



Department for Transport

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Your Ref: MXA/44571/JEW

21 February 2025

Dear Ms Wakeham,

TRANSPORT AND WORKS ACT 1992: APPLICATION FOR THE PROPOSED MID-SUFFOLK LIGHT RAILWAY ORDER

1. I am directed by the Secretary of State for Transport (“the Secretary of State”) to say that consideration has been given to the application made on 1 August 2024 by your client, Mid-Suffolk Light Railway Company (“the Applicant”), for the proposed Mid-Suffolk Light Railway Order (“the Order”) to be made under sections 1 and 5 of the Transport and Works Act 1992 (“TWA”).

2. The Order, if made, would authorise the Applicant to maintain and operate the phased re-instatement of part of the former Mid-Suffolk Light Railway in Wetheringsett in Suffolk. The Order would allow the operation of passenger and works trains over a level crossing of Public Footpath FP46 and along the newest length of track to a new “destination” stop. This would provide a total return journey of almost 2 kilometres along the original alignment of the railway. The Order would not authorise the acquisition of land or construction of works. All of the land to which the Order relates is currently occupied by the Applicant as lessee.

Summary of the Secretary of State’s decision

3. For the reasons given in this letter, **the Secretary of State has decided to make the Order, subject to minor modifications.**

Procedural matters

4. The Applicant applied for the Order under rule 10 of the Transport and Works Act (Applications and Objections Procedure) (England and Wales) Rules 2006 (“the Rules”). Due to the limited scope of this application, and as the Order does not authorise the

acquisition of land or construction of works, there were no relevant consultees under Schedule 5 or 6 of the Rules. However, the Applicant consulted locally, including with the Office of Rail and Road and the Local Highway Authority, prior to the application on its proposed use of the new footpath level crossing and consequent extended operations. The Application documents were also made available for inspection on the Applicant's website.

5. In response to the application, 54 letters of support, 2 letters of representation and no letters of objection were received. The application is therefore unopposed. The application does not seek deemed planning permission but rather is linked to several previous planning permissions granted by Mid-Suffolk District Council on 17 December 1991, 19 November 1999, 11 March 2003, 16 May 2005, 20 November 2007, 10 December 2010, 10 January 2012, 4 July 2017 and 26 January 2017. At the close of the objection period the Secretary of State was notified by the Solicitors acting for the Applicant that a previous planning permission, not included in the application list of consents, relating to time-limited permission varying the operating conditions of the railway had lapsed and due to unforeseen circumstances had not been renewed. The Applicant applied to renew the planning permission on 3 October 2024 and Mid-Suffolk District Council granted consent on 26 November 2024. The Secretary of State is therefore now satisfied that all the necessary planning permissions are in place for the proposals to be approved.

Purposes of the Order

6. The main purpose of the proposed Order is to confer statutory authorisation on the Applicant for the operation of the railway as a whole and its long-term maintenance. This includes the provision, maintenance and operation at the level crossing of such protective equipment as the Office of Rail and Road may require. The Order also allows for the transfer of the railway, in whole or part, with the consent of the freehold owner and the Secretary of State without the need for a further Statutory Instrument.

7. The various planning permissions obtained have enabled the Applicant to re-instate 936 metres of the former Mid-Suffolk Light Railway line within the grounds of the Mid-Suffolk Light Railway Museum, including the crossing of the existing public footpath that runs through the site and a new "destination" stop. To date, the Applicant has operated its demonstration heritage rolling stock in accordance with restrictions imposed by planning conditions over 410 metres of the track to the west of the footpath. The Order will enable the Applicant to operate the newest extension, making a total visitor experience of approximately 936 metres in each direction, crossing the public footpath with the added stop as their new destination.

Funding

8. The Secretary of State notes the Applicant's estimate of costs statement that accompanied the application. She further notes that as the proposed Order does not authorise the acquisition of land or construction of works, there are no costs directly associated with its implementation. It is noted that the reinstatement of track and the provision of footpath level crossing infrastructure have already been delivered and those costs have been met through revenue from visitors to the museum, subscriptions from members of the Mid-Suffolk Light Railway Company, charitable donations and fundraising. A mix of charitable donations and fundraising will meet the costs of the new stop which is yet to be completed.

9. The Secretary of State is content that the appropriate level of assurance has been provided to allow her to be satisfied that the Applicant has sufficient means to ensure the ongoing effective operation and maintenance of the railway in terms of the Order.

The Secretary of State's consideration and decision

10. The Secretary of State notes the stated purposes of the application is for the draft Order to enable the Applicant to operate the railway across the full length of the museum site and further notes that the Mid-Suffolk Light Railway is a unique and valuable tourist attraction as the only standard gauge preserved heritage railway in Suffolk. She also notes that it has become an important community-based hub where local people can meet and share interests.

11. The Secretary of States notes that there were no objections to the application and agrees with the reasons for which the Order is required as set out above. The Secretary of State is satisfied that it is in the public interest to grant the Order allowing the ongoing operation and maintenance of the railway, including powers to operate passenger and works trains across a level crossing over Public Footpath FP46. The Secretary of State has therefore decided to make the Order, subject to modifications which do not make substantial changes in the proposals as to require notification to affected persons under section 13(4) of the TWA.

Modification

12. The Secretary of State has made minor textual amendments to the Order in the interests of clarity and precision. The Secretary of State notes that:

- In article 2(1), the definition of "footpath" has been amended to clarify that the definition is found in section 329(1) (further provision as to interpretation) of the Highways Act 1980.
- In the heading for the Schedule, the reference to "article (1)" has been amended to article 2(1), where the term "railway" is defined, and where the Schedule is referenced.

Notice of determination

14. This letter constitutes the Secretary of State's notice of her determination to make the Order, with modifications, for the purposes of section 14(1)(a) and (2) of the TWA. Your client is required to publish newspaper notices of the determination in accordance with section 14(4) of the TWA.

Challenge to decision

15. The circumstances in which the Secretary of State's decision may be challenged are set out in the Annex A to this letter.

Yours sincerely

Gareth Leigh

ANNEX A

RIGHT TO CHALLENGE ORDERS MADE UNDER THE TWA

Any person who is aggrieved by the making of the Order may challenge its validity, or the validity of any provision in it, because—

- it is not within the powers of the TWA; or
- any requirement imposed by or under the TWA has not been complied with.

Any such challenge may be made, by application to the High Court, within the period of 42 days beginning with the day on which notice of this determination is published in the London Gazette as required by section 14(1)(b) of the TWA. This notice is expected to be published within 3 working days of the date of this decision letter.

A person who thinks they may have grounds for challenging the decision to make the Order is advised to seek legal advice before taking action.