

NOTICE OF CONFIRMATION OF 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

On 12 November 2019 the Secretary of State for Environment, Food and Rural Affairs confirmed (with modifications) the above order made under section 119A of the Highways Act 1980 (as amended by the Transport and Works Act 1992). The effect of the order as confirmed is to divert:

The entire width of that part of Needham Market Footpath 39 (formerly in the parish of Creeting St Mary) between Ordnance Survey Grid Reference (OSGR) 60842,25573 at the southern boundary of the London Liverpool Street to Norwich Railway Line and OSGR 60846,25576; westwards along an existing agricultural access track and then generally south westwards through the Creeting Bridge culvert, continuing to the junction with the B1113 Stowmarket Road at OSGR 608207,255817.

A copy of the order as confirmed and of the map contained within, may be inspected free of charge at Phoenix House, 3 Goddard Road, Ipswich, Suffolk, IP1 5NP, between the hours of 9.00am to 5.00pm Monday to Thursday and 9.00am to 4.00pm Friday. A further copy may be inspected at Needham Market Library, School Street, Needham Market, IP6 8BB as follows: Tuesday 10.00am to 3.00pm; Wednesday 2.00pm to 5.00pm and 5.30pm to 7.30pm; Thursday 10.00am to 1.00pm and 2.00pm to 5.00pm; Friday 2.00pm to 5.00pm; Saturday 10.00am to 5.00pm; and Sunday 11.00am to 4.00pm (Monday closed). A copy of the order may also be viewed at: <http://www.suffolkpublicrightsofway.org.uk/home/public-notices-about-legal-orders/>

Copies of the confirmed order may also be purchased at a cost of £2.00 from the Head of Legal Services at the address below or obtained upon written application at a cost of £2.50.

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 the order ("the order map") and described in Part 1 of the Schedule 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.

The diversion route comes into effect on 7th January 2020 but if any person aggrieved by the order wants to question its validity, or that of any provision contained in it, on the ground that it is not within the powers of the Highways Act 1980, as amended, or on the ground that any requirement of the Act, as amended, or any regulation made under the Act has not been complied with in relation to the order, he or she may, under paragraph 2 of Schedule 2 to the Act as applied by paragraph 5 of Schedule 6 to the Act, within 6 weeks from 6 December 2019, make an application to the High Court.

Dated 6 December 2019

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. McGowan

(An authorised Officer of the Council)

The foregoing order is hereby confirmed
subject to the red ink modifications thereon
Alan Beckett 12 NOV 2019
An Inspector appointed by The Secretary
of State for Environment, Food and
Rural Affairs

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~~ *kissing gate* 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~~ *kissing gate* 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.

A handwritten signature in black ink, appearing to read 'Nigel Innis', with a stylized, cursive script.

Nigel Innis
Head of Legal Services
Suffolk County Council
Constantine House
Constantine Road
Ipswich, IP1 2DH



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 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

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