

Note on modifications to the Order discussed on day 25 of inquiry

Network Rail and Suffolk County Council are content with the side agreement but if the inspector is concerned and considered words are needed in the Order, this is the agreed suggested text in light of the discussions on day 25.

Closure of level crossings subject to opening of new rights of way

14—(1) Subject to paragraphs (3) and (5), the level crossings specified in column (2) of Part 1 of Schedule 2 (closure of level crossings) are stopped-up and discontinued.

(2) Subject to paragraphs (3) and (5), upon the stopping up and discontinuance of the level crossings referred to in paragraph (1)—

(a) any rights of way over those crossings are extinguished to the extent specified in column (2) of Part 1 of Schedule 2; and

(b) any public rights of way specified in column (34) of Part 1 of Schedule 2 are extinguished to the extent specified, by reference to the numbers and letters shown on the deposited plans.

(3) Paragraphs (1) and (2) are not to have effect until, in respect of each level crossing in that table, the new highway specified in column (45) and such other alterations to existing highway authorised by this Order as agreed with the highway authority has been constructed and completed, to the extent specified by reference to the numbers and letters shown on the deposited plans, to the reasonable satisfaction of the highway authority in accordance with article ~~Error! Reference source not found~~ (creation and maintenance of new highway) and is open for use.

WS
as corrected
at inquiry

(4) Any person who suffers loss by the suspension or extinguishment of any private right of way under this article is entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

(5) This article does not apply so as to extinguish the rights of statutory undertakers.

Extract from article 16

16(11) The new highways are to be treated as completed to the satisfaction of the highway authority for the purpose of paragraph (1) if it either fails to reply to a request for certification that it is satisfied with the work within 28 days of receiving the request or refuses to certify the works without giving any grounds for its refusal.