Between Points X and J on the order map the owner (and occupier) of the land over which the new path will run is Network Rail Infrastructure Limited.
3. Between Points J and M on the order map the owner (and occupier) of the land over which the new path will run is Mr Ian Turner.



**PROPOSED RAIL CROSSING DIVERSION OF
CREETING ST MARY FOOTPATH 39 (PART)
HIGHWAYS ACT 1980 SECTION 119A**

- Proposed Public Footpath (C - D - E - F - G - X - H - I - J - K - L - M)
- Public Footpath to be diverted (A - B - C)
- Unaffected Public Footpath
- Parish Boundary



Scale 1:1250 @ A3
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MAP NOT TO ORIGINAL SCALE