

THE TRANSPORT AND WORKS ACT 1992

**THE TRANSPORT AND WORKS (APPLICATIONS AND OBJECTIONS PROCEDURE)
(ENGLAND AND WALES) RULES 2000**

THE FELIXSTOWE BRANCH LINE AND IPSWICH YARD IMPROVEMENT ORDER

PAPER OF AMENDMENTS

TO

DRAFT ORDER

1. The Felixstowe Dock and Railway Company (the "Applicant") has submitted various revisions and amendments to the scheme for improvements to the Felixstowe Branch Line and Ipswich Yard for which an application was made on 13 December 2005 under section 6 of the Transport and Works Act 1992 for the above mentioned Order under section 1 of that Act. These amendments are described in the letter to the Secretary of State dated 5 May 2006.
2. As a result of these revisions and amendments, it is proposed that the draft Order submitted to the Secretary of State shall be amended, in accordance with the following table.

Item	Proposed amendment
Article 8A	Insert a new Article 8A between Articles 8 and 9, in the form annexed hereto
Article 9A	Insert a new Article 9A between Articles 9 and 10, in the form annexed hereto
Articles 14, 14A and 15	Delete existing Articles 14 and 15 and substitute with Articles 14, 14A and 15 in the form annexed hereto
Schedule 1	Delete Schedule 1 and substitute with the replacement version annexed hereto
Schedule 2	Delete Schedule 2

Schedule 4	Delete Part 1 of Schedule 4 and substitute with the replacement version annexed hereto
Schedule 5	Delete Schedule 5 and substitute with the replacement version annexed hereto
Schedule 8	Delete Schedule 8 and substitute with the replacement version annexed hereto

3. The Secretary of State is hereby requested to incorporate the said amendments into the draft Order in accordance with this paper.

DLA PIPER RUDNICK GRAY CARY UK LLP

Solicitors to the Applicant

5 May 2006

Highways subject to redesignation

8A.—(1) Subject to the provisions of this article, the following highways shall, at the relevant time, cease to be highways of the description specified on the definitive map and statement and shall be designated as highways as described and to the extent specified below by reference to the letters and numbers shown on the rights of way plans—

- (a) in the case of Road Used as a Public Path Number 28 (Parish of Trimley St Mary) and Road Used as a Public Path Number 3 (Parish of Trimley St Martin), to be designated as a bridleway for its entire length between points TF15 and PF12; and
- (b) in the case of Footpath Number 29 (Trimley St Martin), to be designated as a bridleway between points PF9 and PF10.

(2) In each case where a highway has been redesignated the redesignation shall have effect as if that highway had been stopped up and immediately rededicated as a bridleway.

(3) This article shall have effect as an event within the meaning of section 53(2) of the 1981 Act and the surveying authority shall amend the definitive map and statement in accordance with that section of that Act.

(4) In this article—

"the 1981 Act" means the Wildlife and Countryside Act 1981 (a) and all expressions in this article and in the 1981 Act shall have the same meaning in this article as in that Act; and

"the relevant time" means the time at which the diversion of Gun Lane to be provided pursuant to article 8 (stopping up of streets) and specified in columns (1) and (2) of Part 1 of Schedule 4 to this Order is open for use by the public.

(a) 1981 c.69

Traffic Regulation

9A.—(1) Subject to the provisions of this article the undertaker may, during and for the purposes of the execution of the authorised works, temporarily restrict the direction of vehicular traffic on Old Felixstowe Road between points T1 and T2.

(2) The power in paragraph (1) shall only be exercised in relation to Heavy Goods Vehicles and Public Service Vehicles travelling in the westbound direction.

(3) The undertaker shall not exercise the powers conferred by this article unless it has—

- (a) given not less than four weeks' notice in writing of its intention to do so to the Chief Officer of Police and to the street authority in whose area the road is situated; and
- (b) advertised its intention as if the proposed restriction was to be authorised pursuant to section 14(1)(a) of the 1984 Act in accordance with the Regulations.

(4) Any restriction made by the undertaker under the powers conferred by paragraph (1) shall have effect as if made by the street authority in whose area the road is situated as a traffic regulation order under section 14(1)(a) of the 1984 Act and shall last for such period as the notice given under paragraph 3(b) of this article may specify which shall in any event terminate upon the opening for traffic of the railway.

(5) A provision made by the undertaker under this article may also be varied or revoked from time to time by the traffic authority in whose area the road is situated by an order under the 1984 Act provided that no such order may be made to revoke any provision previously made by the undertaker under this article without the undertaker's consent, such consent not to be unreasonably withheld.

(6) In this article—

"the 1984 Act" means the Road Traffic Regulation Act 1984**(a)** and all expressions in this article and in the 1984 Act shall have the same meaning in this article as in that Act;

"Heavy Goods Vehicle" has the meaning given to it in section 115 of the Highways Act 1980;

"Public Service Vehicle" has the meaning given to it in section 1 of the Public Service Vehicles Act 1981**(b)**; and

"the Regulations" means the Road Traffic (Temporary Restrictions) Procedure Regulations 1992. **(c)**

(a) 1984 c. 27

(b) 1981 c. 14

(c) 1992 No. 1215

Level Crossings

Alterations to level crossings as a result of the authorised works

14.—(1) The undertaker may, in connection with the construction of the authorised works, carry the railway on the level across the streets specified in columns (1) and (2) of Part 1 of Schedule 8 (level crossings) to this Order.

(2) The undertaker shall provide at each altered level crossing the protective equipment and other facilities specified in relation to that crossing in column (4) of Part 1 of Schedule 8 (level crossings) to this Order.

(3) The undertaker shall provide, maintain and operate at or near each altered level crossing such protective equipment as the Health and Safety Executive may in writing direct.

(4) In respect of any of the existing level crossings, the existing orders shall cease to have effect on the relevant date.

(5) Any traffic sign placed pursuant to this article on or near a highway or other road to which the public has access shall be treated for the purposes of section 64(4) of the Road Traffic Regulation Act 1984 (a) as having been placed as provided by that Act.

(6) The undertaker may in the exercise of the powers conferred by this article alter the level of any street which is referred to in Part 1 of Schedule 8 (level crossings) to this Order.

(7) In this article—

“altered level crossing” means any existing level crossing which has been altered pursuant to the powers conferred by this article;

“existing level crossing” means any place at which the Felixstowe Branch Line crosses the streets specified in columns (1) and (2) of Part 1 of Schedule 8 (level crossings) to this Order on the level;

“the existing orders” means the orders made under the Level Crossings Act 1983 (b) specified in column (3) of Part 1 of Schedule 8 to this Order in relation to the existing level crossings;

“protective equipment” includes barriers, gates, lights, traffic signs (within the meaning of section 64(1) of the Road Traffic Regulation Act 1984), manual, mechanical, automatic, electrical, telephonic or television equipment or other devices; and

“the relevant date” means the date on which the protective equipment and other facilities referred to in paragraphs (2) and (3) in relation to an altered level crossing have been provided and the altered level crossing is open for public use.

Provision of new level crossings in substitution for existing level crossings

14A. —(1) The undertaker may, in connection with the construction of the authorised works, carry the railway on the level across the footpaths specified in columns (1) and (2) of Part 2 of Schedule 8 (level crossings) to this Order.

(2) The undertaker may, in connection with the construction of the authorised works, provide a new level crossing in substitution for an existing level crossing .

(3) The undertaker shall provide, maintain and operate at or near each new level crossing such protective equipment as the Health and Safety Executive may in writing direct.

(4) Any traffic sign placed pursuant to this article on or near a highway or other road to which the public has access shall be treated for the purposes of section 64(4) of the Road Traffic Regulation Act 1984 as having been placed as provided by that Act.

(5) The undertaker may in the exercise of the powers conferred by this article alter the level of any footpath which is referred to in Part 2 of Schedule 8 to this Order.

(6) Subject to paragraph (7), each existing level crossing shall be stopped up and discontinued and any right of way over it shall be extinguished.

(7) Paragraph (6) shall not take effect with respect to an existing level crossing until the new level crossing has been completed and is open for public use in accordance with the reasonable requirements of the highway authority.

(8) In providing any new level crossing, the undertaker may within the Order limits erect barriers and signs and carry out or provide any ancillary works or facilities, subject to the agreement of the highway authority which agreement shall not be unreasonably withheld.

(9) Any person who suffers loss by the extinguishment of any private right of way under this article shall be entitled to compensation to be determined, in case of dispute, under Part I of the 1961 Act.

(10) This article is subject to the provisions of paragraph 2 of Schedule 10 to this Order.

(11) In this article—

“existing level crossing” means any place at which the Felixstowe Branch Line crosses on the level the footpaths specified in columns (1) and (2) of Part 2 of Schedule 8 (level crossings) to this Order;

“new level crossing” means any new level crossing specified in column (3) of Part 2 of Schedule 8 (level crossings) to this Order in relation to an existing level crossing; and

“protective equipment” includes barriers, gates, lights, traffic signs (within the meaning of section 64(1) of the Road Traffic Regulation Act 1984), manual, mechanical, automatic, electrical, telephonic or television equipment or other devices.

Stopping-up of level crossings

15.—(1) Subject to paragraph (4), the level crossings specified in columns (1) and (2) of Part 3 of Schedule 8 (level crossings) to this Order shall be stopped up and discontinued.

(2) Subject to paragraph (4), upon the stopping up and discontinuance of each of the level crossings referred to in paragraph (1), any right of way over it shall be extinguished.

(3) Any person who suffers loss by the extinguishment of any private right of way under this article shall be entitled to compensation to be determined, in case of dispute, under Part I of the 1961 Act.

(4) This article is subject to the provisions of paragraph 2 of Schedule 10 to this Order.

^(a) 1984 c. 27.

^(b) 1983 c. 16.

SCHEDULES

SCHEDULE 1

Article 4

SCHEDULED WORKS

COUNTY OF SUFFOLK

Borough of Ipswich

Work No. 1 The construction of a railway comprising a new marshalling yard 830 metres in length) by the reconfiguration of the existing railway, commencing at a realigned junction 50 metres east of London Road Bridge, proceeding thence in a generally south easterly direction and terminating at a new junction at a point 200 metres west of the passenger railway platforms at Ipswich Station, the improvement of sidings and other railway infrastructure, the closure of the railway to Ipswich Lower Yard, and the relocation of railway plant and equipment.

Borough of Ipswich and Suffolk Coastal District, Parish of Westerfield

Work No. 2 Not Used

Suffolk Coastal District, Parishes of Nacton, Levington and Strattonhall, Trimley St Martin, and Trimley St Mary

Work No. 3 A railway (7150 metres in length) being a second railway line on a parallel alignment with the existing Felixstowe Branch Line railway commencing at a new junction with the Felixstowe Branch Line railway 140 metres west of mile post 78.5, proceeding thence on the southern side of the existing railway and terminating 120 metres west of Trimley Level Crossing, including the replacement of the existing junction near Trimley Station with two crossovers.

Work No. 4 The realignment of the existing automatic half barrier level crossing at Levington (Strattonhall Drift) to accommodate a second railway by widening the existing level crossing by 4.5 metres southwards and the re-surfacing of the approaching roads either side of the level crossing.

Work No. 5 The realignment of the existing automatic half barrier level crossing at Morston Hall (Morston Hall Road) to accommodate a second railway by widening the level crossing by 4.5 metres southwards and the re-surfacing of the approaching roads on either side of the level crossing.

Work No. 6 A road to be adopted by Suffolk County Council as a highway being a realignment of Grimston Lane commencing at a point 15 metres south of the existing junction of Thorpe Lane and Grimston Lane and continuing in an easterly direction towards a point on the existing alignment of Grimston Lane 60 metres east of the existing junction of Thorpe Lane and Grimston Lane including the resurfacing of Grimston Lane to a point 180 metres from the existing junction.

Work No. 7 The realignment of the existing automatic half barrier level crossing at Thorpe Lane (adopted highway U3112) to accommodate a second railway by widening the existing level crossing 4.5 metres southwards and the re-surfacing of the approaching roads either side of the level crossing.

SCHEDULE 4

Article 8

STREETS TO BE PERMANENTLY STOPPED UP

PART 1

STREETS FOR WHICH A SUBSTITUTE IS TO BE PROVIDED

(1) <i>Area</i>	(2) <i>Highway or part to be stopped up</i>	(3) <i>Extent of stopping-up</i>	(4) <i>New highway to be substituted for it</i>
<p>COUNTY OF SUFFOLK</p> <p>Suffolk Coastal District</p> <p>Parish of Levington and Strattonhall</p> <p>Parish of Trimley St Martin</p>	<p>Footpath FP1 (Strattonhall) and Levington Heath Footcrossing</p> <p>Grimston Lane</p> <p>Footpath FP33 (Trimley St Martin) and No. 23 Footcrossing</p> <p>Footpaths FP29 and 30 (Trimley St Martin) and No. 24 Footcrossing</p> <p>Road Used as Public Path No. 28 (Gun Lane) and Gun Lane crossing</p>	<p>Between points PS1 and PS3</p> <p>Between points H1 and H2</p> <p>Between points PS4 and PS6</p> <p>Between points PS7, PS8 and PF8</p> <p>Between points PF5 and PF11</p>	<p>Diversion via point PS2</p> <p>Diversion via Work No. 6 (points H2 to H3)</p> <p>Diversion via point PS5</p> <p>Diversion via point PF7 to point PF8</p> <p>Diversion via points PF6, PF7, PF8 and PF9 to point PF10</p>

PART 2
STREETS FOR WHICH NO SUBSTITUTE IS TO BE PROVIDED

(1) <i>Area</i>	(2) <i>Highway or part to be stopped up</i>	(3) <i>Extent of stopping- up</i>
COUNTY OF SUFFOLK Suffolk Coastal District Parish of Trimley St Martin	Footpath FP8 Trimley St Martin and Croft Footcrossing Grimston Lane Footcrossing	Permanently stopped up from point PF1 to point PF2 at the existing junction of FP8 with Strattonhall Drift Permanently stopped-up between points PF3 and PF4

SCHEDULE 5

STREETS TO BE TEMPORARILY STOPPED UP OR
SUBJECT TO TRAFFIC REGULATION

(1) <i>Area</i>	(2) <i>Street to be stopped up</i>	(3) <i>Extent of Temporary Stopping Up</i>
COUNTY OF SUFFOLK		
Suffolk Coastal District		
Parish of Levington and Stratton Hall	Footpath FP1 (Strattonhall)	Between points TF1 and TF2 and to be temporarily diverted so as to run in a south easterly direction from point TF2 via an alignment following the limit of land to be acquired or used to point TF3 on Strattonhall Drift and thence via Old Felixstowe Road to point TF1
Parish of Levington and Stratton Hall and Parish of Trimley St Martin	Old Felixstowe Road	Closed to Heavy Goods Vehicles and Public Service Vehicles travelling in the westbound direction between points T1 and T2
Parish of Trimley St Martin	Footpath FP1 (Trimley St Martin), the Suffolk Coasts and Heaths Path	Between points TF4 and TF5
	Footpath FP33 (Trimley St Martin)	Between points TF7 and TF8 for periods not exceeding one week on any one occasion
	Footpath FP29 and FP30 (Trimley St Martin)	Between points TF8 and PF10
Parish of Trimley St Martin and Parish of Trimley St Mary	Road Used as Public Path 28 (Trimley St Martin)/FP3 (Trimley St Mary) (Gun Lane)	Between points TF15 and TF16 and to be temporarily diverted via points TF17, TF18, TF19, TF20, TF21 and TF22 and thence via Keepers Lane, Gaymers Lane and High Road, Trimley St Mary to point TF15
	Footpath FP2 (Trimley St Martin)	Between points TF23 and TF24

	Footpath FP4 (Trimley St Mary)	Between points TF9 and TF14 and to be temporarily diverted via points TF10, TF11, TF12 and TF13 to point TF14
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SCHEDULE 8

Articles 14 and 15

LEVEL CROSSINGS

PART 1

LEVEL CROSSINGS ALTERED AS A RESULT OF THE AUTHORISED WORKS

(1) <i>Area</i>	(2) <i>Street across which railway carried</i>	(3) <i>Existing level crossing order</i>	(4) <i>New level crossing</i>
<p>COUNTY OF SUFFOLK</p> <p>Borough of Ipswich / Suffolk Coastal District Parish of Westerfield</p> <p>Suffolk Coastal District Parish of Levington and Stratton Hall</p> <p>Parish of Trimley St Martin</p>	<p>B1077 (Westerfield Road/Hurdle Road) (Westerfield Level Crossing)</p> <p>Strattonhall Drift (Levington Level Crossing)</p> <p>Morston Hall High Road (Morston Hall Level Crossing)</p> <p>FP1 Trimley St Martin (Thorpe Common Footcrossing)</p> <p>Thorpe Lane (adopted highway U3112) (Thorpe Lane level crossing)</p>	<p>The Railtrack Westerfield Level Crossing Order 1999</p> <p>The Railtrack Levington Level Crossing Order 1999</p> <p>The Railtrack Morston Hall Level Crossing Order 1999</p> <p>no existing order</p> <p>The Railtrack Thorpe Lane Level Crossing Order 1999 and The Railtrack Thorpe Lane Level Crossing (Variation) Order 1999</p>	<p>Full barrier level crossing with closed circuit television</p> <p>Widened automatic half barrier level crossing (by 4.5 metres southwards), approaching roads resurfaced (skid resistant), additional signage</p> <p>Widened automatic half barrier level crossing (by 4.5 metres southwards), approaching roads resurfaced</p> <p>Widened footcrossing (by 4.5 metres southwards) with walkway surfaces, signs and repositioned whistle boards</p> <p>Widened automatic half barrier level crossing (by 4.5 metres southwards), widened pedestrian walkway, re- surfacing of the</p>

Parish of Trimley St Mary	Keeper's Lane / Bridleway 22 Trimley St Mary (Keeper's Lane Level Crossing)	The Railtrack Keeper's Lane Level Crossing Order 1999 and Authorisation of Traffic Signs (dated 9 March 1999) pursuant to sections 64 and 65 of Road Traffic Regulation Act 1984	approaching roads Widened level crossing (by 4.5 metres southwards) with walkway surfaces
	Station Road/Cordy's Lane (Trimley St Mary Level Crossing)	The Railtrack Trimley Level Crossing Order 1999 and The Railtrack Trimley Level Crossing (Variation) Order 1999	Replacement of road panels

PART 2
NEW LEVEL CROSSINGS TO BE PROVIDED IN SUBSTITUTION
FOR EXISTING LEVEL CROSSINGS

(1) <i>Area</i>	(2) <i>Existing level crossings to be discontinued^(a)</i>	(4) <i>New level crossing</i>
COUNTY OF SUFFOLK		
Suffolk Coastal District		
Parish of Levington and Stratton Hall	Levington Heath Footcrossing (FP1 Strattonhall) between points PS1 and PS3	Widened footcrossing (by 4.5 metres southwards), straightened with walkway surfaces between points PS1 and PS2
Parish of Trimley St Martin	Number 23 Footcrossing (FP33 Trimley St Martin) between points PS4 and PS6	Widened footcrossing (by 4.5 metres southwards), straightened with walkway surfaces between points PS5 and PS6
	Number 24 Footcrossing (FP29 Trimley St Martin and FP30 Trimley St Martin) between points PS7 and PS8	Widened footcrossing (by 4.5 metres southwards), with walkway surfaces and repositioned whistle boards between points PF7 and PF8

PART 3
 LEVEL CROSSINGS TO BE STOPPED UP FOR WHICH
 NO SUBSTITUTE IS TO BE PROVIDED

(1) <i>Area</i>	(2) <i>Level crossing to be discontinued</i>	(3) <i>Street to be stopped up</i>
COUNTY OF SUFFOLK Suffolk Coastal District Parish of Trimley St Martin	Croft Footcrossing Grimston Lane Footcrossing Gun Lane crossing	FP8 Trimley St Martin between points PF1 and PF2 Between points PF3 and PF4 Road Used as Public Path 28 between points PF5 and PF11