

**TRANSPORT AND WORKS ACT 1992**

**THE TRANSPORT AND WORKS (APPLICATIONS AND OBJECTIONS PROCEDURE)  
(ENGLAND AND WALES) RULES 2006**

**THE MID-SUFFOLK LIGHT RAILWAY ORDER**

**STATEMENT OF AIMS**

**Introduction and background**

The applicant for the Order is the Mid-Suffolk Light Railway Company ("MSLR"). MSLR is a private company limited by guarantee registered in England and Wales under company number 03244631 (charity number 1063635), whose registered office is at Mid-Suffolk Light Railway Museum, Brockford Station, Wetheringsett, Stowmarket, Suffolk, IP14 5PW.

MSLR was incorporated, and the educational charity registered, in 1996. It is managed by a board of trustees elected by its members. Membership is open to all on payment of an annual subscription or as a life member. There are currently 484 members and 18 honorary members.

The purpose of the charity is to advance the education of the public with regard to a history of Suffolk and the Mid-Suffolk Light Railway. Its principal objects also include the maintenance of a museum for items of historic railway interest, and by the restoration, maintenance and operation of a demonstration railway and the display and demonstration of railway equipment, operations, and engineering crafts. To fulfil these aims the company has developed, and runs, the Mid-Suffolk Light Railway Museum based at the former Brockford Station in Wetheringsett, near Stowmarket, Suffolk.

The museum site, which includes approximately 936 metres of the former route of the Mid-Suffolk Light Railway, is currently held on a thirty-year lease from a local farmer (who is also currently a trustee) signed on 1 November 2012. The lease permits MSLR to transfer or sublet all or part of the demise with the consent of the Landlord (not to be unreasonably withheld or delayed). MSLR also has a statutory right under Part II of the Landlord and Tenant Act 1954 to renew the lease at market rent on similar terms to the original for a term of 15 years. MSLR also has a right of first refusal should the landlord decide to sell the property. The parties to the lease have recently agreed to extend its term to 30 October 2054 and the Landlord approved the proposed order prior to the making of the application.

The company is a member of the Heritage Railway Association, the Association of Independent Museums, the Association of Suffolk Museums and Community Action Suffolk.

**The railway**

The "Middy" was originally authorised in 1900 by order made under the Light Railways Act 1896 with the objective of opening up an otherwise inaccessible agricultural area of rural Suffolk. Although popular locally, the railway struggled financially from the outset and was only ever built out in part. It closed in 1952.

Since 1991, MSLR has obtained planning permissions from Mid-Suffolk District Council which have allowed it to re-instate approximately 936m of the former Mid-Suffolk Light Railway line

within the grounds of the Mid-Suffolk Light Railway Museum, including a crossing of a public footpath that passes through the site and a new “destination” halt.

### **Aims of the proposed order**

To date, MSLR has offered visitors to its museum return trips on its demonstration heritage rolling stock (with steam locomotive) along track to the west of a public footpath (no. 46) that crosses the route of the railway as part of a local network of rural paths. The order would authorise MSLR to operate passenger trains over the public highway and along a further length of track to an attractive destination halt, making a return journey of almost 2 kilometres along the original alignment of the Middy. This will significantly enhance the Museum’s current offering, making it more attractive to visitors and volunteers alike and advancing MSLR’s performance of its charitable objectives.

Although the number of days on which trains may operate is limited (in accordance with planning conditions), interference with the operation of a public highway requires the statutory authority conferred by a Transport and Works Act Order. Planning permission alone cannot confer power to interfere with the public highway. Nor can planning permission alone override the statutory duty of the local highway authority to protect public rights of way and to prevent them from obstruction even where, as here, the local highway authority approves of the crossing. Both the Office of Rail and Road and Suffolk County Council have been consulted on the specific content of the proposed order prior to the making of the application and both have been fully involved in the arrangements for the crossing.

The proposed order will also provide continuing statutory authority for the operation of the railway as a whole and for its long-term maintenance in accordance with the lines, situations and levels shown on the deposited plan and sections. It will also allow for the onwards transfer of the statutory undertaking without the need for a further application under the Transport and Works Act, provided that both the freeholder of the land comprising the railway and the Secretary of State for Transport consent. This would enable MSLR to transfer all or part of its undertaking to another legal entity should that be desirable, e.g. for purposes of improving governance arrangements without the expense of making a further application under the Transport and Works Act.

The ability to operate the railway across the entire length of the museum site will not only add to the overall attractiveness of MSLR’s offering, but it will also broaden and enhance the experiences and opportunities available to the many people, of all ages, who volunteer at the railway.