



Newmarket TOWN COUNCIL

The Memorial Hall, High Street, Newmarket, CB8 8JP

Tel: 01638 667 227. E-mail townclerk@newmarket.gov.uk

NOTICE IS HEREBY GIVEN OF A MEETING OF THE NEWMARKET TOWN COUNCIL

to be held at

Memorial Hall, High Street, Newmarket, CB8 8JP

Monday 30th January 2023 at 6.15pm

**Councillors are hereby summoned to attend
for the purpose of transacting the business that follows**

The meeting is held in public and the public are encouraged to attend and participate. Just occasionally matters such as contractual or staffing matters do have to be held in the confidential part of the meeting.

Members of the public and press may not orally report or comment about a meeting as it takes place if present at a meeting of the Council, but otherwise may:

- a. film, photograph or make an audio recording of the meeting;
- b. use any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later;
- c. Report or comment on the proceedings in writing, during or after a meeting or orally after the meeting.

The Council will where possible facilitate such recording unless it is being disruptive. It will also take steps to ensure that children, the vulnerable and members of the public who object to being filmed are protected without undermining the broader purpose of the meeting

A G E N D A

1. **Welcome** - The Mayor to read the fire safety notice and announce that this meeting is being recorded and to ask whether anyone else intends to record the meeting
2. **Apologies** for absence
3. **Declaration of interests**
 - a) Councillors are invited to raise any declarations of interest concerning items on the agenda
 - b) To consider any requests for dispensation
4. **Minutes of the previous meeting held 19th December 2022**
 - a) To consider and adopt the minutes, as a true record of the proceedings
 - b) To consider any matters arising
5. **Short Presentation:** M Cave (Vogue Athletics) regarding a planned new facility
6. **Public participation** – an invitation to members of the public to make representations to Councillors.
Resolutions can only be made on items on the agenda
Rules of public participation: no person may for longer than 3 minutes in total. The maximum time permitted for this item is 15 minutes. This is the only opportunity during the meeting, for members of the public to address Councillors.
7. **Councillor Reports** - to receive and note reports (if any) from County and District Councillors, Ward Reports and outside bodies reports from Town Councillors
8. **Announcements** - To receive the Town Mayor's and Deputy Mayor's Announcements (if any)
9. **Committee Meetings**
 - a) To receive the minutes and consider and approve any recommendations from the Development & Planning meetings held on 19th December 2022, 9th January 2023, & 23rd January 2023
 - b) To receive the minutes and consider and approve any recommendations from the Leisure Services meeting held on 9th January 2023
 - c) To receive the minutes and consider and approve any recommendations from the Finance & Policy meeting held on 23rd January 2023
10. **Suffolk Constabulary** – to receive a report
11. **Youth Strategy** – to approve a proposal regarding the creation of a Newmarket Youth Action Group (NYAG); to be co-ordinated and chaired by the Town Council
12. **Transport**
 - a. To receive an update regarding bus contracts from April 2023

Distribute to the following for information:

County & District Councillors, The Press, Newmarket Town Council Website

- b. To consider what action NTC could take to mitigate unnecessary disruption to road users (verbal)
- 13. West Suffolk Council** – To discuss general levels of service to the town (verbal)
- 14. Car Boots** – to receive a report regarding the 2023 car boot sessions
- 15. Cemetery 2023/2024**
 - a. To approve cemetery fees for the 2023/2024 period
 - b. To approve the cemetery regulations for the 2023/2024 period
- 16. Pavilion** – to receive a request for use of the Pavilion building
- 17. Cost of Living Fund**- to consider contribution to a Cost of Living Town Fund
- 18. Weatherby Crossing** – to receive an update regarding the Council's third Statement of Case submission as response to Network Rail's further objection
- 19. Rights of Way** – to discuss the blocked path between Laureate School Road and Willie Snaith Road
- 20. Correspondence**
 - a. **Recycling Centre** – correspondence with SCC
 - b. **TEEN CHILL Project** – an update
 - c. **CAB** – Winter Newsletter
- 21. Date of the next Meeting – Monday 27th February 2023**

Signed: 
Cathy Whitaker, Town Clerk

Date: 24th January 2023



Newmarket

TOWN COUNCIL

Minutes of the Meeting of Newmarket Town Council held on Monday 19th December 2022 at 7:15pm at the Memorial Hall

Attendance:

Councillor P Winter (Town Mayor)
Councillor J Berry
Councillor J Borda
Councillor J Ferries
Councillor D Hall
Councillor J Harvey

Councillor R Hood
Councillor P Hulbert
Councillor M Jefferys
Councillor J Lay
Councillor S Perry

Also Present: J Ashton – Minute Assistant and 2 Officers -WSC.

Minute

22/12/1 Welcome

The Chairman opened the meeting and read the fire safety notice and confirmed that proceedings were being recorded.

22/12/2 Apologies for Absence – LGA 1972, Section 85(1) & (2)

Apologies were received from Cllrs Clover, Crissall, De'Ath, Drummond, O'Neill and Yarrow. Cllr Anderson was absent.

22/12/3 Declaration of Members Interests & to Remind Councillors of the Need to Keep up to Date Their Register of Member's Interests and to Consider any Requests Received for Member's Dispensation

None noted. There were no member dispensation requests.

22/12/4 Public Open Session

No members of the public wished to speak.

A proposal was made to bring forward item 11 and the following was agreed:

22/12/4.01 Resolved

That item 11 Electric Vehicle Charging Consultation be brought forward.

22/12/5 Electric Vehicle Charging Consultation

The consultation on EV chargers at Studlands was discussed with Officers from WSC and as NTC owns the lampposts permission from NTC to go ahead with the consultation was requested.

D/22/12/5.01 Resolved

That NTC permission for the WSC consultation on EV Chargers at Studlands to go ahead as soon as possible be given.

The WSC officers left the meeting

22/12/6 To Receive and Confirm the Minutes of the Town Council Meeting held on 28th November 2022 and any Matters Arising.

The minutes of the meeting held on 28th November 2022 were presented and the following was agreed:

22/12/6.01 Resolved

That the minutes of the meeting held on 28th November 2022 be adopted and signed as a correct record by the Town Mayor.

There were no matters arising.

22/12/7

Councillor Reports

Suffolk County Council (SCC) – Cllr Hood reported that the monthly newsletter had been sent out. A new initiative for adults to improve numeracy skills on a free programme was highlighted and details of how to apply were in a link in the newsletter.

West Suffolk Council (WSC) – Cllr Lay reported that he had met with WSC to ask how much funding they give to museums in the district and found that a museum in Bury St Edmunds was fully funded. However, WSC had unfairly wanted NTC to pay rent for Palace House for a Newmarket Museum. It appears that WSC are not actively supporting the interests of Newmarket and a meeting will be requested with the WSC Leisure and Culture Cabinet in January 2023.

Ward – Cllr Ferries – reported that a letter will be sent to WSC regarding the opening of the Laureate pathway.

Cllr Berry – reported that there were parking issues in Corsican Pine Close that he was following up on and that there had been further delays with the roadworks in Bury Road and the resulting disruption for traffic. An item will be added to the next agenda to look at what action NTC can take to mitigate unnecessary disruption to road users.

Cllr Hulbert - reported that he had met with Radio Cambridge to discuss the railway station at Soham and how services could be improved including bus services from Soham that do not stop at the Cambridge railway station.

Outside bodies – None noted.

22/12/8

Mayors Announcements

The Mayor reported that, in addition to attending committee meetings, working groups and other meetings, her activities included the following:

1st December 2022 – Attended a Newmarket BID Networking Event at the Tack Room.

2nd December 2022 – Attended the Christmas Light Switch-on at Brampton Manor.

7th December 2022 – Attended the Newmarket Royal British Legion AGM at the Heath Court Hotel.

10th December 2022 – Attended the Winter Wonderland in the Memorial Gardens.

13th December 2022 – Attended the Twinning members meet up at Nancy's Tea Rooms for afternoon tea.

17th December 2022 – was to be the official opening of the new play area in the Memorial Gardens but unfortunately had to be cancelled and will now take place in January 2023.

22/12/9 To Receive the Minutes and Consider any Recommendations from the D&P Committee Meetings held on 5th December 2022

The Chairman of the Development & Planning Committee presented the minutes and recommendations from the Development & Planning Committee meeting held on 5th December 2022. There were no recommendations.

22/12/10 To Receive the Minutes and Consider any Recommendations from the Community Services Committee Meeting held on 5th December 2022

The Chairman of the Leisure Services Committee presented the minutes and recommendations of the Leisure Services Committee meeting held on 5th December 2022.

22/12/10.01 Resolved (C/22/12/7.01 Recommendation)

That the draft budget for 2023/2024 (version 2) for the Community Services Committee be received and adopted.

22/12/10.02 Resolved (C/22/12/10.01 Recommendation)

That the quote from TrueTech to install CCTV cameras at Birdcage Walk for £1,200+VAT be approved. That the WSC monitoring/maintenance fee of £1,000 per annum be added to the SLA.

22/12/10.03 Resolved (C/22/12/11.01 Recommendation)

NTC encourages planting around the Town and the request from the Newmarket Community Nature Reserve to plant crocus bulbs in the verges on Manderston Road and Valley Way; and the planting of two cherry trees on the corner of Valley Road and Rowley Drive be approved.

22/12/10.04 Resolved (C/22/12/13.01 Recommendation)

- **Cemetery and Burial Management - That a quote be requested from WSC Cemeteries Management.**
- **CCTV Monitoring & Maintenance - That a quote be requested from WSC CCTV Monitoring.**
- **Grounds Maintenance for the Cemetery, closed Churchyards and bin emptying - That a quote be requested from WSC Grounds Maintenance.**
- **Grounds Maintenance other areas – that tenders are requested from three providers.**
- **That the quote/tendering process commence in early January 2023 and that delegated powers be given to the Chairman and Town Clerk to take the process forward.**

22/12/10.05 Resolved (C/22/12/14.01 Recommendation)

That the quote from Pitkin & Ruddock for £7,836 be approved and be funded by the provision in the 2023/2024 budget.

22/12/11 Suffolk Constabulary PCSO

The monthly PCSO report was received and noted.

22/12/12 Budget 2023/2024

Budget 2023/2024 – The full draft budget for 2023/2024 was presented and considered. The following was agreed:

22/12/12.01 Resolved

That the full draft budget for the municipal year 2023/2024 be received

and approved.

Precept 2023/2024 - The precept for 2023/2024 was presented and considered. The following was agreed:

22/12/12.02 Resolved

That the precept for the municipal year 2023/2024 for £145.53 for Tax Band D be approved and submitted.

22/12/13 Early Day Motion (EDM)

The EDM on “Intimidation at Community, Parish and Town Councils” was considered and the following was agreed:

22/12/13.01 Resolved

That NTC supports the EDM and writes to Newmarket MPs to request that they sign up to EDM611.

22/12/14 CGP – Making Connections Consultation

The Task and Finish Working Group presented a recommendation for a response from NTC and the following was agreed:

22/12/14.01 Resolved

That the recommended response from the Working Group for NTC to the CGP – Making Connections Consultation be submitted and individual responses can also be submitted online.

22/12/15 Correspondence

The WSC Annual Report 2021 - 2022 was received and noted.

The WSC Environmental Statement 2021 – 2022 was received and noted.

22/12/16 Date of the next Meeting

Monday 30th January 2023 in the Memorial Hall

The Chairman thanked all the staff for their hard work and wished everybody a Merry Christmas.

Meeting closed at 8:00pm

Signed: _____

Date: _____

Summary of Resolutions

Resolution	Resolution Wording
<u>22/12/5.01 Resolved</u>	That NTC permission for the WSC consultation on EV Chargers at Studlands to go ahead as soon as possible be given.
<u>22/12/10.01 Resolved</u> <i>(C/22/12/7.01 Recommendation)</i>	That the draft budget for 2023/2024 (version 2) for the Community Services Committee be received and adopted.
<u>22/12/10.02 Resolved</u> <i>(C/22/12/10.01 Recommendation)</i>	That the quote from TrueTech to install CCTV cameras at Birdcage Walk for £1,200+VAT be approved. That the WSC monitoring/maintenance fee of £1,000 per annum be added to

	the SLA.
<u>22/12/10.03 Resolved</u> <i>(C/22/12/11.01 Recommendation)</i>	NTC encourages planting around the Town and the request from the Newmarket Community Nature Reserve to plant crocus bulbs in the verges on Manderston Road and Valley Way; and the planting of two cherry trees on the corner of Valley Road and Rowley Drive be approved.
<u>22/12/10.04 Resolved</u> <i>(C/22/12/13.01 Recommendation)</i>	• Cemetery and Burial Management - That a quote be requested from WSC Cemeteries Management. • CCTV Monitoring & Maintenance - That a quote be requested from WSC CCTV Monitoring. • Grounds Maintenance for the Cemetery, closed Churchyards and bin emptying - That a quote be requested from WSC Grounds Maintenance. • Grounds Maintenance other areas – that tenders are requested from three providers. • That the quote/tendering process commence in early January 2023 and that delegated powers be given to the Chairman and Town Clerk to take the process forward.
<u>22/12/10.05 Resolved</u> <i>(C/22/12/14.01 Recommendation)</i>	That the quote from Pitkin & Ruddock for £7,836 be approved and be funded by the provision in the 2023/2024 budget.
<u>22/12/12.01 Resolved</u>	That the full draft budget for the municipal year 2023/2024 be received and approved.
<u>22/12/12.02 Resolved</u>	That the precept for the municipal year 2023/2024 for £145.53 for Tax Band D be approved and submitted.
<u>22/12/13.01 Resolved</u>	That NTC supports the EDM and writes to Newmarket MPs to request that they sign up to EDM611.
<u>22/12/14.01 Resolved</u>	That the recommended response from the Working Group for NTC to the CGP – Making Connections Consultation be submitted and individual responses can also be submitted online.

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Newmarket

TOWN COUNCIL

Minutes of a Meeting of the Development & Planning Committee Held on Monday 19th December 2022 at 6.15pm

Attendance:

Councillor J Lay (Chairman)
Councillor J Berry
Councillor J Ferries
Councillor D Hall

Councillor R Hood
Councillor J Harvey
Councillor P Hulbert
Councillor M Jefferys

Also Present: C Argyroudi – Events Manager, J Ashton – Minute Assistant, Cllr Winter as an observer, 2 Officers – WSC, 1 Member of the Press and 3 Members of the Public.

Minute	Action by
D/22/12/21 <u>Chairman to Read the Fire Safety Notice and Announce that Proceedings May be Filmed or Recorded</u> The Chairman opened the meeting and read out the Fire Notice and announced that the meeting may be filmed or recorded.	
D/22/12/22 <u>Apologies</u> Apologies were received from Cllrs Clover and Drummond.	
D/22/12/23 <u>Declaration of Members Interests & to Remind Councillors of the need to keep up to date their Register of Member's Interests and to Consider any Requests Received for Member's Dispensation</u> Cllr Hood declared a pecuniary interest in application DC/22/2065/FUL. There were no requests for dispensations.	
D/22/12/24 <u>To Confirm the Minutes of the Meeting Held on 5th December 2022 and any Matters Arising</u> Members received the minutes of the Development & Planning Committee held on 5th December 2022 and the following was agreed: <u>D/22/12/24.01 Resolved</u> That the minutes of the Development & Planning Committee held on 5th December 2022 be adopted and signed as a true record by the Chairman of the Development & Planning Committee. There were no matters arising.	
D/22/12/25 <u>Public Open Session</u> A member of the public spoke to the item regarding verge parking on Exning Road.	
<i>Cllr Berry joined the meeting</i> A proposal was made to bring forward item 15 and the following was agreed:	

D/22/12/25.01 Resolved

That item 15 Verge Parking on Exning Road be brought forward.

D/22/12/26 Verge Parking on Exning Road

A report on the parking issues on Exning Road was considered and Cllrs Drummond and Hood have been contacted to assist with a proposal for bollards/fencing. The Builders have also been contacted and the situation will be monitored. This item will be added to the next agenda for a further update.

D/22/12/27 Impact of Newmarket Neighbourhood Plan Policies on Applications Being Considered

None noted.

D/22/12/28 Planning Applications

Week Commencing 28/11/2022, and 05/12/2022

D/22/12/28/1 DC/22/2040/HH - Householder planning application - single storey rear extension - 6 Brazilian Terrace Newmarket Suffolk

D/22/12/28.01 Resolved

The Committee objected on the grounds of it being an overdevelopment of the site.

D/22/12/28/2 DC/22/1976/FUL - Planning application - a. four replacement range buildings comprising horse boxes, tack boxes, wash bay and hay barns b. covered lunge ring c. muck bunker d. resurfacing of yard and adjacent roadways - Terrace House Queensberry Road Newmarket Suffolk.

D/22/12/28.02 Resolved

The Committee voiced no objections.

D/22/12/28/3 DC/22/2027/VAR - Planning application - variation of condition 2 of F/2006/1036/COU to allow for use of amended plans for change of use from offices to five self-contained flats - 34 Fitzroy Street Newmarket Suffolk.

D/22/12/28.03 Resolved

The Committee voiced no objections.

D/22/12/28/4 DC/22/1988/HH - Householder planning application - a. porch enlargement b. cladding to front and side elevations c. first floor single storey rear extension - 10 Cecil Lodge Close Falmouth Avenue Newmarket Suffolk.

D/22/12/28.04 Resolved

The Committee voiced no objections.

Cllr Hood declared a pecuniary interest in the following application and left the meeting.

D/22/12/28/5 DC/22/2065/FUL - Planning application - a. building to accommodate three equine treadmills; b. additional horse walker - Clarehaven Bury Road Newmarket.

D/22/12/28.05 Resolved

The Committee voiced no objections.

Cllr Hood returned to the meeting and a member of the public left the meeting.

D/22/12/28/6 DCON(A)/20/0174 -Application to discharge condition 14 (travel information pack) and condition 29 (operational waste management strategy) of DC/20/0174/VAR - Development Site Adj South Drive Exning Road Newmarket Suffolk.

A member of the public left the meeting.

D/22/12/28.06 Resolved

The Committee voiced no comments.

D/22/12/28/7 DC/22/2051/FUL - Planning application - a. roof extension with five dormer windows to second floor b. external fire escape staircase -Flat 2 Sun Lane Newmarket Suffolk.

D/22/12/28.07 Resolved

The Committee requested that this application be deferred to the next meeting.

D/22/12/28/8 DC/22/1977/FUL - Planning application - two substations and one foul water pumping station and associated works - Hatchfield Farm Fordham Road Newmarket Suffolk.

D/22/12/28.8 Resolved

The Committee voiced no objections.

D/22/12/28/9 DC/22/2033/FUL - Planning application - a. conversion and alterations of existing annexe to form one dwelling (C3) b. two storey front extension c. partial demolition of existing building - Studio 5 34 Fitzroy Street Newmarket Suffolk.

D/22/12/28.09 Resolved

The Committee voiced no objections.

D/22/12/28/10 DC/22/2126/HPA - Householder prior approval - single storey rear extension which extends beyond the rear wall of the original house by 6 metres with a maximum height of 3.8 metres and a height of 2.7 metres to the eaves - 63 Exning Road Newmarket Suffolk.

D/22/12/28.10 Resolved

The Committee were not able to make a decision on the information presented and the application was deferred to the next meeting to request additional information.

D/22/12/29 Amended and Deferred Planning Applications

D22/12/29/1 DC/22/1699/FUL - Planning application - conversion and partial demolition to create a. ground floor retail unit b. courtyard garden c. seven residential units - Surrey House, 41 High Street, Newmarket, Suffolk.

D/22/12/29.01 Resolved

The Committee requested an extension to allow time to consider the details

further and the application was deferred to the next meeting.

D/22/12/30 East Cambs Planning Applications

22/00471/RMM - Reserved matters pursuant to outline planning permission 18/00752/ESO, to create a perimeter road around the south and west sides of the site, linking the approved roundabout junctions to deliver the by-pass to the village and the main access to Kennett Garden Village - Phase 1A (Perimeter Road) Kennett Garden Village Land Southwest of 98 to 138 Station Road Kennett.

The Committee noted the application.

D/22/12/31 To Receive Results of Applications as Determined by West Suffolk and Plans Withdrawn

West Suffolk Planning Determinations received during weeks commencing, 28/11/2022, and 05/12/2022

Applications	Description	Address	WS Decision	NTC Decision
DC/22/0932/HH	Householder planning application - a. two storey rear extension b. single storey rear extension	Esher Cottage 37 King Edward VII Road Newmarket Suffolk	Approved	No objections
DC/22/0511/FUL	Planning application - change of use from Bank (Class E) to Adult Gaming Centre (Sui Generis)	104 High Street Newmarket Suffolk	Approved	Objected

The decision to approve application DC/22/0935/FUL was noted and District Cllrs will make further representations to WSC. The following was agreed:

D/22/12/31.01 Resolved

That a letter be sent to WSC to express disappointment that NTC objections are not taken into account by the Planning Committee and that WSC do not actively support the interests of Newmarket. To request that an item be put on the WSC full Council agenda to debate these issues.

D/22/12/31 Delegation Panel Decisions

None noted.

D/22/12/32 Pre-application Consultations

The proposed radio base station upgrades at Cricket Field Road and Heath Road by Clarke Telecom Ltd were noted.

D/22/12/33 Licensing

None noted.

D/22/12/34 Correspondence

Trees – WSC response to Town Clerk's letter enquiring about the Tree Officer post and it confirmed that all WSC Cllrs were informed of the change in April 2022 and that they are using the Arboricultural Officer of Place Services for every TCA application. This item will be added to the next agenda.

WSC Closure Order - Fred Winter House, Newmarket was noted.

Fire Risk Assessment Report - Unique 2 Sun Lane Newmarket was noted.

D/22/12/35 Date of Next Meeting

Monday 9th January 2023 at the Memorial Hall.

Meeting closed at 7:05pm

Signed: By the Chairman

Date: Monday 19th December 2022

Summary of Resolutions/Recommendations

Resolution/Recommendation	Resolution/Recommendation Wording
<u>D/22/12/28.01 Resolved</u>	The Committee objected on the grounds of it being an overdevelopment of the site.
<u>D/22/12/28.02 Resolved</u>	The Committee voiced no objections
<u>D/22/12/28.03 Resolved</u>	The Committee voiced no objections
<u>D/22/12/28.04 Resolved</u>	The Committee voiced no objections
<u>D/22/12/28.05 Resolved</u>	The Committee voiced no objections
<u>D/22/12/28.06 Resolved</u>	The Committee made no comments
<u>D/22/12/28.07 Resolved</u>	The Committee requested that this application be deferred to the next meeting.
<u>D/22/12/28.08 Resolved</u>	The Committee voiced no objections
<u>D/22/12/28.09 Resolved</u>	The Committee voiced no objections
<u>D/22/12/28.10 Resolved</u>	The Committee were not able to make a decision on the information presented and the application was deferred to the next meeting to request additional information
<u>D/22/12/29.01 Resolved</u>	The Committee requested an extension to allow time to consider the details further and the application was deferred to the next meeting.

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Newmarket

TOWN COUNCIL

Minutes of a Meeting of the Development & Planning Committee Held on Monday 9th January 2023 at 6.15pm

Attendance:

Councillor J Lay (Chairman)
Councillor J Berry
Councillor A Drummond
Councillor J Ferries

Councillor J Harvey
Councillor P Hulbert
Councillor M Jefferys

Also Present: C Whitaker- Town Clerk, T Symonds – Deputy Town Clerk, J Ashton – Minute Assistant, Cllr Winter as an observer, 1 Member of the Press and 1 Member of the Public.

Minute	Action by
D/23/01/1 <u>Chairman to Read the Fire Safety Notice and Announce that Proceedings May be Filmed or Recorded</u> The Chairman opened the meeting and read out the Fire Notice and that the meeting may be filmed or recorded.	
D/23/01/2 <u>Apologies</u> Apologies were received from Cllrs Clover & Hood. Cllr Hall was absent.	
D/23/01/3 <u>Declaration of Members Interests & to Remind Councillors of the need to keep up to date their Register of Member's Interests and to Consider any Requests Received for Member's Dispensation</u> None noted. There were no requests for dispensations.	
D/23/01/4 <u>To Confirm the Minutes of the Meeting Held on 19th December 2022 and any Matters Arising</u> Members received the minutes of the Development & Planning Committee held on 19th December 2022 and the following was agreed: <u>D/23/01/4/01 Resolved</u> That the minutes of the Development & Planning Committee held on 19th December 2022 be adopted and signed as a true record by the Chairman of the Development & Planning Committee. Matters arising: D/22/12/26 – Verge Parking on Exning Road and D/22/12/34 – Trees - to be added to the next agenda.	
<i>Cllr Berry and a member of the press joined the meeting</i> D/23/01/5 <u>Public Open Session</u> A member of the public spoke to application DC/22/1172/FUL – 2 Sun Lane and confirmed that the fire inspection report had been sent to the Town Clerk and this had been circulated to Members. The application will be reconsidered at the next meeting.	

D/23/01/6 Impact of Newmarket Neighbourhood Plan Policies on Applications Being Considered

Policy 14 applied to the tree applications.

D/23/01/7 Planning Applications

Week Commencing 12/12/2022, 19/12/2022 and 26/12/2022

D/23/01/7/1 NMA(C)/13/0408 - Non material amendment to DC/13/0408/OUT for re-wording of conditions 22, 24 and 26 - Hatchfield Farm Fordham Road Newmarket Suffolk.

D/23/01/7.01 Resolved

The Committee made no comment.

D/23/01/7/2 DC/22/2196/TPO - TPO 03 (1990) Tree preservation order - one Lime (marked red on plan within G2 of order) reduce height and spread by 4 metres to previous reduction Points - 23 Leaders Way Newmarket Suffolk.

D/23/01/7.02 Resolved

The Committee actively encourages responsible tree management and does not object to this application.

D/23/01/7/3 DC/22/2195/TCA - Trees in a conservation area notification – one Eucalyptus (marked on plan) Fell - 21 Leaders Way Newmarket Suffolk.

D/23/01/7.03 Resolved

The Committee actively encourages responsible tree management and objects to the felling of healthy trees. The WS Tree Officer had considered the application and approved the felling of the tree subject to a suitable replacement being planted which the Committee supported.

D/23/01/7/4 DC/22/2214/-H - Householder planning application - single storey rear extension (following demolition of existing extension) and render to side elevation - 19 Field Terrace Road Newmarket Suffolk.

D/23/01/7.04 Resolved

The Committee voiced no objections.

D/23/01/8 Amended and Deferred Planning Applications

D/23/01/8/1 DC/22/1699/FUL - Planning application - conversion and partial demolition to create a. ground floor retail unit b. courtyard garden c. seven residential units Surrey House 41 High Street Newmarket Suffolk.

D/23/01/8.01 Resolved

The Committee requested that their previous objections be re-submitted.

D/23/01/8/2 DC/22/2051/FUL - Planning application - a. roof extension with five dormer windows to second floor b. external fire escape staircase - Flat 2 Sun Lane Newmarket Suffolk.

D/23/01/8.02 Resolved

The Committee voiced no objections.

A member of the public left the meeting.

D/23/01/8/3 DC/22/2126/HPA - Householder prior approval – single storey rear extension which extends beyond the rear wall of the original house by 6 metres with a maximum height of 3.8 metres and a height of 2.7 metres to the eaves - 63 Exning Road Newmarket Suffolk.

D/23/01/8.03 Resolved

The Committee voiced no objections.

D/23/01/8/4 DC/22/1163/HH - Householder planning application – Two storey side and rear Extensions - 4 Hallwyck Gardens Newmarket Suffolk.

D/23/01/8.04 Resolved

The Committee voiced no objections.

D/23/01/9 Planning Appeals

None noted.

D/23/01/10 East Cambs Planning Applications

None noted.

D/23/01/11 To Receive Results of Applications as Determined by West Suffolk and Plans Withdrawn

West Suffolk Planning Determinations received during weeks commencing, 12/12/2022, 19/12/2022 and 26/12/2022

Applications	Description	Address	WS Decision	NTC Decision
DC/22/1967/HH	Householder planning application - pitched roof to existing side and rear extension	27 Exning Road Newmarket Suffolk	Withdrawn	
DC/22/1980/TCA	Trees in a conservation area notification - one Conifer (T1 on plan) remove	25 Exeter Road Newmarket Suffolk	Approved	Objected
DC/22/2052/TCA	Trees in a conservation area notification - one Willow (1 on plan) upper crown reduction by up to 2.5 metres and thin crown by 20% on western, eastern and southern aspects, repollard northern aspect by 2.5 metres; one Cherry plum (marked in red on plan) crown reduction in height to 3.5 metres; one Cherry plum (marked in red on plan) lateral crown reduction to northern aspect by two metres and reduce smallest sucker by one metre.	Lincoln Lodge Rayes Lane Newmarket Suffolk	Approved	No objections
DC/22/1923/P3CMA	Prior Approval Application under Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 – change of use commercial (class E) to seven dwellings (class C3)	Rutland Chambers 19 High Street Newmarket Suffolk	Refused	Objected

DC/22/1915/P3CMA	Prior Approval Application under Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 – change of use from second floor offices (class E) to five dwellings (class C3)	Second Floor 96 High Street Newmarket Suffolk	Prior approval not required	Objected	
DC/22/0714/FUL	Planning application - Change of use of dwelling to hotel accommodation, to be occupied in conjunction with Kings Hotel	87A High Street Newmarket Suffolk	Approved	No objections	

Town Clerk to look into why the Local Authority's approval is not required for application DC/22/1915/P3CMA.

D/23/01/12 Delegation Panel Decisions

None noted.

D/23/01/13 Licensing

None noted.

D/23/01/14 Correspondence

A request from a resident in Corsican Pine Close for double yellow lines to be installed was considered and an item will be added to the next agenda.

A request from a resident for dropped kerbs for the entrances and exits of Brewers Lane was considered and this will be forwarded to SCC.

D/23/01/15 Date of Next Meeting

Monday 23rd January 2023 at the Memorial Hall.

Meeting closed at 6:45 pm

Signed _____ Date _____

Summary of Resolutions/Recommendations

Resolution/Recommendation	Resolution/Recommendation Wording
<u>D/23/01/7.01 Resolved</u>	The Committee made no comment.
<u>D/23/01/7.02 Resolved</u>	The Committee actively encourages responsible tree management and does not object to this application.
<u>D/23/01/7.03 Resolved</u>	The Committee actively encourages responsible tree management and objects to the felling of healthy trees. The WS Tree Officer had considered the application and approved the felling of the tree subject to a suitable replacement being planted which the Committee supported.
<u>D/23/01/7.04 Resolved</u>	The Committee voiced no comments.
<u>D/23/01/8.01 Resolved</u>	The Committee requested that their previous objections be

	submitted.
<u>D/23/01/8.02 Resolved</u>	The Committee voiced no comments.
<u>D/23/01/8.03 Resolved</u>	The Committee voiced no comments.
<u>D/23/01/8.04 Resolved</u>	The Committee voiced no comments.

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Newmarket

TOWN COUNCIL

Minutes of a Meeting of the Development & Planning Committee **Held on Monday 23rd January 2023 at 6.15pm**

Attendance:

Councillor J Lay (Chairman)
Councillor J Berry
Councillor A Drummond

Councillor J Harvey
Councillor P Hulbert
Councillor M Jefferys

Also Present: C Whitaker- Town Clerk, T Symonds – Deputy Town Clerk, J Ashton – Minute Assistant, 1 Member of the Press and 3 Members of the Public.

Minute	Action by
D/23/01/16 <u>Chairman to Read the Fire Safety Notice and Announce that Proceedings May be Filmed or Recorded</u> The Chairman opened the meeting and read out the Fire Notice and that the meeting may be filmed or recorded.	
D/23/01/17 <u>Apologies</u> Apologies were received from Cllrs Clover, Hood and Ferries. Cllr Hall was absent.	
D/23/01/18 <u>Declaration of Members Interests & to Remind Councillors of the need to keep up to date their Register of Member's Interests and to Consider any Requests Received for Member's Dispensation</u> None noted. There were no requests for dispensations.	
D/23/01/19 <u>To Confirm the Minutes of the Meeting Held on 9th January 2023 and any Matters Arising</u> Members received the minutes of the Development & Planning Committee held on 9th January 2023 and the following was agreed: <u>D/23/01/19.01 Resolved</u> That the minutes of the Development & Planning Committee held on 9th January 2023 be adopted and signed as a true record by the Chairman of the Development & Planning Committee. Matters arising: Page 4 - D/23/01/11 - DC/22/1915/P3CMA - Prior Approval Application under Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 - change of use from second floor offices (class E) to five dwellings (class C3). The WSC response to why authority for prior approval applications was not required were noted. It was noted that WSC Planning Officers report under Transport impacts states that this proposal provides a car free development as the site is in a sustainable town centre location, close to businesses, employment, train	

station and bus stops. However, they have not taken into account that there is no sustainable public transport service at the station or bus stops. The Chairman and Cllr Drummond will take this up with WSC.

D/23/01/20 Public Open Session

The Chairman proposed that Amended and Deferred Plans be brought forward and the following was agreed:

D/23/01/20.01 Resolved

That Amended and Deferred Plans be brought forward

D/23/01/21 Amended and Deferred Planning Applications

Reconsideration of Application DC/22/1172/FUL – 2 Sun Lane.

A member of the public spoke to item 8, confirmed that a full fire inspection report had been submitted and that other safety concerns had been mitigated.

The application was reconsidered and the following was agreed:

D/23/01/21.01 Resolved

The Committee confirmed that the safety concerns for Application DC/22/1172/FUL – 2 Sun Lane had now been fully addressed and agreed to change their objection to approval.

A member of the public left the meeting

Two members of the public spoke to item 14 a) regarding parking on the verges in Exning Road. They reported that 21 vans had been parked there last week and the damage caused was discussed.

D/23/01/22 The Chairman proposed that item 14 a) be brought forward and the following was agreed:

D/23/01/22/1.01 Resolved

That item 14 a) be brought forward.

D/23/01/23 Parking Matters

Exning Road – Verge parking – Town Clerk confirmed that she had spoken with the construction foreman and sent an email to their customer liaison and a response was awaited. Aldi had been asked to consider offering parking and this was being looked into.

It was confirmed that this was SCC Highways land and that funding could be supplied retrospectively to Town Council for street furniture to be installed (i.e. bollards). Town Clerk will apply for the appropriate licence and the following was agreed:

D/23/01/23.01 Recommendation

That quotes be sought for appropriate street furniture to be installed in Exning Road to prevent parking on the verges. That Delegated Powers be

given to the Town Clerk and Chairman to approve a suitable quote and for the work to be done as soon as possible.

2 members of the public left the meeting.

D/23/01/24 Impact of Newmarket Neighbourhood Plan Policies on Applications Being Considered

Policy 1 – Developments in a Conservation Area, Policy 4 – Horse Racing and Policy 14 - tree applications applied.

D/23/01/25 Planning Applications

Week Commencing 02/01/2023, and 09/01/2023

D/23/01/25/1 DC/23/0025/TCA - Trees in a conservation area notification – 17 Lawson Cypress (indicated on plan) fell - Tattersalls The Avenue Newmarket Suffolk.

D/23/01/25.01 Resolved

The Committee actively encourages responsible tree management and does not object to this application to replace the hedge with more suitable specimens.

D/23/01/25/2 NMA(A)/19/2459 - Non-material amendment to DC/19/2459/HH - change side and rear extension from flat roof to pitch roofs - 27 Exning Road Newmarket Suffolk.

D/23/01/25.02 Resolved

The Committee was not required to comment.

D/23/01/25/3 DC/23/0047/TCA - Trees in a conservation area notification – three Sycamore (1, 5 and 6 on plan) two Crab apple (2 on plan) one Cherry (3 on plan) two Sycamore and group of Sycamore (4,5 and 6 on plan) two Norway Maple (7 and 8 on plan) one Laurel (9 on plan) one Pyracantha (10 on plan) one Bay (11 on plan) group of Prunus and Saplings (12 on plan) fell - Eastcote 45 Bury Road Newmarket Suffolk.

D/23/01/25.03 Resolved

The Committee actively encourages responsible tree management and objects to the felling of healthy trees. The Committee strongly objected to this application and requested that the application be submitted to the Tree Officer for consideration. If the trees are to be felled, that they be felled outside of the bird nesting season and the Committee requests that suitable replacements be planted.

D/23/01/25/4 DC/23/0044/HH - Householder planning application - a. enlargement of bay window to front elevation b. roof lights to front and rear elevations c. replacement second floor windows to front and rear elevations c. single storey rear extension (following demolition of existing conservatory) d. pitched roof to first floor rear section e. PV array to rear elevation - 27 Lisburn Road Newmarket Suffolk.

D/23/01/25.04 Resolved

The Committee voiced no objection.

D/23/01/25/5 DC/23/0041/FUL - Planning Application - two dwellings with associated access -

Land Adjoining Church Exeter Road Newmarket Suffolk.

D/23/01/25.05 Resolved

The Committee generally supported the application; however, from a Highways perspective, the planners should consider alternative access to the houses, using the existing entrance arrangements.

D/23/01/25/6 DC/22/1704/FUL - Planning application - a. extension and refurbishment of existing stables with apartment and office on first floor b. two detached dwellings with associated landscaping, garage and parking c. alteration and refurbishment of existing barn to be used for storage d. existing outbuilding refurbished to form new stable block e. enclosed horse walker f. alterations to muck area - Calder Park Stables Hamilton Road Newmarket Suffolk.

D/23/01/25.06 Resolved

The Committee voiced no objections subject to the accommodation only being used for equine staff working in the training yard and are not privately sold.

D/23/01/25/7 DC/23/0045/P3CMA - Prior approval application under Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 - change of use from commercial (class E) to 7 dwellings (class C3) Change of use to 7no. residential dwellings - Rutland Chambers 19 High Street Newmarket Suffolk.

D/23/01/25.07 Resolved

The Committee objected to the design on the grounds of a loss of retail space, lack of parking and inadequate public transport provision.

D/23/01/26 Planning Appeals

None noted.

D/23/01/27 East Cambs Planning Applications

22/00472/RMM - Reserved matters pursuant to outline planning permission 18/00752/ESO, to construct 328no. one, two, three and four bedroom dwellings, 15no. plots for self-build and custom housing, CLT office, associated infrastructure and public open space as the first phase of the residential development at Kennett Garden Village. - Phase 1B (First Residential Phase) Kennett Garden Village Land Southwest of 98 To 138 Station Road Kennett.

D/23/01/27.01 Resolved

The Committee voiced no objections subject to a half-hourly rail service from Kennet to Cambridge and Bury St Edmunds to start as early as possible and to improve the bridge to allow buses to use the road to serve other villages.

D/23/01/28 To Receive Results of Applications as Determined by West Suffolk and Plans Withdrawn

West Suffolk Planning Determinations received during weeks commencing, 2/01/2023 and 09/01/2023

Applications	Description	Address	WS Decision	NTC Decision
DC/22/1955/HH	Householder planning application – a. porch	67 Edinburgh	Approved	No objection

	extension b. wrap around extension to the side and rear (following demolition of existing porch, garage and conservatory)	Road Newmarket Suffolk			
DC/22/2040/HH	Householder planning application – single storey rear extension	Brazilian Terrace Newmarket Suffolk	Approved	Objected	
DC/22/1545/TPO	Tree preservation order TPO 012 (1956) – two Horse Chestnut (T1 and T2 on plan, within area A7) crown raise to 4 metres above ground level	17 Collings Place Newmarket Suffolk	Approved	No objections	

D/23/01/29 Delegation Panel Decisions

D/23/01/29/1 DC/22/2040/HH – Householder planning application – single storey rear extension – Brazilian Terrace Newmarket Suffolk.

The Delegation Panel's recommendation to approve the application subject to conditions of a time limit, material and approved plans was noted. It was further noted that they did not take into account the NTC objection on the grounds of it being an overdevelopment of the site.

D/23/01/30 Licensing
None noted.

D/23/01/31 Parking Matters
Corsican Pine Road – A request from a resident in Corsican Pine Close for double yellow lines to be installed was considered and the following was agreed:

D/23/01/31.01 Resolved

That a formal request be submitted to SCC, via Cllr Drummond, to install appropriate parking restrictions in Corsican Pine Close and that SCC Officers consult residents onsite.

D/23/01/32 Tree Matters
The arrangements for an Arboricultural Officer at WSC were discussed and noted. The following was agreed:

D/23/01/32.01 Resolved

That NTC would prefer that the vacant Tree Officer post be filled rather than use a consultancy who may not complete a physical inspection.

D/23/01/33 Correspondence
EN/22/0192 – Unauthorised works – Celiks Barbers, 22-24 High Street Newmarket.

It was noted that WSC had acknowledged the report which has been passed to the Enforcement Section for investigation.

D/23/01/34 Date of Next Meeting
Monday 6th February 2023 at the Memorial Hall.
Meeting closed at 7:15pm

Signed _____ Date _____

Summary of Resolutions/Recommendations

Resolution/Recommendation	Resolution/Recommendation Wording
<u>D/23/01/21.01 Resolved</u>	The Committee confirmed that the safety concerns for Application DC/22/1172/FUL – 2 Sun Lane had now been fully addressed and agreed to change their objection to approval.
<u>D/23/01/23.01 Resolved</u>	That quotes be sought for appropriate street furniture to be installed in Exning Road to prevent parking on the verges. That Delegated Powers be given to the Town Clerk and Chairman to approve a suitable quote and for the work to be done as soon as possible.
<u>D/23/01/25.01 Resolved</u>	The Committee actively encourages responsible tree management and does not object to this application to replace the hedge with more suitable specimens.
<u>D/23/01/25.02 Resolved</u>	The Committee was not required to comment.
<u>D/23/01/25.03 Resolved</u>	The Committee actively encourages responsible tree management and objects to the felling of healthy trees. The Committee strongly objected to this application and requested that the application be submitted to the Tree Officer for consideration. If the trees are to be felled, that they be felled outside of the bird nesting season and the Committee requests that suitable replacements be planted.
<u>D/23/01/25.04 Resolved</u>	The Committee voiced no objection.
<u>D/23/01/25.05 Resolved</u>	The Committee generally supported the application; however, from a Highways perspective, the planners should consider alternative access to the houses, using the existing entrance arrangements.
<u>D/23/01/25.06 Resolved</u>	The Committee voiced no objections subject to the accommodation only being used for equine staff working in the training yard and are not privately sold.
<u>D/23/01/25.07 Resolved</u>	The Committee objected to the design on the grounds of a loss of retail space, lack of parking and inadequate public transport provision.
<u>D/23/01/27.01 Resolved</u>	The Committee voiced no objections subject to a half-hourly rail service from Kennet to Cambridge and Bury St Edmunds to start as early as possible and to improve the bridge to allow busses to use the road to serve other villages.
<u>D/23/01/31.01 Resolved</u>	That a formal request be submitted to SCC to install appropriate parking restrictions in Corsican Pine Close and that Officers consult residents onsite.
<u>D/23/01/32.01 Resolved</u>	That NTC would prefer that the vacant Tree Officer post be filled rather than use a consultancy who may not complete a physical inspection.



Newmarket

TOWN COUNCIL

Minutes of a Meeting of the Leisure Services Committee Held on Monday 9th January 2023 at 7:00 pm

Attendance:

Councillor J Ferries (Chairman)
Councillor J Borda
Councillor L Crissall
Councillor A Drummond
Councillor J Harvey

Councillor P Hulbert
Councillor M Jefferys
Councillor S Perry
Councillor P Winter
Councillor K Yarrow

Also Present: C Whitaker – Town Clerk, T Symonds – Deputy Town Clerk, C Argyroudi – Events Manager, J Ashton – Minute Assistant and 1 Member of the Press.

Minute

L/23/01/1 Chairman to Read the Fire Safety Notice and Announce that Proceedings May be Filmed or Recorded

The Chairman opened the meeting read out the fire safety briefing and announced that no fire alarm was planned and that the meeting may be filmed or recorded.

L/23/01/2 Apologies for Absence

Apologies were received from Cllrs Anderson, Hood and Lay. Cllrs De'Ath and Hall were absent.

L/23/01/3 Declaration of Member's Interests and to Remind Councillors of the Need to Keep up to Date Their Register of Member's Interests and to Consider Any Requests Received for Members Dispensation

None noted. There were no requests for dispensations.

L/23/01/4 To Receive and Confirm for Accuracy the Minutes of the Leisure Services Committee Meeting Held on Monday 7th November 2022 and Any Matters Arising

Members received the minutes of the Leisure Services Committee meeting held on 7th November 2022 and the following was agreed:

L/23/01/4.01 Resolved

That the minutes of the Leisure Services Committee meeting held on 7th November 2022 be adopted and signed as a true record by the Chairman of the Leisure Services Committee.

There were no matters arising.

L/23/01/5 Public Open Session

No members of the public were present.

L/23/01/6 To Receive the Accounts

The accounts for December 2022 were received and noted.

Book number 12 2022 -2023

Minutes of Community & Leisure Services Committee held on Monday 9th January 2023

L/23/01/7 Memorial Gardens

The WSC Memorial Gardens safety report was received and noted.

L/23/01/8 Soapbox Derby

Working Group Report - a verbal update was given on a post evaluation session between the Working Group, Jockey Club and teams and the following areas had been identified for improvement:

- Prizes for the winners
- More entertainment
- Additional Parking – second location with shuttle busses
- Improve the viewing – digital screen
- More teams
- Use of bales close to the ramps and plastic barriers
- The date be changed to July and to not clash with racing days
- The next Soapbox event to take place in July 2024

L/23/01/9 Events

Christmas 2022 – a verbal report was given on the three-day event which was well attended each day. Young families had the opportunity to try ice skating for the first time and the children loved the fun fair rides. There was a long queue for photos with Santa in the snow globe and special thanks were given to the PCSO for stepping into the role of Santa for a second year. The outdoor food stall holders were very happy with the sales and the footfall was satisfactory for the indoor market with some stall holders doing exceptionally well.

A further Christmas Workshop funded by WSC was held and approximately 50 children with their families attended with 37 of them receiving a free holiday meal.

Coronation Event – a verbal report was given and an outline of the event activities included the following:

- The event will be held on Monday 8th May 2023 from 1:00pm – 7:00pm
- Fun fair rides
- A stage with live bands and a horrible history performance
- Food & drink and community stalls
- Crown art workshop
- Games arena
- Circus whiz
- Other entertainment to be considered
- Beacon lighting and National Anthem
- A Budget of £10,00 had been allocated to fund the event.

L/23/01/10 Newmarket Venues

The Events Manager presented a report on the bookings for January and February, noting that £4,231 income was received in November and £6,202 in December 2022; £32,908 Year-To-Date.

Bookings for January 2023 - 3x Dance events £574.50, 2x Birthday parties £246.50, Weekly dance events £344, Meeting £51.88, Blood donation £360, Daily booking Pavilion £1,666, Weekly booking Pavilion £67.50, 2x Yoga classes Pavilion £100, Weekly outdoor fitness classes £99.96, Newmarket Community arts weekly Pavilion use: Free.

Bookings for February 2023 - 1x Charity music event £60, 1x Monthly dance event £120, Weekly dance events £384, Meeting £51.88, 3-day Sunnica hearing £1.520, Blood donation £360, Weekly bookings Pavilion £54, Daily booking Pavilion £1,666, Weekly outdoor fitness classes £99.96, Newmarket Community arts weekly Pavilion use: Free.

Thanks were given to the Events Manager for all of her efforts and achievements.

L/23/01/11 Correspondence

A request to use the Pavilion on Saturday 17th June 2023 for a charity walk was considered and an item will be added to the next full Town Council agenda.

L/23/01/12 Date of Next Meeting

Monday 6th March 2023 at the Memorial Hall.

Meeting closed at 7:10pm.

Signed:

Date:

Summary of Recommendations

Recommendation	Recommendation Wording
None noted	

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SUFFOLK CONSTABULARY

PCSO REPORT JANUARY 2023

WELCOME TO MY MONTHLY PARTNERSHIP FUNDED PCSO REPORT.

Listed below are just some of the activities I have been involved in alongside actively supporting the Police in Newmarket with taskings regarding crimes and investigations.

This would typically include the requesting and collection of CCTV and reassurance for individuals and businesses who may have been either victims or witnesses of crime as well as making regular intelligence submissions. (9 this Month)

NEWMARKET POLICING PRIORITIS

1-AQUISITIVE CRIME-Theft of/from Motor Vehicles including Number Plates, Thefts and burglaries from rural farms and businesses, Thefts from person, Garage break ins, Theft of Pedal Cycles Theft of Cooking Oil.

2-OP VELOCITY (COUNTY LINES)-

Maintaining pressure on emerging new lines

Targeting and reducing drug supply in Newmarket

Increasing and focusing on intelligence submissions

3-PULSE PATROLS-To be conducted at the following locations:

Churchill Court, Bill Rickaby Drive, Greville Starkey Avenue, Snailwell road, Paget Place, Balaton Place, Falmouth Gardens, Malcom Way, and The Guineas Shopping Centre.



ENGAGEMENT OPPORTUNITYS

This month included a visit to Newmarket Leisure Centre to support the Teen Chill initiative which caters for young persons aged between 11-16.

I also was joined by our engagement officer to carry out a **STREET MEET** at the Guineas shopping centre. This was in response to reports from Guineas management of continuing ASB at the locus.





ADDITIONAL SPEED CHECKS I have again been out and about conducting additional speed checks at various sites in and around Newmarket including both **FORDHAM RD** and **EXNING RD** where the highest recorded speed was 34MPH. These checks are in addition to the regular visits made by the Suffolk safecam team.

SCHOOL INPUTS



This month I have delivered inputs to year six pupils at **LAUREATE ACADEMY** covering **INTERNET SAFETY**, **STAYING SAFE** and **TAKING RESPONSIBILITY FOR YOUR ACTIONS**.

Additionally I also visited **EXNING PRIMARY SCHOOL COUNCIL** in the company of the Parish Council chairman to discuss the role of a councillor in the local community and what it entails.

Bill Butcher

PCSO 3036 WILLIAM BUTCHER NTC

Forest Heath Safer Neighbourhood Team
Newmarket Police Station

101 (non-emergency)/ 999 (Emergency only).

Suffolk Police has recently launched "1st Principle".

The first phase of a new library of crime prevention, security and personal safety advice.



www.suffolk.police.uk/1stprinciple

[CRIME PREVENTION ADVICE](#)

[REPORT CRIME ONLINE](#)



Report to	Full Council
Subject	NTC Youth Strategy
Purpose	Decision
Classification	Unrestricted
Meeting date	30th January 2023
Item number	11
Written By	Cathy Whitaker CLERK

Summary: This report gives information regarding progression of a Town Council led Youth Strategy.

1.	Introduction
a.	In January 2022, Council resolved to set up a Working Group to pick up the work on a Newmarket Youth Strategy which had stalled due to the pandemic.
2.	Context
a.	August 2020 – work on an emerging strategy for youth engagement.
b.	September 2022 – Working Group met to discuss way forward.
c.	6 th January 2023 – Youth Strategy Meeting, led by Will Wright with other stakeholders.
3.	Proposal/Options
a.	NTC to approve creation of Newmarket Youth Action Group (NYAG); a council co-ordinated and chaired group with the remit to develop all things young people in the area.
b.	A Youth Strategy to be signed off by NTC after the May elections.
c.	Liaison with Haverhill TC who have excellent Youth Strategy and experience.
4.	Financial/Resource Implications
a.	Going forward, NTC could need to commit to large capital spending for Youth Engagement – possibly part-funding of a dedicated Youth Worker for Newmarket.
b.	Budget provision should be started in 2023/2024 with a new account and possible virement of funds.
5.	Next Steps/Recommendations
a.	Approve the creation of NYAG and determine the Chairperson.
b.	Continue to liaise with Will Wright (WSC) regarding progression to Youth Strategy completion.
c.	Clerk to liaise with Clerk of Haverhill TC.

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RECEIVED ON NTC FACEBOOK PAGE – REGARDING BUS TRANSPORT.

I am not really sure who to contact so forgive me if I'm in the wrong place.

It was excellent that Stephenson's took over Stagecoach but nothing has been done about the lack of buses from Laureate School to town during the day. This takes in The Upper School The Hospital The shops and Aldi. All have stops that are not serviced instead the bus goes from Tesco down Fordham Rd. That's a mile. The elderly and less able need this route to be serviced. Even the drivers say it's crazy. Apparently they can't change the route(which would be easy to do to divert no 11 from Tesco down Studlands park avenue.). Fordham road only has 1 stop at a school that's no longer there. I have contacted Stephenson's Matt Hancock and the Journal this is impacting the elderly community who live in bungalows behind the Exning Road.

Townclerk

Subject: FW: Bus Routes

From: Andy Drummond (SCC Councillor) <Andy.Drummond@suffolk.gov.uk>

Sent: 22 January 2023 06:25

To: SH

Cc: Simon Barnett <Simon.Barnett@suffolk.gov.uk>; Townclerk <Townclerk@newmarket.gov.uk>; Matt Hancock MP <matt.hancock.mp@parliament.uk>

Subject: Re: Bus Routes

Dear Susan

Thank you for your email, prompted after me seeing your post on a Newmarket FaceBook page that had around 40 posts in agreement with you - and me private messaging you to contact me directly.

You mention you have also contacted your MP - Matt is very aware of the issues and I hope that he will add his weight to your suggested improvement.

Simon - please can you investigate with Stephenson's whether the route can be amended? I would imagine that this would increase the number of users making the route more viable.

To be clear - I think that this makes sense too.

Many thanks.

Very best regards

Andy

Councillor Andy Drummond - Newmarket & Red Lodge division

Suffolk County Council

07710 027 343

From: Susan

Sent: 21 January 2023 19:15

To: Andy Drummond (SCC Councillor) <Andy.Drummond@suffolk.gov.uk>

Subject: Bus Routes

Subject: Bus Routes.

No 11 needs to go from Tesco's to Exning Road then down To Town calling at the hospital Upper school and Aldi. Not down Fordham road.

It would Also make sense for No 12 to go through Noel Murless Croft Road into town. Then the People from Fordham and The George lampoon Estate can also get to Hospital and other services.

As I've said only one stop on Fordham Road and that's school is no longer there.

Susan Howlett



Report to	Full Town Council Meeting
Subject	Car boot sales 2023
Purpose	Decision
Classification	Unrestricted
Meeting date	30 January 2023
Item number	Item 14
Written By	Events Manager

Summary: This report outlines the charity car boots dates and location

Councillors are asked to **CONSIDER** and **APPROVE** the **RECOMMENDATIONS** outlined in this report:

1. Proposed Car boot sales dates in 2023
2. Restart Car boots at the Severals

1.	Introduction
a.	The Town Council has permission to hold 8 car boot sales on the Severals during the year.
b.	The location is offered for use, without charge, to local charity organisations and individuals who meet certain criteria. The organisations benefiting from the proceeds must be both local and voluntary.
2.	Context
a.	The idea of relocating the car boot to George Lambton field wasn't as successful for the charities. Heavily reduced footfall led to a decrease in income for charities
b.	The presence of the car boot at the Severals compliments the High Street shopper footfall
3.	Proposal/Options
a.	2023 dates: 14 & 28 May, 11 & 25 June, 16 & 30 July, 13 & 27 August
b.	Time: Organisers/Sellers 12:00 – Buyers 12:30pm
c.	Location: Severals Newmarket
4.	Financial/Resource Implications
a.	Use of Severals free of charge for charities and community groups
b.	No extra cost to the council
5.	Next Steps/Recommendations
a.	The popular car boots to restart at the Severals
b.	Helping charities promote their car boots
	Additional documents: <u>Feedback from organisers and residents</u>

" I have attended both the car boots on the new site as a car booter and they have been singularly unsuccessful with very few booters and not a lot of customers. While I appreciate there was an issue previously with traffic congestion around the Severals this new arrangement does not work for either the car booters or the customers. I understand that people probably have less money to spend at the moment and there was not a lot of advertising done for these sales. Perhaps the Council could assist with advertising around the town. The high hedge bordering the site from the road does not help as passers by can't see what is going on. There are bargains to be found for customers in these hard times but they need to know where and when to find them. I would like it to work for both the organisations seeking to raise money and for the car booters."

" I think a few people struggled to find us but we advertised it in several places including four newspapers. I think all went well and it was definitely easier on traffic getting into the venue and we didn't have the angry drivers which was a bonus. I think the only person that lost out with the change of venue was the burger van because people went over to McDonalds and he got very little trade. I think in future we would have to think if there was any point in having a burger trailer"

Item 15a

**Proposed Cemetery Fees & Charges
2023-24**

Fees and Charges 1st April 2023 approved by

Chair of Community Services Committee	Town Clerk
Date	Date

Proposed Cemetery Fees & Charges
2023-24

Section 1 - Exclusive right of burial

Item	Charges 2022-23	Physical neighbour average	West Suffolk Crematorium & cemetery	Proposed charge 2023-24	% Increase on last years charge (Nearest round figure)	Rationale for over 4% increase/notes
Standard lawn type grave (50 years ERB)	£910.00	£1332.00	£1650.00	£955.00	5%	.
Child (up to 12 years of age) grave (50 years ERB) Please note depth for one interment only	£150.00	£633.50	£100.00 (up to 3 years old)	£150.00	0%	The Government now run the Child Funeral Fund for Authorities to recover associated burial costs. Fees to remains the same .
All Cremated remains earthen graves (25 year ERB)	£640.00	£1058.00	£2114.00 (20 year ERB)	£672.00	5%	

Section 2 – Interments

Item	Charges 2022-23	Physical neighbour average	West Suffolk Crematorium and cemetery	Proposed charge 2023-24	% Increase on last years charge	Rationale for over 5% increase/notes
Person 12 years + Standard lawn type grave (for depth 1 or 2)	£738.00	£969.40	£1375.00	£774.00	5%	To remain competitive, but still remain affordable compared to other local providers
To dig the grave to triple depth	£120.00	N/A	N/A	£126.00	5%	
Child from the age of 13 months up to the age of 12 years	£100.00	N/A	N/A	£100.00	0%	The Government now run the Child Funeral Fund for Authorities to recover associated burial costs. Fees to remains the same to not abuse this scheme
Still born babies and babies up to 12 months old (including :NVF) Please note: depth for one interment only	£55.00	N/A	N/A	£55.00	0%	See above
To prepare a grave to accommodate a coffin 6'10" and over in length or 30"and over in width	£80.00	£315.00	POA	£84.00	5%	To cover the increasing cost of removing extra spoil and time to prepare the grave

Section 3 - Cremated remains interment fees

Item	Charges 2022-23	Physical neighbour average	West Suffolk Crematorium and cemetery	Proposed charge 2023-24	% Increase on last years charge	Rationale for over 5% increase/notes
Interment of cremated remains in an earthen grave (either loose or in a casket)	£218.00	£234.60	£295.00	£228.00	5%	
Interment of cremated remains in a coffin or burial casket to be buried at a full burial or for the second set of ashes when two sets are interred at the same time.	£109.00	N/A	N/A	£114.00	5%	The fee is calculated by halving the standard fee for a cremation interment.

Section 4 - Memorial fees

Item	Charges 2022-23	Physical neighbour average	West Suffolk Crematorium and cemetery	Proposed charge 2023-24	% Increase on last years charge	Rationale for over 5% increase/notes
Permit for right to install a new memorial on a lawn type grave	£208.00	£271.25	Not offered separately	£218.00	5%	
Permit for right to add an inscription on an existing memorial	£75.00	£78.00	Not offered separately	£78.00	4%	To keep WSC competitive and figure rounded.
Permit for right to install a child headstone 2ft or less			Not offered separately	£75.00		The Government now run the Child Funeral Fund for Authorities to recover associated burial costs. Fees to remains the same to not abuse this scheme

Section 5 – Other charges

Item	Charges 2022-23	Physical neighbour average	West Suffolk Crematorium and cemetery	Proposed charge 2023-24	% Increase on last years charge	Rationale for over 5% increase/notes
Use of chapel	£80.00	£208.00	£590.00	£84.00	5%	Currently the chapel is out of service.
Surrender of grave space	Buy back at half the ERB fee	N/A	POA	Buy back at half the ERB fee	Refer to relevant ERB fee	Refer to relevant ERB fee
Transfer of Exclusive Right of Burial / Production of Statutory Declaration for lost deed	£62.00	£74.75	£80.00	£63.00	5%	
Exhumation	Double the current relevant interment fee	N/A	POA	Double the current relevant interment fee	Refer to relevant interment fee	Refer to relevant interment fee
Brandon 1500mm bench	Gross £1180.00 Net £983.33 VAT £196.67	£1300.00	£750.00 (starting price)	Gross £1240.00 Net £1033.33 VAT £206.67	5%	Benches now supplied and managed by NTC
Memorial tree (various) offering 15 year lease, including plaque	£570.00	N/A	£1500.00 (10 year lease)	£598.00	5%	
Administration fee for replacement tablet/ plaque (c/r, benches etc)	£10.00	N/A	N/A	£10.00 per item	0%	
Plaque (measuring 150x75mm) silver with black writing for benches	£62.00	N/A	N/A	£65.00	5%	
Plaque (measuring 15x130mm) silver with black writing mounted on a metal backing and stake for tree or grave dedications.	£99.00	N/A	N/A	£104.00	5%	

Genealogy searches- Search of the grave/burial registers or database for 2 or more (up to 4) entries – not in connection with an upcoming interment	New fee	N/A	N/A	£30.00	N/A	
Certified copy of a burial/grave register entry (posted)	New fee	N/A	N/A	£10.00	N/A	

Notes:

Physical nearest neighbour used in this comparison are Cambridge City Council, Tendring District Council, Chelmsford Borough Council, Norwich City Council, Colchester District Council & East Suffolk Council. Brinkley Woodland Burial Ground and The London Borough of Barking and Dagenham were also used where there are no other examples available within our nearest neighbour group. The fees for nearest neighbour were generally from 2020-21 or 2021-22 periods. For West Suffolk Crematorium the fees are taken from their interim price list dated 1 Dec 2022.



Newmarket
Town Council

Newmarket Town Council cemetery regulations Effective from 1 April 2023

The foregoing Rules and Regulations will come into operation from 1 April 2023. All previous Rules and Regulations previously made by the council are hereby superseded. The council reserves the right from time to time to make alterations, additions or amendments to these Rules and Regulation specified herein. These rules and regulations will be reviewed at least once per year.

Introduction

We seek to observe the rights and choices of any individual wherever possible, but to be fair to all, to keep everyone safe, and to maintain our cemetery to high standards we do need some regulations. Everyone visiting our cemeteries needs to follow these regulations.

When we mention 'cemetery' in the regulations we are referring to Newmarket Cemetery at High Street, Newmarket.

Newmarket Town Council (referred to as 'the council' or 'we' in the regulations) is legally responsible for managing and controlling the cemeteries. The council authorises West Suffolk's cemetery manager to act with its authority and enforce the regulations.

To comply with the relevant laws, we run the cemeteries in accordance with the Local Authorities Cemeteries Order 1977, as amended by the Local Authorities (Amendment) Order 1986 as well as any regulations made by the Secretary of State.

If you have any questions about these regulations, please contact

Cemeteries Manager
West Suffolk House
Western Way
Bury St Edmunds
Suffolk
IP33 3YU

Email: cemetery.services@westsuffolk.gov.uk

Website: <https://www.westsuffolk.gov.uk/>

Phone: 01284 757068



Newmarket Town Council

General

Opening times

1. The cemeteries are open daily to visitors. We display the times on notices at the cemetery gates and on our website: www.westsuffolk.gov.uk/cemetery

Note: Opening times will change according to the seasons.

Rights of use or admission

2.
 - a. We reserve the right to:
 - close or limit access to the cemeteries when necessary; and
 - withdraw the use of the cemeteries from any person or organisation.
 - b. You may bring dogs into the cemeteries, but they must be kept on a short lead and remain under your control at all times.
 - c. Dog fouling is prohibited.
 - d. Only vehicles associated with a funeral cortege, or those displaying a valid disabled parking permit ('blue badge') may enter the cemeteries. Any vehicle entering must be:
 - driven slowly keeping to the 10mph limit;
 - kept to the main roadways; and
 - parked in a way that does not inconvenience visitors or staff.
 - e. Cycling, scootering, and skateboarding is prohibited in any part of the cemetery; users of these modes of transport should dismount at the gate.
 - f. No consumption of alcohol may take place within the cemetery. Anyone under the effects of such substance will not be admitted or may be asked to leave.

Fees

3. All fees for interments and memorials applications are payable in advance. If a stakeholder has a financial account set up with West Suffolk Council then an invoice will be raised and sent. Alternative payment is with a debit or credit card, we do not accept cash or cheques as a form of payment
4. All cemetery fees and charges are reviewed annually and are displayed on both the Council and West Suffolk's website:
https://www.westsuffolk.gov.uk/Births_and_deaths/cemeteries.cfm



Exclusive right of burial

5. At the time of the interment you may buy an exclusive right of burial (ERB) in a grave for an agreed period of time. The purchase will be subject to you paying the appropriate fee and completing the relevant application form, which needs the signature of the proposed owner (who then becomes the deed holder). The exclusive rights of burial vary between grave types. The pre-purchasing of any graves (either full burial or cremated remains) in Newmarket Cemetery is not permitted.
6. The exclusive right of burial deed holder is entitled to decide who is buried in the grave and whether a memorial can be erected on it (once the relevant fee is paid and the council has given permission).
7. On the fifth anniversary of the purchase we may offer the deed holder the opportunity to buy an extension of another five years, bringing the exclusive right of burial back to its original term.
8. The exclusive right of burial relating to cremation vaults and cremation earthen plots may at any time be extended for a further 25 years subject to the appropriate fee being paid.
9. Our policy is to excavate graves to the maximum depth available. With regards new graves we will initially aim to excavate them to a depth of 2.75 metres (approximate 9ft). This will enable the grave to accommodate three interments. The council cannot be held responsible if, due to factors outside our control, the grave cannot hold the full number of interments.
10. We will allocate new graves in strict rotation. We will try to meet the wishes of applicants who buy grave spaces if it is practical to do so, subject to the council's approval and payment of the appropriate fee.
11. The council keeps plans and records of graves which visitors may view, by appointment, during normal office hours.
12. When the exclusive right of burial period comes to an end the buyer (or his or her heirs or successors who have become the deed holder) will have the option of renewing that right, subject to any restrictions which may be in force at that time.
13. Deed holders will need to apply to renew the exclusive right of burial within 12 months of the previous grant finishing.
14. The council may grant a renewed right of burial to another person if the exclusive right of burial grant period has finished, and nobody has informed us that they want to renew it. Before we do this, we will where possible, notify the previous owner (or his/her personal representative) to give them the option to renew it.
15. Where no interment has taken place in the grave, the owner of the exclusive right of burial may surrender it to the council. We will pay the owner an amount which is in



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proportion to the number of years remaining for the exclusive right of burial. We will not make a payment if the exclusive right of burial has lapsed or finishes within ten years.

16. If the council gives permission, the owner of an exclusive right of burial may transfer it to another person if he or she provides satisfactory evidence of ownership. The owner must register the transfer in the cemetery's records, have the deed of grant of right of burial endorsed by the council and pay the appropriate transfer fee. The number of deed holders which can be entered onto each Deed of Grant is restricted to a maximum of two persons. When one deed holder dies the remaining deed holder will then become the sole deed holder of the grave. Where a family dispute results in a stalemate and relevant consents are withheld, the ownership cannot be transferred. This can only be resolved if the various next of kin reach an agreement, possibly with the mediation of a solicitor or other parties. It is not the responsibility of the Council cemeteries service to facilitate this this action.
17. Provided that there is sufficient room and subject to receiving consent from the Cemeteries Manager cremated remains can be interred in any adult grave in the cemetery for which you have the exclusive right of burial. No adult interments, either full or cremated remains can be interred into the grave of a child or baby unless the child or baby was interred into a full adult grave and the appropriate adult exclusive right of burial fee was paid.
18. Ownership of the ground does not at any time; pass from the control of the council.
19. Before the reopening of a purchased grave the ownership for exclusive right of burial must be proven.

Coffins and caskets

20. To help us all respect the environment, all bodies entering the cemetery for burial must be contained in a coffin/wrapping made of a perishable material bearing the full name, age, and date of death on it. Alternative coffin materials maybe considered subject to prior written agreement by the Cemeteries Manager. Any type of metal coffin or casket is not permitted. A coffin or casket which is 6 feet 10 inches or over in length or 30" or over in width will be regarded as extra large and will be liable to additional fees. .

Interments

21. You can apply for a burial by contacting the Cemeteries Service (contact details are shown in the introduction section of this document). The service operates from 9am to 5pm, Mondays (apart from bank holidays) to Fridays. You must deliver a completed interment notice, the burial order, the Coroners burial order or the certificate of cremation and the deed to the cemeteries office at least two clear days before the interment (excluding Saturdays, Sundays, and bank holidays), unless alternative arrangements have been agreed with the Cemeteries Manager



22. If the burial is being arranged by a funeral director all coffin, casket and grave sizes must be sent to the Cemeteries Office in writing by them. Verbal instructions will not be accepted from families or funeral directors
23. Interments normally take place between Mondays and Fridays beginning at 9.30am. From 1 April to 30 September the latest time for a new grave of double or triple depth during this period is 3.15pm, for reopening (to single depth) is 3.30pm and for the interment of ashes the latest time is 4pm. During the months 1 October to 31 March the latest time for a new burial grave interment is 2pm, for the reopening of a grave (to single depth) 2.15pm and for the interment of ashes 2.45pm
24. The interment fee includes the excavation and preparation of the grave, matting and attendance by cemetery staff and backfilling on the day of service. The fee also includes all administration, entries into the burial registers and onto the burial database. The fee does not include the removal or reinstating of any memorial (whether the memorial belongs to the grave to be opened or other graves within the area which need to be removed to provide access), planting, shrubs, or trees. The cost of any of these actions must be covered by the applicant. An estimate of the cost would be provided by the cemeteries office before the work could be undertaken.
25. The time booked for a funeral is the time the cortege is due to arrive at the cemetery. If the Funeral Director or person in charge of the funeral is later than the appointed time, he or she must act under the direction of the manager (or his or her representative) as to when the funeral service may proceed. If the cortege arrives at the cemetery earlier than the booked time, the Funeral Director is not to proceed to the grave or begin to the interment without the presence of the cemetery manager (or his or her representative). The cortege is to wait in the pre-arranged location to be escorted to the grave.
26. The council will not open a grave covered by an exclusive right of burial without the written permission of the registered owner unless the burial is to be that of the registered owner.
27. We will need to see and verify the deed document before a grave is re-opened. If the deed is lost or mislaid, then a statutory declaration must be made before the interment takes place.
28. We must receive the registrar's certificate for disposal or coroner's order for burial before any burial can take place.

We will require a medical practitioner, midwife, or nurse's certificate if the interment is for a non-viable foetus.

29. We reserve the right to delay or reschedule a funeral if any burial area or excavated grave becomes unstable or dangerous due to severe weather, other naturally occurring instances or an act of God.



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30. The responsibility for providing enough bearers to carry the coffin from the hearse to the grave or plot (whether mourners are present or not), rests with the funeral director or person arranging the funeral.
31. Once we have a notice of interment, we reserve the right to instruct a local memorial mason to remove any existing memorial to allow the grave to be excavated. The applicant will pay the cost of removal and reinstating of all effected stones.
32. We reserve the right of passage over all graves and to have any grave temporarily covered whilst carrying out excavations. Such covering may comprise of boxed platform, or similar, onto which excavated soil may be placed prior to a burial in an adjacent grave. We also reserve the right to move memorials to allow access to a grave. The memorials will be returned to their original positions and any disturbed neighbouring graves made tidy as soon as possible after the burial.
33. Only the council can authorise or employ people to prepare graves.
34. Council staff are not permitted to accept tips.
35. A council representative will be present at all interments to make the final checks to ensure the funeral is completed lawfully.
36. During a funeral (or before) we have the right to exclude those who are not mourners, or not officially connected with the funeral.
37. Newmarket Cemetery contains a children's grave section. We do not permit the interment of adults in children's graves in the children's section. Financial assistance is available from Central Government to families who have lost a child (under the age of 18) to allow choice with regards to burial and memorial options. Information and advice can be given by the Cemetery Manager.
38. Persons authorised by the council will normally carry out the back filling of any grave. However, if relatives and friends wish to do so, permission must be sought from the cemeteries office and the back filling must be carried out under the direction of a member of cemeteries staff or another authorised person. A risk assessment must be completed by the funeral director and sent to the cemeteries office at least two working days before the interment takes place

Management of memorials

39. We will give you the correct form to complete if you wish to apply for permission to erect a memorial, add an inscription or carry out any other work on a memorial including refurbishment, cleaning or like for like replacement. The form will include:
 - name and address of the memorial mason who will carry out the work.
 - material and measurements of the memorial.
 - details of inscription and a diagram of the proposed memorial, including fixing methods; and



- full names and signatures of the registered grave owner/s to give permission for the work.
40. Issuing a permit to work confirms that approval for any such application is given. The applicant must not start any work until they have a permit. We will give permission if the work undertaken fully complies with the details specified within the application form, the British Register of Accredited Memorial Masons (BRAMM) or National Association of Memorial Mason's (NAMM) schemes and the requirements of these regulations.
 41. You may be required to remove any work that you do, or any memorials or kerb sets – and pay all the costs of removal – if these do not comply with the cemetery regulations.
 42. All memorials must be erected in accordance with BS8415 and the National Association of Memorial Mason's (NAMM) or the British Register of Accredited Memorial Masons (BRAMM) Code of Practice current at the time of installation. The owner of the exclusive right of burial is responsible for keeping the memorial in a good and safe condition. The manager is permitted to instruct removal of any memorial that becomes unsafe or is otherwise dilapidated.
 43. All memorial mason companies who work within the cemeteries must be registered with the British Register of Accredited Memorial Masons (BRAMM) or National Association of Memorial Mason's (NAMM). Fixing teams will contain at least one mason in possession of a BRAMM or NAMM fixer's licence. At all times memorial fixing teams will operate in accordance with the BRAMM or NAMM scheme and these regulations.
 44. We do not permit any kerb sets in the lawned sections of Newmarket Cemetery.
 45. You may only use granite, marble, slate, or other suitable material of durable and sound quality for memorials.

Grave maintenance

46. Graves in all sections of the cemeteries will be grassed, with no mounds unless there is a kerb set fitted by a registered stonemason. You may install a memorial of the dimensions indicated below at the head of the grave. You may not place any other memorial or other items in or around the grave space or on the grassed area in front of the grave including shrubs, plants, and bulbs. Artificial grass is not to be laid on graves at any point after an interment has taken place or at any other time. Any artificial grass laid will be removed by site staff without notice. Graves in all sections of the cemeteries will be made good with turf or grass seed during the months that follows a burial. All sections of the cemetery will have natural grass covering the grave except in compartments where a kerb set is permissible.

Memorial sizes



47. Headstones and memorials must not exceed 975 millimetres (3'3") in height (above ground level); 750 millimetres (2'6") in width. The stone must be of sufficient thickness to support its height, and any reasonable force exerted upon it, to ensure its stability. The foundation must be sunk into the ground so that the top surface of is flush with, or below, the adjoining ground level. The foundation stone should have a projection of no more than 3 inches (75mm) to the length and width of the base and should be 3 inches (75mm) deep. All foundation stone dimensions should be included on the memorial application. Headstones, headstones bases, or foundations may not be linked over two or more graves.
48. A drilled base which should not exceed 3 feet in width, by 18 inches in depth and 6" in height, may accommodate:
- up to two flower containers; or
 - up to two natural stone vases not more than 300 millimetres (1'0") high and not more than 175 millimetres (7") square; or
 - a natural stone tablet, not more than 300 millimetres (1'0") high, not more than 300 millimetres (1'0") wide and not more than 50 millimetres (2") thick; or
 - up to two natural, reconstituted, stone figures, not more than 375 millimetres (1'3") high, provided the stone is not covered, coated in plastic, gilded, glazed, or painted.
- Any such vase, tablet or figure must not extend beyond the perimeter of the base.
49. Alternatively, a memorial may consist of:
- a natural stone vase not more than 300 millimetres x 225 millimetres x 225mm (1'0" x 9" x 9") fixed to a plinth not more than 300 millimetres x 300 millimetres x 50 millimetres (1'0" x 1'0" x 2") of the same material, fixed on a concrete foundation of the same dimensions as the plinth; or
 - a book or tablet not more than 300 millimetres x 300 millimetres x 50 millimetres (1'0" x 1'0" x 2") fixed to a base not more than 450 millimetres x 300 millimetres x 50 millimetres (1'6" x 1'0" x 2") of the same material, fixed on a concrete foundation of the same dimensions as the base or sufficiently wide to bridge the grave and rest on undisturbed ground. The base may be drilled to accommodate up to two flower containers or may incorporate two small vases or figures; or
 - a flat tablet not more than 300 millimetres x 300 millimetres x 50 millimetres (1'0" x 1'0" x 2") fixed to a concrete foundation of the same dimensions as the base or sufficiently wide to bridge the grave and rest on undisturbed ground.
 - a baby or child (up to the age of 12 years) memorial must not exceed the following dimensions. The head stone 24 inches high x 18 inches wide x 3 inches deep, the base 18 inches wide x 12 inches deep x 3 inches high and the landing 24 inches wide x 16 inches deep x 4 inches high.
50. You may fix photographic plaques, either ceramic or other material, of an approved size to memorials, if you have the council's written approval.



51. The grave number must be inscribed on all memorials erected in the cemetery, on the lower right corner of the rear of the base (or other conspicuous position as approved by the council), in characters of not less than 25 millimetres (1") in height, to match the main inscription.
52. Trade names must be inscribed on any memorial in the lower left corner of the rear of the base or other location approved by the council in characters of not more than 12 millimetres (1") in height, to match the main inscription.
53. All contractors engaged on work in the cemetery must comply with all council directions and requirements. Proof of Public Liability Insurance and membership to one of the national associations for memorial masons should be supplied to the cemeteries office prior to working in the cemetery
54. All materials and equipment must be conveyed in the cemetery in such a manner as to prevent damage to walks, paths, roads or turfed areas and all soil or waste material must be removed in a like manner. Mats, boards, or canvas must be used, as directed by the council, to achieve this end.
55. Masons must notify the council of intent to work in the cemeteries at least 24 hours before arrival at the cemetery. No work will be permitted outside of the opening times of the cemetery or at weekends unless specifically approved by the council.
56. Any person removing a memorial to permit a further interment may only do so after informing the council. This removal must be completed 3 full working days before the interment is due to take place. Failure to remove the stone within this time frame may result in the council appointing an alternative stone mason to carry out the work and the cost of which will be passed to the Funeral Director who has booked the interment. Upon reinstallation of such memorials, they shall be re-fixed in accordance with BS8415 and the National Association of Memorial Mason's or British Register of Accredited Memorial Masons Code of Practice, this will include the installation of new dowels between the base and headstone plate.
57. We will remove any unauthorised memorial and charge the cost to the grave owner, or their personal representative.
58. The Council advises that at least 12 months lapse between a full burial and the setting of a memorial headstone (unless there is a continuous headstone base). The Council will not accept responsibility for stone movement if the stone is fitted before the advised time frame.

Cremation gardens

59. You may purchase an exclusive right of burial for a period of 25 years. The term of exclusive right of burial may extended for a further 25 years subject to the appropriate fee being paid.

60. The only memorials permitted are a desk-type memorial or a flat tablet (subject to the council's approval). The colours of these memorials are restricted to black, dark grey and light grey only.
61. Up to two sets of cremated remains may be buried in each grave

Memorial benches

62. All benches placed in the cemetery must be purchased through the cemeteries office. Any new unauthorised benches (those not purchased through the cemeteries office) will be removed to a safe compound. The owner will be contacted to arrange removal.
63. All unauthorised benches placed in the cemeteries prior to 1 July 2017 will be allowed to remain in the cemetery until they are assessed by the council be no longer fit for purpose. At this point the bench would be removed to a safe compound and the owner will be contacted regarding the collection or disposal. Any unauthorised benches will be subject to the same terms and conditions as authorised benches. Any replacement benches must be approved and be purchased through the cemeteries office.
64. Anyone wishing to lease a dedication bench for a predetermined term will be asked to read and sign the terms and conditions set by the cemeteries office. If any of the terms and conditions of the bench lease are broken, then the bench would no longer be included in the maintenance programme and a further leasing period would not be offered.
65. The council may provide memorial benches at various locations within the cemetery, these benches maybe leased for an agreed period. The council reserves the right to relocate all benches on site to meet operational needs.
66. No other memorial or other items may be placed on the bench.

Memorial trees, roses, and shrubs

67. The council may provide trees, roses, and shrubs for dedication at locations within the cemetery, and you may lease memorial plaques from the council for a period of up to 15 years. It is prohibited to inter cremated remains within this type of memorial.
68. No other memorials or items may be placed on or around the tree area.

Public graves

69. A public grave is a grave in which no exclusive right of burial has been granted by the council and in which unrelated persons may be interred.

Maintenance

70. All floral tributes, including artificial will be removed two weeks following the interment unless we are told in writing that the family wish to arrange for their removal. It is



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forbidden to place glass containers or shades, items of pottery, tins, plastic or wire mesh fences or other items of metal, plastic, or other material on graves. The council may remove these without notice.

71. The council will remove Christmas wreaths from 1 February each year.
72. Temporary wooden markers are permitted subject to the council's approval. These should be removed from the grave if and when the permanent memorial headstone is set.
73. The council reserves the right to remove (and dispose of) from any grave space, flowers, plants, floral tributes, or wreaths which have deteriorated or become unsightly. All grassed areas of the cemeteries including graves will be cut with a mechanical mower and strimmer.
74. No floral tributes should be placed on graves which are not owned by the deceased family. If there are excessive amounts of tributes, they are to be placed at a location directed by the Cemetery Manager.
75. A fee for the removal of floral tributes may be levied by the Cemetery Manager where there are large amounts (over 20).

Scattering of cremated remains

76. The scattering of cremated remains on purchased or unpurchased graves, or in any other area in the cemetery is forbidden.

Repair of failed memorial headstones

77. Newmarket Town Council reserve the right to test all headstones for safety every five years or at any time if it is suspected that the stone maybe unsafe.
78. Memorial headstones that fail the safety test will be required to be repaired as soon as possible by the deed holder. If the repair is not undertaken within six months from notification, the council will fund the repair to the stone; this cost must then be repaid to the council before the exclusive right of burial is further exercised.

Photography in the cemetery

79. There have been instances where photographs and videos have been taken in the cemetery and have been posted on social media which has caused additional upset and distress to bereaved families. Due to this we request that anyone wishing to take photos in the cemetery first seek agreement from the cemeteries manager .

Oversized graves in lawn compartments



80. When purchasing a grave within a lawn compartment of the cemetery for a coffin or casket over 6 feet 10 inches or over in length or 30 inches or over in width, families must be aware that any proposed headstone dimensions will need to be the same as a standard sized grave. Larger memorials will not be authorised under any circumstances.

Balloons and sky lanterns

81. The release of air filled or helium balloons or sky lanterns from the cemetery is strictly forbidden due to the adverse effect the balloon material, cords, ribbons, and lantern parts potentially have on the environment. It is prohibited to bring any type of balloons into the cemetery to display on graves, headstones, benches or in trees.

Funerals requiring brick lined or vaulted graves

82. Booking interments into pre purchased or reopened graves to be brick lined or vaulted will be required to give the cemeteries office the minimum of 10 working days' notice. This work must be carried out by a qualified trades person who holds adequate public liability insurance, a copy of which must be supplied to cemeteries office.
83. Work carried out by third parties (i.e., stone masons, builders for bricking out of pre purchased graves) may only take place on Monday- Friday and within the opening times of the cemetery.

Double fees (non-resident fees)

84. Double fees will apply on all fees to those deceased who resided outside the Newmarket Town Council area. To qualify as a resident of the Newmarket Town Council area the deceased must have lived in the town during the last 5 years prior to their death and have paid their parish precept (council tax) to the Town Council. If a resident has been required to move out of the area for medical care, to a nursing or residential home due to no fault of their own, a single fee would apply. Proof of previous residency would be required by the Cemeteries office to arrive with the Notice of Interment. The only document that will be accepted is a Council Tax bill. It is the responsibility of the family or Funeral Director to provide the documentation, failure to do so will result in the payment of double fees.

From: Alexandra Price

Sent: 01 December 2022 11:17

To: events <events@newmarket.gov.uk>

Subject: Hire of the Severals and pavilion - Saturday 17th June 2023

Dear Christy,

I hope you are well.

Please can you check the diary to see if the Severals and the pavilion is free on Saturday 17th June 2023 from 4pm till midnight.

We are looking to hold the charity walk again and wanted to know if this was available as in previous years and also if the Town Council would consider letting us have it for free as this is a charity event.

If you could come back to me that would be appreciated.

Ali

Newmarket Summer Nights Walk,
Newmarket Charitable Foundation

Blank

Cathy Whitaker

From: Director@newmarketcharity.org
Sent: 16 January 2023 07:08
To: Cathy Whitaker
Subject: Cost of Living Fund

Cathy

We are looking to set aside a fund to address the Cost of Living crisis across the town (much like the Covid Fund), providing grants for organisations that are operating at the front line with regard to its impact (Citizens Advice, Reach, “warm space” providers etc.). Those organisations will then manage the dispersal of the funds at an individual level, having all the right checks and balances in place, and totally focused on beneficiaries within the town/local villages.

Do you think that this is something that the Town Council would be able to contribute to?

Dave



Dr David J Hall
Executive Director
07703 606682
director@newmarketcharity.org
www.newmarketcharity.org

Cost of Living Fund

The Newmarket Charitable Foundation has been managing a “COVID Fund” of over £100k, raised in the year following the initial lockdown in March 2000.

With over 30 donors making personal donations of £5 through to organisations contributing up to £50,000, the charity was able to manage the distribution of over 40 grants to a wide range of initiatives which then accessed a much wider group of beneficiaries, providing:

- PPE equipment
- Laptops for home learning
- Food
- Counselling
- Befriending
- Kitchen refurbishments
- Community projects
- Relief of hardship

Following the success of the COVID fund, the charity is now planning to set aside a fund to address the Cost of Living crisis across the town, providing grants for organisations that are operating at the front line with regard to its impact e.g. Citizens Advice Bureau, Open Door, Reach, “warm space” providers - a wide range of organisations that are configured to assist those in direct need of support in these tough times. Those organisations will then manage the dispersal of any grant at an individual level, having all the right checks and balances in place, and totally focused on beneficiaries within the town and local villages.

The charity will seed the fund with £10,000, but that will provide limited support and be rapidly exhausted. The aim is to secure support from other donors to attain a total fund in excess of £50,000.

Applications for funding will be made to the charity by any organisation that has systems in place to effectively vet and then address cases of hardship generated by the cost of living crisis i.e. addressing those that are in extreme need of support with day to days costs. The charity will review applications at its Community Committee which meets on a monthly basis – phasing the provision of grants in line with the immediate needs and the anticipated duration of the crisis.

**Re: Definitive Map & Statement for the Parish of Newmarket in the District of Forest Heath, Suffolk County Council (Parish of Newmarket) Modification Order 2018
ROW/3221975
Written Representations January 2023**

NEWMARKET TOWN COUNCIL

STATEMENT OF CASE (3)

JANUARY 2023

Unless otherwise stated, the same defined terms are used as in NTC's closing submissions dated 26 November 2020 and 24 February 2022.

Introduction

1. This statement of case is submitted pursuant to the Notice of Order circulated on 18 November 2022, relating to the above Order. The Inspector is highly familiar with the long-running background to this case (not least the two previous inquiries that have been held). In view of how matters have progressed, this statement of case does not rehearse previous arguments that have been made by Newmarket Town Council ("NTC"), all of which remain before the Inspector. Instead, NTC focuses solely on responding to the Network Rail's ("NR") most recent 18-page objection, dated 24 August 2022 (the "2022 Objection").¹
2. The 2022 Objection criticises the Inspector's second interim decision ("ID2"), dated 23 May 2022, in numerous and myriad ways, alleging multiple legal errors.² It should be noted at the outset, that NTC strongly disagrees with these allegations of legal error. The Inspector's ID2 is without legal flaw and NR's disagreement with the Inspector's

¹ NTC reserve the right to add to this statement of case in order to respond to any further new evidence and/or new argument put forward by any party in their statements of case.

² As did NR's previous 20-page objection, dated 13 May 2021, objecting to the Inspector's first interim decision ("ID1")

conclusion on the merits (no matter how fervently it may be felt) is not a sufficient basis to mount (or threaten) a legal challenge.

3. NTC does not respond here to each and every criticism raised by NR. It goes without saying that failure by NTC to respond to a given point must not be taken as any acceptance of it. NTC is a public body, responsible for managing public funds (as is NR), and in light of that responsibility NTC has taken a reasonable and proportionate approach, addressing only what it understands to be the key points raised by NR in their 2022 Objection, with a view to assisting the Inspector.

Section 16 RCCA and the “substitute” road argument

4. The 2022 Objection principally concerns NR’s arguments about the “substitute” road, i.e. NR’s contention that *if* public rights subsisted over the Crossing at the time the Railway was constructed,³ these would have been diverted onto Green Road, which NR allege was built specifically *as a substitute* for those rights.
5. Notably, NR accepts at #42 of the 2022 Objection, the Inspector’s distinction between two issues (in relation to this argument), both of which need to be resolved:
 - (i) “the capability of the railway company to divert the route”; and
 - (ii) “whether this actually occurred”.

(see ID2 at 28)

No new evidence on whether (any of this) actually occurred (point (ii))

6. For the avoidance of doubt, the 2022 Objection does not introduce any new evidence on point (ii). To the extent the 2022 Objection introduces new arguments, these solely relate to point (i). The Inspector will no doubt be aware of this. In particular, all that

³ To be clear, NR does not, on its principal case, consider this to be the case. NR’s principal case is that no public rights subsisted over the Crossing at the time the Railway was built (see e.g. NR’s closing submissions for the First Inquiry at #134(b) and NR’s closing submissions for the Second Inquiry at #1(b) and #70. As to the problems associated with these contradictory cases, see NTC’s closing submissions for the Second Inquiry at #31.

is said in #43 of the 2022 Objection is complete conjecture (without supporting evidence) and there is no point in NTC responding to it.

7. NTC has reiterated multiple times, that the Inspector must base his decision on the evidence and what that evidence shows on a balance of probabilities. NTC refers the Inspector back to ##27-32 of its closing submissions for the Second Inquiry, where NTC explains that NR has (still) not provided any positive evidence (whatsoever) to support their “substitute” road hypothesis. That remains the case.
8. In this statement of case, NTC address NR’s arguments on point (i) (i.e. “the capability of the railway company to divert the route”), strictly without prejudice to the above submissions.
9. The rest of this statement of case covers NTC’s understanding of NR’s (now) position on the statutory powers at issue and why NTC does not agree with NR’s interpretation. However, in order to best address these issues, NTC invite the Inspector to make clear in his final decision, what his decision would be *even if* NR’s position on the statutory powers is correct. In other words, NTC invite the Inspector to clarify whether it would make any difference to his decision, were he to agree with NR and find that the railway company was legally capable of diverting the route.

NR’s argument on the capability of the railway company to divert the route

10. In summary, NR alleges that the Inspector’s conclusions on the scope of section 16 of the RCCA (as read with section 25 of the 1846 Act) – and whether section 16 powers *could* have been used by the Railway Company to build the “substitute” road (i.e. Green Road) and the sidings (which NR argue are the reason it would have been necessary for any public rights to be diverted) in the way NR hypothesises took place – are flawed.
11. In particular, NR seems to take issue with what the Inspector has concluded at ID2 ##28-35, principally his conclusion that “*it is likely the Section 16 powers ceased to be applicable following the completion of the works to construct the railway*” (ID2 #35), which in turn was based on his conclusion at ID2 #34 that “*The implication to be drawn from Section 16 is that once the railway had been constructed the powers cease to be*

operative” and his further finding that “The opening of the railway to passenger traffic on 4 April 1848 indicates that the construction works for the railway were complete, or substantially complete, by that date and this is supported by the Railway Inspector’s report.”

12. To the best that NTC can understand the 2022 Objection,⁴ NR argue that the section 16 powers (which they say would have enabled both the construction of additional sidings at the location of the Crossing and the creation of Green Road) would not have ceased when the Railway was opened to the public, but would have continued to apply throughout the 7 years set by section 25 of the 1846 Act for the completion of the Railway,⁵ and, in fact, would have continued on indefinitely (see e.g. the 2022 Objection at ##20, 27-28, 34, 37 and 43(iv)).

13. That argument is put (it seems) on the basis that:

- a. The case of Emsley v North Eastern Railway Company [1896] 1 Ch. 418 held that the period allowed for completion of the railway in the relevant special act (the Leeds New Railway Station Act 1865) (in that case 5 years⁶) did not limit the ongoing use of section 16 powers beyond that period. [2022 Objection at #16(vi)]
- b. The date the Newmarket and Chesterford railway opened for public use (on 4 April 1848) had no bearing on when the railway was “completed” for purposes of section 25 of the 1846 Act; and when section 25 uses the term “complete[d]”, what it really means is “workable”. [2022 Objection at ##17-19, 21]

⁴ With all due respect to NR, NTC has not found it easy to understand all of the arguments that are now being put forward and, therefore, reserves the right to comment further should NR’s position be clarified.

⁵ For ease of reference, section 25 provides: “And be it enacted, That the Railway and Branch Railway shall be completed within Seven Years from the passing of this Act, and on the Expiration of such Period the Powers by this or the recited Acts granted to the Company for executing the Railway and Branch Railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the Railway and Branch Railway as shall then be completed.”

⁶ Section 36 of the Leeds New Railway Station Act 1865 stated (as quoted in the judgment of A L Smith LJ): “the railway by this Act authorized shall be completed within five years from the passing thereof, and on the expiration of that period the powers by this Act, or the Acts incorporated herewith, granted for executing the same ... shall cease to be exercised, except as to so much of that railway as shall then have been completed, and also except those powers which are by the same Acts, or any of them, declared to be continued, or which may lawfully be exercised for a longer period.”

- c. It is possible that (and indeed, NR say, it is the case that), it was always the intention of the Railway Company to continue with works to the railway, after the railway had been opened to the public for use, and that such works would have included the expansion of sidings at the location of the Crossing (such that that later development of sidings should be seen as part of the “construction” and “completion” of the Railway itself). [2022 Objection at ##22-24, 30, 35, 37-39]
 - d. The expansion of the sidings made it necessary for Green Road to be built, to enable the diversion of public rights away from the Crossing and to ensure that there was no non-compliance with section 47 RCCA (the gating requirement) over what would then have been multiple lines of rails.⁷ [2022 Objection at ##39 and 41]
 - e. Both (c) and (d) above would have taken place “within” the 7 year period under section 25 (i.e. by the end of 1853).⁸ [2022 Objection at ##43(i) and (iv)]
14. Overall, NR has been forced to argue (at #16(v) of the 2022 Objection) that when considering what is meant by “*constructing the railway*”, a very broad interpretation applies, such that the word “construction” entails a “*process of works*” up to the “*point of physical completeness*” (whatever that may mean) and that this “*process of construction*” will “*include any s.16 authorised act, occurring at a later stage of this process, up until construction is completed*”. In turn, NR has had to interpret section 16’s reference to “[*all other acts*] *necessary for making, maintaining, altering or repairing... the railway*” as seemingly including any ongoing works to the “*railway*”, which NR defines as broadly encompassing “*the operational, physical infrastructure comprised within the railway*”.
15. In other words, NR (it seems) argues that section 16 applies to any ongoing works to the railway (including alteration and substitution works) and at any time during the railway’s operation.⁹

⁷ As an aside, it is noted that NR now seem to accept that the railway only had 2 lines when it opened to the public (see the 2022 Objection at #38).

⁸ This is what NR appear to argue, but we note that it seems from NR’s arguments on the interpretation of section 16 that (c) and (d) could (according to NR) have taken place at any time.

⁹ It is possible that NR limits this reading of section 16 to those works which had been anticipated by the Railway Company when originally planning the railway (the 2022 Objection at ##23, 35) but that is not altogether clear.

16. Using that broad interpretation of the section 16 powers, NR can then argue that the section 16 powers could have covered both (i) any subsequent laying out of sidings at the Crossing (after the Railway had opened to the public in 1848) and (ii) the building of Green Road (which NR allege would have been built so as to transfer any public rights away from the Crossing and avoid non-compliance with section 47 of the RCCA due to the sidings). NR argues that section 16 can cover such works, whether these were carried out within the 7 year-period (i.e. up until 16 July 1853¹⁰) or indeed (it seems) anytime since the railway was built.

17. In order to properly respond to all of this, NTC first seeks to clarify the authorities relating to section 16 of the RCCA. This should be read alongside ##35-37 of NTC's closing submissions for the Second Inquiry (covering the Wycombe case).

Emsley:

18. NR has introduced the case of Emsley. Emsley concerned the building of a replacement parcel office at a station (Leeds), albeit on a different site to the original parcels office (see Emsley at 418). Two of the justices (Lindley LJ and A L Smith LJ¹¹) held that the powers under section 16 applied to the construction of the replacement building, notwithstanding that this work had taken place after the 5 year limitation period. This was principally based on the fact that section 16 included the power to “...*from time to time alter, repair, or discontinue the before-mentioned works or any of them, and substitute others in their stead;*”. In circumstances where the original parcel office had been constructed under the powers of the special act (i.e. the Leeds New Railway Station Act 1865),¹² section 16 continued to apply (indefinitely) to any alteration, or substitution of those works (and it did not matter that the new parcel office was not on the site of the old one) (see Emlsey per Lindley LJ at 428 and 430 and per A L Smith LJ at 434-436).

¹⁰ 7 years after the passing of the 1846 Act

¹¹ The third justice, Kay LJ, declined to determine this issue, see at 432.

¹² See Emsley at 419. There seems to have been no dispute on this point (that the original parcel office had been built pursuant to the special act's powers). In his judgment, A L Smith LJ further states at 433 “I am inclined to think that “the railway” in this section must be read as meaning “the railway and works,” because the interpretation clause of the Railways Clauses Consolidation Act, 1845, which is incorporated with the special Act of 1865, enacts that the expression “the railway” shall mean the railway and works by the special Act authorized to be constructed. It is not, however, in my view of this case, necessary to decide this point.” It seems obvious that the original parcel office had been built as part of the completion of “the railway” as so defined.

19. In many ways, this holding is stating the obvious, regarding the interpretation of section 16. It affords an ongoing alteration/amendment power to the various works that have been carried out pursuant to section 16 “*for the purpose of constructing the railway, or the accommodation works connected therewith*”¹³ and that ongoing alteration power will continue beyond the statutory limitation period for completing the railway.
20. However, it remains the case that for works to be covered by section 16, they must still be necessary for constructing the railway (as per the Wycombe case, see further NTC’s closing submissions for inquiry 2 at ##35-37). Emsley does not disturb Wycombe, in fact it refers to and relies on it (see Emsley per Lindsey LJ at 430¹⁴ and per A L Smith LJ at 434). A L Smith LJ clarifies as follows (Emsley at 433-435):

“Now, what is the true reading of s. 16 of the General Consolidation Act of 1845 It enacts that “subject to the provisions and restrictions in ... the special Act ... it shall be lawful for the company for the purpose of constructing the railway ... to execute any of the following works” (the letters are mine):—

...

And by clause (e) it is enacted that “the company may from time to time alter, repair, or discontinue the before-mentioned works or any of them, and substitute others in their stead.”

And by (f) they “may do all other acts necessary for making, maintaining, altering, or repairing, and using the railway.”

This last limb of this section (f) has been held to be in reality a proviso upon the whole section, for it has been held by the Court of Queen’s Bench in Reg. v. Wycombe Ry. Co., approved of in this Court in Pugh v. Golden Valley Ry. Co., that the works authorized by this section must be works necessary for making, maintaining, altering, or repairing, or using the railway. The important question now raised is whether, if these works have been constructed within the time limited for making the railway (in this case five years from the passing of the special Act), the company may from time to time, either within or after the five years, alter, repair, or discontinue any of such works and substitute others in their stead.

Take the case in hand, namely, that of a station built within the five years, and apply paragraph (e) to it. Paragraph (e) enacts that the company may from time to time (without any limit as to time—the words are “from time to time”) alter or discontinue a station and substitute another in its stead, and from time to time

¹³ See introduction to section 16, as quoted by the Inspector at ID2 32.

¹⁴ “It is said that this construction will lead to great abuse, but persons unavoidably injured are sufficiently protected by the compensation clauses and by the conditions with which the company must comply; for the section only protects the company when what it is doing is necessary for the purpose of constructing the railway and other authorized works: see Reg. v. Wycombe Ry. Co”

repair the same. This clearly applies to a part of as well as to the whole of a station.” (emphasis added)

[then follows the passage which NR quote at #16(vi) of the 2022 Objection¹⁵]

21. Not only does this extract reiterate that the “amendment power” in section 16 will only apply to works that have (themselves) been carried out within the relevant time-period (recall in Emsley there was no issue with this, as the station building had been built within the relevant 5 year period) but it further clarifies that all section 16 works must still meet the Wycombe test, i.e. be necessary for the construction of the railway. To be clear, there was no issue in Emsley that the new parcels office met the Wycombe test (see Emsley per Lindley LJ at 428 and per A L Smith LJ at 436).

Pugh:

22. What is more, the above quote from Emsley refers to the Court of Appeal authority of Pugh v Golden Valley Railway Company [1877 P 276], which upheld Wycombe. Notably, NR have not chosen to refer the Inspector to that authority also. We have appended it to this statement of case, as Appendix 1.

23. The headnote for Pugh gives a summary of its holding:

“The power conferred on a railway by the 16th section of the Railways Clauses Consolidation Act to divert the course of a river or road, “in order the more conveniently to carry the same over or under or by the side of the railway, as they may think proper,” is to be taken as cut down and qualified by the proviso that it be an act necessary for making, maintaining, altering, or repairing and using the railway.

Such a power, therefore, only authorizes such a diversion when the road or river presents an actual obstacle to the construction of the line, and not in a case where the diversion is merely for the purpose of saving the company expense.” (emphasis added)

¹⁵ i.e. “Why is this alteration, or discontinuance and substitution, or repair to be limited to the period of five years wherein the railway is to be constructed? It is said it is unreasonable to construe the section without this limit, for, if so, the company might alter or discontinue and substitute in its stead an inclined plane, or the course of a non-navigable river, or a street, or the drains mentioned in (c) after the five years. Why not, if such works become necessary for the maintenance and user of the railway, and which, indeed, might be so necessary, either for maintaining the railway itself or for carrying the traffic thereon which the public require to have carried, that without them the whole undertaking would become unworkable?

I see nothing unreasonable in this, and I cannot think that the suggested limited construction is the true one, and certainly no such limit is to be found in the paragraph itself.”

24. Pugh concerned a river that traversed (at multiple points) the proposed line of a railway. Instead of crossing the river multiple times, the railway company chose to stop up and divert the river into a channel parallel to the railway line. It was stated that if the company were not allowed to divert the river, their line would need to cross and re-cross it fifty-seven times in the course of ten miles. The railway company argued that section 16 enabled them to divert the river and that the diversion was necessary for the construction and maintenance of the railway.
25. The Court of Appeal disagreed.
26. Firstly, it considered Wycombe (which was not binding on the Court of Appeal) and chose to uphold it; affording it, what can only be described as a glowing endorsement (Pugh at 334-336):

“Viewed simply as the decision of a Court of first instance, the authority of this case [Wycombe], notwithstanding the respect due to the Judges who decided it, is not binding upon us; but, viewed in its character and practical results, it is one of a class of decisions which acquire a weight and effect beyond that which attaches to the relative position of the Court from which they proceed. It constitutes an authority which, after it has stood for so long a period unchallenged, should not, in the interests of public convenience, and having regard to the protection of private rights, be overruled by this Court except upon very special considerations. For twelve years and upwards the case has continued unshaken by any judicial decision or criticism as an authoritative exposition of the meaning of sect. 16 of the *Railways Clauses Consolidation Act, 1845*, in respect of the matter here in dispute. During such period hundreds of special Acts of Parliament have been passed sanctioning the construction of lines of railway and the consequent interference with private rights, and incorporating for that purpose the provisions of the general Act. Promoters must have sought their powers, landowners must have regulated their course of action, and parliamentary committees must have given their sanction to the projects submitted to them upon the faith and footing of a limit to the powers sought and conceded being found in the provisions of the general Act as interpreted from time to time by judicial decisions. If so, it is to be presumed that the limit put upon the powers of a railway company in regard to the diversion of roads and rivers by the decision of the Court of Queen’s Bench in *Reg. v. Wycombe Railway Company*, must have exercised a material influence upon the relations of persons owning land proposed to be affected by special railway legislation and the promoters of that legislation. As a matter of practical experience we cannot doubt that landowners would be advised as to these rights and the limits of the promoters’ powers, upon the assumption of the correctness of the law laid down after full argument and in clear and distinct terms by a Court so constituted as was the Court of Queen’s Bench in the case referred to, and whose decision, although open to appeal, was not appealed from; and we

cannot doubt also that parliamentary committees, in considering any question of protection to landowners in relation to rivers and roads, would be invited to proceed, and would proceed, upon the same assumption. While, therefore, in considering the rights of private parties in cases like the present, the Courts are on the one hand bound—as it has been held by the highest authority they are bound—to disregard any representations, whether in the shape of deposited plans or otherwise, made by promoters other than such as are embodied in the Act of Parliament, they ought, on the other hand, to be careful not lightly to disregard representations which may reasonably be said to be embodied in a special Act which incorporates the general Act after a particular interpretation of it has received judicial sanction, and contains no provisions from which can be collected any intention on the part of the Legislature or those who sought its interposition to question or impugn the correctness of that interpretation. To put the matter in another shape, the Courts should be careful not to overrule decisions which, not being manifestly erroneous and mischievous, have stood for some time unchallenged, and from their nature and the effect which they may reasonably be supposed to have produced upon the conduct of a large portion of the community, as well as of Parliament itself, in matters affecting rights of property, may fairly be treated as having passed into the category of established and recognised law.”

27. In other words, Wycombe had set key limitations as to the scope of section 16 powers (i.e. that such powers could only be used where they were necessary for the construction of the railway) which had become crucial for the ongoing relationship between the railway companies, landowners and, indeed, Parliament itself.

28. Secondly, the Court of Appeal stated a presumption in this area of law (at 336):

“There is a presumption, derived from the general current of legislation in regard to railway companies, and the care with which the powers intrusted to them have, as a rule, been limited to the strict necessities of their undertakings, against the intention of the Legislature to confer upon them such wide and unrestricted powers in regard to rivers and roads as those for which the Appellants contend. The protection of owners of property from unnecessary invasion of their rights has always been a cardinal point of parliamentary action in relation to private bills, and it is difficult to see how, in cases like the present, any protection would or could be adequately given if the diversion of roads and rivers were to be made to depend upon the uncertain considerations of economy and the mere possibilities of a railway company’s will.” (emphasis added)

29. This reiterates the very real limits of a railway company’s powers vis-à-vis affected landowners in the context of railway construction (and particularly in the context of diverting rivers and roads). We note that whilst Pugh focussed on landowners’ interests, the same point must surely apply to existing public rights.

30. Finally, Pugh makes clear that the powers in section 16 are limited to what is truly necessary for the “construction of the line of railway authorised by the special Act” and not to the ongoing convenience or economic interests of the railway company (at 337-338):

“...The authority to divert or alter a river or stream of water, or a road, street, or way, in order the more conveniently to carry the same over or under or by the side of the railway, implies that the company, in the first instance, is compelled, for the purpose of constructing its railway, to carry such river or stream of water, road, street, or way in some mode or another over or under or by the side of the railway; and if the language of the clause be construed, as it may reasonably be, and we think ought to be construed, *reddendo singula singulis*, its meaning becomes plain. A railway company in the course of the construction of the line of railway authorized by the special Act will, from time to time, arrive at a point where a river or stream of water, or a road, street, or way obstructs the further progress of the works. The course or level of the obstruction will be such as naturally to require its being carried sometimes over, at other times under, and at other times by the side of the railway, and, whichever of these three modes may in the particular instance be the mode of dealing with the obstruction naturally requiring to be adopted, the company may, in order the more conveniently to carry out that mode, alter, or divert the course, or raise or sink the level of the river or stream of water, or of the road, street, or way constituting the particular obstruction; and the exact manner in which, and extent to which, for the purpose mentioned, the company may carry out that alteration or diversion of the course, or raising or sinking of the level of the obstruction, is, by the words “as they may think proper,” left to their discretion, which the Courts will not interfere with if *bonâ fide* exercised. On the other hand, it is not open to a company to alter or divert the course, or raise or sink the level, of a river or stream of water, or of a road, street, or way, for the purpose merely of avoiding altogether, and thus saving themselves the expense of the execution of the work, whether it be of carrying it over or under or by the side of the railway, which the character and position of the obstruction naturally require. This view is in substantial accordance with that expressed by Lord *Blackburn*, then Mr. Justice *Blackburn*, in his judgment in the case of *Reg. v. Wycombe Railway Company*, and, adopting and applying *mutatis mutandis* his language, we are of opinion that if it was the Appellants’ intention to divert the river in the manner in which they have diverted it in this case, they ought to have given the proper notices and have obtained the insertion of a clause in their special Act giving them this power. (...)”

NR’s interpretation of section 16 is wrong

31. In light of all of the above, NTC maintains that NR’s broad interpretation of section 16 is incorrect and the Inspector’s interpretation of these powers was correct. In particular, the Inspector was (and is) perfectly entitled to conclude the following:

- a. The later construction of any sidings would not have constituted works that were truly “necessary” for the construction of the railway (nor the supposed building out of Green Road as a “substitute” road). The “construction” of the railway, on any plain sense meaning, must refer to the construction of the lines of railway authorised by the special act (i.e. the 1846 Act) and it is difficult to see how the railway could still have been being “constructed” (in any ordinary meaning of the term) after it had formally opened for use by the public.
 - b. The later construction of any sidings would not have constituted works that were truly works to “alter, repair, or discontinue [and substitute]” previous works that had been carried out for the construction of the railway. The building out of sidings did not alter the operational lines of railway; nor, did it replace them. Rather, these were additional (i.e. new) works entirely (contrast Emsley, where the new parcel office was a clear replacement (i.e. substitution) for the previously built office, which had itself been part of the construction works for the railway authorised by the special act).
32. As further support for this correct (and plain meaning) interpretation of section 16, it is worth noting that a number of real practical issues arise from NR’s interpretation. If NR is right, and the Railway Company had the powers to act in the way NR allege (i.e. after the railway had opened, the Railway Company went ahead constructing sidings, building Green Road and diverting public rights onto it), then it seems no public notice whatsoever would have had to have been given to the members of public affected. The public would not have been consulted on the change to their highway rights; nor, told when that change would take place. That cannot be correct and, indeed, flies in the face of other public notices of proposed changes to the railway near to or affecting highway rights caused by the railway company’s actions (see e.g. the public notices in 1851 and 1878 (as referred to in the Inspector’s first interim decision (“ID1”) at #33 and ##49-50). It also flies in the face of the tenor of the Court of Appeal’s decision in Pugh (notwithstanding Pugh was concerned with impacts on private rights).
33. In fact, this further supports the submission NTC previously made regarding the scope of section 16: namely, that it does not actually afford any powers to “downgrade” a

highway, but only the power to “divert or alter” a road’s “course” (see NTC’s closing submissions for the First Inquiry at 78(b), and NTC’s closing submissions for the Second Inquiry at 34). In reality, NR’s arguments on the “substitute” road rely on the idea that the rights over the Crossing were downgraded, such that only the *public rights* on Road 29 were diverted away from the Crossing, rather than the road itself. That is not truly a “diversion” of the “course” of a road. NTC maintain that point, which NR has failed to respond to.

Even if NR is right on the interpretation of section 16

34. As noted above, notwithstanding that NTC disagrees with NR’s interpretation of the relevant railways legislation, NTC nonetheless invites the Inspector to clarify what his decision would be (as to confirmation of the Order), *even if* NR is right about the scope of any section 16 powers and the capability of the Railway Company to have diverted rights onto Green Road.

35. Even if NR is right in contending that the Railway Company *could* have diverted public rights onto Green Road, NR is simply unable to show (on the evidence) that this is what actually took place.

36. On this:

- a. NTC reiterates all of the submissions it made at ##27-35 of its closing submissions for the Second Inquiry. Not least that the Inspector’s original conclusion at ID1 #47 that “*the lack of documentation means it cannot be determined what actually happened at the time in relation to the claimed route, which has continued to physically exist*”, remains entirely correct.
- b. All that the Inspector has said at ID2 #36, “[i]n terms of what actually happened”, remains entirely correct and has not been sensibly challenged by NR.
- c. It needs to be reiterated that NR only put forward the substitute road argument in the *alternative* to their primary case (that no public rights subsisted over the Crossing at the time the Railway was built). The inconsistency between these two cases has already been highlighted by NTC (see NTC’s closing submissions for the

First Inquiry at #74, and NTC's closing submissions for the Second Inquiry at #31) but the lack of any positive evidence to support NR's "substitute" road argument needs to be seen in this context.

- d. NR had initially relied heavily (during the First Inquiry) on the fact that the Railway Company had owned all the land necessary to build Green Road at the time the railway was completed, even going so far as to allege that the Inspector had erred in proceeding on the basis that additional land had needed to be acquired by the Railway Company (see NTC's closing submissions for the Second Inquiry at #31 and references therein). However, Mr Day had to then concede, during the Second Inquiry, that Mrs Emrys-Roberts was correct in saying that the Railway Company did not, in fact, own all the necessary land (by reference to the Muniments Plan (Appendix RER 3-5)) and there was no evidence to show that any compensation had been paid for the missing land in this case.¹⁶ So whilst NR may be able to show that the sidings were built on land owned by the Railway Company (see the 2022 Objection at #35), they cannot show that all of Green Road was.
- e. Moreover, as is correctly recognised by the Inspector throughout both his interim decision, the arguments put forward must be considered, having regard to all of the available evidence. Not least, it is hard to see how NR's "substitute" road theory can be reconciled with:
 - i. The Newmarket Railway Company's notice in the London Gazette on 8 November 1851, which specifically referred to the Crossing as a highway (see ID1 at ##33 and 41).
 - ii. The Great Eastern Railway's notice in the London Gazette in November 1878 referring to the proposed "extinction of any right of way over the railway at the present crossing" (see ID1 at #49).

Of course this is notwithstanding all the further documentary and user evidence supportive of significant public use which encompassed most of the period after the construction of the railway (see ID2 at #26).

¹⁶ See, again, NTC's closing submissions for the Second Inquiry at #31 and references included there.

Miscellaneous points

37. Further to the above, NTC make the following further comments on the 2022 Objection:

(1) *Ramblers Association v SSD*

38. At #43(viii), NR refer to the case of “R (oao the Ramblers Association) v Secretary of State for Defence [2007]”, referring back to NR’s closing submissions for the First Inquiry at #41, where this case was also referenced and it was stated “*an alternative route has to be provided to enable a stopping up to be implemented under section 16*”.¹⁷ NR criticise the Inspector for not acknowledging and applying it.

39. NTC can only assume that this is a reference to R (oao the Ramblers Association) v Secretary of State for Defence [2007] EWHC 1398 (Appendix 2).

40. That case concerns section 16, but not section 16 to the RCCA. Rather, it concerns section 16, and section 17, to the Defence Act 1842. This is an entirely different statutory context, affording specific statutory powers for the stopping up or diverting of public or private footpaths or bridle-roads where this is wanted for the service of the ordnance department, or for the defence of the realm. The case is, therefore, completely off point.

41. Notably, in contrast to section 16 of the RCCA, section 16 of the Defence Act 1842 uses far more specific language, in the context of public rights of way: “to stop up or divert any public or private footpaths or bridle-roads”. This can be contrasted with the wording of section 16 of the RCCA that (as discussed above) merely refers to powers to “alter or divert” the “course” of roads.

(2) *Green Road*

42. At #41 of the 2022 Objection, NR broadly assert that there was “*no other rationale for why the substitute road would have been constructed, and during the currency of the legal power to do so*” (i.e. no other rationale, beyond NR’s theory that it was built in order to divert public rights away from the Crossing, in the event that such rights subsisted on the Crossing, which NR say they did not).

¹⁷ See also NR’s closing submissions for the Second Inquiry at #38.

43. It perhaps goes without saying that roads are built all the time and for a myriad of reasons, not least to afford better connectivity within an expanding town centre, or to afford better accessibility for property frontages and new developments. NR cannot substantiate this statement.

(3) Statutory incompatibility

44. At #10(iii) of the 2022 Objection, on the issue of statutory incompatibility and NR's argument that there would have been incompatibility between dedication and (i) the safeguarding of public safety and (ii) the promotion of railway efficiency, NR assert that "*no objector advance any or any credible evidence, in challenge to NR's case which has amply made out both, separate purposes*)".

45. That is not accepted by NTC. The Inspector will be aware of NTC's submissions on the issue of statutory incompatibility, set out at ##151 et seq of NTC's closing submissions for the First Inquiry.

Conclusion

46. NTC supports the Inspector's ID2 (as well as ID1). NR have identified no legal flaw in either. For the reasons given above, NR's interpretation of the section 16 RCCA powers is incorrect; but more importantly, NR has provided no new evidence as to what actually occurred.

47. Even if NR's interpretation of the legislative provisions is correct, the Inspector should still confirm the Order on the basis of all the evidence before him.

48. As noted above, and with the hope of finally resolving this matter, NTC invite the Inspector to make clear that he would still have decided to confirm the Order, even if he were to accept all of NR's interpretation of the statutory provisions.

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incurred in winding up any company in such order of priority as the Court thinks just." That applies to costs incurred by the liquidator in the course of the winding-up. These costs were incurred by shareholders not representing the company. If they had succeeded they would have got their costs from the Defendants; but as they failed they must take the consequence. These costs are not costs in the winding-up, and ought not to be allowed out of the assets to be administered therein.

Solicitors: *W. Bohm; Cunliffe, Beaumont, & Davenport.*

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PUGH v. GOLDEN VALLEY RAILWAY COMPANY.

[1877 P. 276.]

Railway Company—Statutory Powers—Diversion of Non-navigable River—Necessity for Construction of Railway—Railways Clauses Consolidation Act 1845 (8 Vict. c. 20), s. 16.

The power conferred on a railway by the 16th section of the *Railways Clauses Consolidation Act* to divert the course of a river or road, "in order the more conveniently to carry the same over or under or by the side of the railway, as they may think proper," is to be taken as cut down and qualified by the proviso that it be an act necessary for making, maintaining, altering, or repairing and using the railway.

Such a power, therefore, only authorizes such a diversion when the road or river presents an actual obstacle to the construction of the line, and not in a case where the diversion is merely for the purpose of saving the company expense.

Reg. v. Wycombe Railway Company (1) followed and approved.

THIS was an appeal from a decision of Mr. Justice *Fry* (2).

The following is a short statement of the facts:—

The Defendant company had, under their private Act of Parliament (which incorporated the *Railways Clauses Consolidation Act*, 1845), constructed a line of railway down the *Golden Valley*, through which runs the river *Dore*, a non-navigable and very sinuous stream, its main course being from north to south.

The Plaintiff was tenant for life of a farm which was situate on the west side of the river, and was bounded by it.

(1) Law Rep. 2 Q. B. 310.

(2) 12 Ch. D. 274.

The railway, which was constructed upon an embankment, entered the Plaintiff's land from the north, and crossed the river at the point A in the plan shewn in the former report; then, after proceeding for some distance through land belonging to another landowner, recrossed the river at a point B marked on the plan. The river between the points A and B taking a considerable bend to the west. The Defendants, instead of crossing the river at these two points by bridges, stopped up the bed of the river by their embankment, and diverted the river by cutting, on the eastern side of the points A and B, a goit or channel parallel to the line of the railway. The material excavated from the goit was used in constructing their embankment. By this measure the greater part of the water of the river flowed down the goit, a small stream only running through the Plaintiff's land along the old bed, through a 12-inch pipe which the company placed under the embankment at point A and three 9-inch pipes at point B. The Court, both on the original hearing and also on the appeal, was satisfied that the stream was substantially injured, as the river, from being a fast-flowing stream, would become comparatively stagnant. As the Plaintiff, however, only required the water for the purpose of the watering of cattle, the Defendants contended that sufficient water flowed in the old bed for that purpose, and that their proceedings were justified by sect. 16 of the *Railways Clauses Consolidation Act*. It was stated that if the company were not allowed to divert the river, their line must cross and recross it fifty-seven times in the course of ten miles.

The Plaintiff, by his statement of claim, alleged that the diversion was not a necessary, but only a more economical course to adopt in the construction of the railway, and claimed an injunction to restrain the Defendants from continuing to obstruct by their embankment the natural flow of the river, and from diverting it into the channel or goit, and damages.

The Defendants contended that their conduct was authorized by sect. 16 of the *Railways Clauses Consolidation Act*, 1845, and that the diversion was necessary for the construction and maintenance of their railway.

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Mr. Justice FRY, feeling himself bound by the decision of the

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Court of Queen's Bench in *Reg. v. Wycombe Railway Company* (1), granted the injunction, at the same time intimating that in his opinion the terms of the section seemed to give some justification to the Defendants for their proceedings.

The company appealed.

Davey, Q.C., and *Speed*, for the company.

Robinson, Q.C., and *Maclean*, for the Plaintiff.

The arguments used in the Court below were repeated, and turned mainly on the construction of the 16th section and the interpretation put on it by the case of *Reg. v. Wycombe Railway Company*. In addition to the cases cited below, the following cases were referred to. As to the exercise of their powers by companies, *Marquis of Salisbury v. Great Northern Railway Company* (2); *Odessa Tramways Company v. Mendel* (3); *Lamb v. North London Railway Company* (4); *Webb v. Manchester and Leeds Railway Company* (5); *Eastern Counties Railway Company v. Hawkes* (6). Upon the question of the effect of deposited plans, *North British Railway Company v. Tod* (7); and upon the question of mandatory injunction as opposed to damages: *Isenberg v. East India House Estate Company* (8); *Duke of Bedford v. Dawson* (9); *Durell v. Pritchard* (10); *Krehl v. Burrell* (11); and upon the question as to what is a reasonable supply of water, the judgment of Baron Parke in *Embrey v. Owen* (12).

July 2. THESIGER, L.J., now delivered the judgment of the Court (*James, Cotton, and Thesiger*, L.JJ.) as follows:—

The Appellants in this case are a railway company who, in the course of making a line of railway, had occasion to form an

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| (1) Law Rep. 2 Q. B. 310. | (7) 12 Cl. & F. 722; 4 Railw. Cas. |
| (2) 5 C. B. (N.S.) 174; 28 L. J. 449. | |
| (C.P.) 40. | (8) 3 D. J. & S. 263. |
| (3) 8 Ch. D. 235, 247. | (9) Law Rep. 20 Eq. 353. |
| (4) Law Rep. 4 Ch. 522. | (10) Ibid. 1 Ch. 244. |
| (5) 4 My. & Cr. 116, 120. | (11) 11 Ch. D. 146. |
| (6) 5 H. L. C. 331. | (12) 6 Ex. 353, 370. |

embankment, and requiring earth for the purpose, and, being at the same time minded to save the expense of constructing bridges over a small and winding river which lay in the course of their line, cut a channel or goit of about three or four hundred yards in length, from the excavation of which they obtained earth for their embankment, and into which, when excavated, they diverted water which would otherwise have flowed in the old bed of the river between the points of commencement and termination of the goit. They inserted, however, in their embankment a 12-inch pipe through which, as it is alleged by them, they supplied to the old bed sufficient water to meet all the wants of the Plaintiff, who is the owner of the bed and proprietor of the land which lies along the banks of the river between the points referred to. In dealing with the case in the Court below, Mr. Justice *Fry* prefaced his judgment by stating that it was not in controversy that some injury had been done to the Plaintiff by the diversion of the stream—that that which had been formerly a pleasant and free flowing stream would probably, by the operations of the Defendants, be turned into a sluggish stream with reeds and rushes and other weeds growing in it, and although before us there has been some slight attempt to put that in controversy which appears to have been admitted in the Court below, we entertain no doubt that the Defendants' operations have caused a substantial diversion or alteration in the course of the river, and that the Plaintiff has thereby sustained an injury of such a character as to entitle her to an injunction unless, either by any conduct on her part she has precluded herself from claiming it, or, from the nature of the works completed by the Defendants before objection, the case is one in which the Court would refuse a mandatory injunction to restore things to their former condition, or, lastly, the Defendants can justify what they have done under their statutory powers.

There is no ground for imputing any laches to the Plaintiff in the matter of her complaint. Upon the evidence it must be taken that she was unaware of the proposed interference with the river until the works which resulted in such interference were completed; and the delay between the time of her becoming aware of the interference and commencement of the action is

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C. A. fully accounted for by negotiations for an amicable settlement of
 1880 the dispute between her and the Defendants which filled up that
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As regards the works themselves, there is no evidence from which we can collect any valid reason, on the score of expense or otherwise, why the injunction granted by Mr. Justice *Fry* should be discharged; and the matter for consideration and decision really resolves itself into the one important question whether the Defendants were entitled to do what they have done under the powers conferred upon them by the *Railways Clauses Consolidation Act*, 1845, s. 16. Upon this question there is authority by which Mr. Justice *Fry* properly considered himself bound. In the year 1867 the case of *Reg. v. Wycombe Railway Company* (1) came before the Court of Queen's Bench, then composed of the Lord Chief Justice and Justices *Blackburn*, *Mellor*, and *Lush*. The subject-matter of dispute in that case was the diversion of a public road, and to such a road there are no doubt sections in the *Railways Clauses Consolidation Act*, 1845, other than sect. 16, applicable, which are not applicable to a river. But the Judges of the Court of Queen's Bench one and all rested their decision solely upon sect. 16, and upon reasons which were equally applicable to a river as to a road. And the case is in principle a distinct authority for the proposition that in such circumstances as those which exist in the present case, the diversion of a river is unjustifiable. Viewed simply as the decision of a Court of first instance, the authority of this case, notwithstanding the respect due to the Judges who decided it, is not binding upon us; but, viewed in its character and practical results, it is one of a class of decisions which acquire a weight and effect beyond that which attaches to the relative position of the Court from which they proceed. It constitutes an authority which, after it has stood for so long a period unchallenged, should not, in the interests of public convenience, and having regard to the protection of private rights, be overruled by this Court except upon very special considerations. For twelve years and upwards the case has continued unshaken by any judicial decision or criticism as an authoritative exposition of the meaning of sect. 16 of the *Railways Clauses Consolidation*

(1) Law Rep. 2 Q. B. 310.

Act, 1845, in respect of the matter here in dispute. During such period hundreds of special Acts of Parliament have been passed sanctioning the construction of lines of railway and the consequent interference with private rights, and incorporating for that purpose the provisions of the general Act. Promoters must have sought their powers, landowners must have regulated their course of action, and parliamentary committees must have given their sanction to the projects submitted to them upon the faith and footing of a limit to the powers sought and conceded being found in the provisions of the general Act as interpreted from time to time by judicial decisions. If so, it is to be presumed that the limit put upon the powers of a railway company in regard to the diversion of roads and rivers by the decision of the Court of Queen's Bench in *Reg. v. Wycombe Railway Company* (1), must have exercised a material influence upon the relations of persons owning land proposed to be affected by special railway legislation and the promoters of that legislation. As a matter of practical experience we cannot doubt that landowners would be advised as to these rights and the limits of the promoters' powers, upon the assumption of the correctness of the law laid down after full argument and in clear and distinct terms by a Court so constituted as was the Court of Queen's Bench in the case referred to, and whose decision, although open to appeal, was not appealed from; and we cannot doubt also that parliamentary committees, in considering any question of protection to landowners in relation to rivers and roads, would be invited to proceed, and would proceed, upon the same assumption. While, therefore, in considering the rights of private parties in cases like the present, the Courts are on the one hand bound—as it has been held by the highest authority they are bound—to disregard any representations, whether in the shape of deposited plans or otherwise, made by promoters other than such as are embodied in the Act of Parliament, they ought, on the other hand, to be careful not lightly to disregard representations which may reasonably be said to be embodied in a special Act which incorporates the general Act after a particular interpretation of it has received judicial sanction, and contains no provisions from which can be collected any intention on the

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part of the Legislature or those who sought its interposition to question or impugn the correctness of that interpretation. To put the matter in another shape, the Courts should be careful not to overrule decisions which, not being manifestly erroneous and mischievous, have stood for some time unchallenged, and from their nature and the effect which they may reasonably be supposed to have produced upon the conduct of a large portion of the community, as well as of Parliament itself, in matters affecting rights of property, may fairly be treated as having passed into the category of established and recognised law.

But although we have thought it right to express these views in regard to the authority of the case of *Reg. v. Wycombe Railway Company* (1), we do not feel ourselves compelled to rest our decision mainly upon them. The language of sect. 16 of the *Railways Clauses Consolidation Act*, 1845, is not altogether as clear as might be desired, and there may possibly be cases in which the strict carrying out of the construction adopted by the Judges of the Queen's Bench will present some difficulty. But we think, nevertheless, that they arrived at a sound conclusion upon the matter. There is a presumption, derived from the general current of legislation in regard to railway companies, and the care with which the powers intrusted to them have, as a rule, been limited to the strict necessities of their undertakings, against the intention of the Legislature to confer upon them such wide and unrestricted powers in regard to rivers and roads as those for which the Appellants contend. The protection of owners of property from unnecessary invasion of their rights has always been a cardinal point of parliamentary action in relation to private bills, and it is difficult to see how, in cases like the present, any protection would or could be adequately given if the diversion of roads and rivers were to be made to depend upon the uncertain considerations of economy and the mere possibilities of a railway company's will. The right to compensation in the shape of money payment might in such cases be wholly insufficient to meet the injury inflicted by such diversion, and yet parliamentary committees could hardly take upon themselves to override the provisions of the general Act, and would in any event have a difficulty in specially pro-

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viding for or against injuries which from the nature of the case must be wholly uncertain in their incidence. But it is said on the part of the Appellants that this presumption, which, we may observe in passing, was strongly relied on by the Lord Chief Justice in the case quoted, is sufficiently met and is overcome by the language of the section in question. Reliance is specially placed on the words, "in order the more conveniently to carry the same over or under or by the side of the railway," and the additional words, "as they may think proper," which close that part of the section, upon which the Appellants found their right to do what they have done. It is argued on their behalf that from this language may and should be collected a power on the part of a railway company to do what is authorized, not merely in the course of executing and for the purpose of more conveniently executing the particular work of carrying a river or stream of water, or a road, street, or way, either over or under or by the side of the railway, according as the physical character and position of the obstruction would naturally require, but independently of and as a substitute for, and, if thought proper, for the purpose of saving the expense of the execution of that particular work at all. To us, however, it appears that the expressions relied on do not in any way warrant this contention, and that the earlier of them leads to an entirely opposite inference to that which we are asked to draw from it. The authority to divert or alter a river or stream of water, or a road, street, or way, in order the more conveniently to carry the same over or under or by the side of the railway, implies that the company, in the first instance, is compelled, for the purpose of constructing its railway, to carry such river or stream of water, road, street, or way in some mode or another over or under or by the side of the railway; and if the language of the clause be construed, as it may reasonably be, and we think ought to be construed, *reddendo singula singulis*, its meaning becomes plain. A railway company in the course of the construction of the line of railway authorized by the special Act will, from time to time, arrive at a point where a river or stream of water, or a road, street, or way obstructs the further progress of the works. The course or level of the obstruction will be such as naturally to require its being carried sometimes over, at other

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times under, and at other times by the side of the railway, and, whichever of these three modes may in the particular instance be the mode of dealing with the obstruction naturally requiring to be adopted, the company may, in order the more conveniently to carry out that mode, alter, or divert the course, or raise or sink the level of the river or stream of water, or of the road, street, or way constituting the particular obstruction; and the exact manner in which, and extent to which, for the purpose mentioned, the company may carry out that alteration or diversion of the course, or raising or sinking of the level of the obstruction, is, by the words "as they may think proper," left to their discretion, which the Courts will not interfere with if *bonâ fide* exercised. On the other hand, it is not open to a company to alter or divert the course, or raise or sink the level, of a river or stream of water, or of a road, street, or way, for the purpose merely of avoiding altogether, and thus saving themselves the expense of the execution of the work, whether it be of carrying it over or under or by the side of the railway, which the character and position of the obstruction naturally require. This view is in substantial accordance with that expressed by Lord *Blackburn*, then Mr. Justice *Blackburn*, in his judgment in the case of *Reg. v. Wycombe Railway Company*, and, adopting and applying *mutatis mutandis* his language (1), we are of opinion that if it was the Appellants' intention to divert the river in the manner in which they have diverted it in this case, they ought to have given the proper notices and have obtained the insertion of a clause in their special Act giving them this power. Entertaining this opinion, it becomes unnecessary for us to decide whether, as was contended on the part of the Respondents, the river in question was, as a matter of fact or as a matter of law, beyond the limits within which, under sect. 16 of the general Act, an alteration or diversion could take place, and the appeal must, for the reasons given, be dismissed with costs.

Solicitors for Appellants: *Roberts & Barlow*, agents for *James & Bodenham, Hereford*.

Solicitor for Respondent: *I. H. Wrentmore*, agent for *James & Co., Merthyr Tydvil*.

(1) Law Rep. 2 Q. B. 323.

CO/9972/2005

Neutral Citation Number: [2007] EWHC 1398 (Admin)
IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
THE ADMINISTRATIVE COURT

Royal Courts of Justice
Strand
London WC2

Monday, 21st May 2007

B E F O R E:

MR JUSTICE SULLIVAN

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THE QUEEN ON THE APPLICATION OF THE RAMBLERS ASSOCIATION
(CLAIMANT)

-v-

SECRETARY OF STATE FOR DEFENCE
(DEFENDANT)

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MISS R CRAIL (instructed by Zermansky & Partners) appeared on behalf of the
CLAIMANT

MISS N LIEVEN QC (instructed by the Treasury Solicitor) appeared on behalf of the
DEFENDANT

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J U D G M E N T
(As Approved by the Court)

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1. MR JUSTICE SULLIVAN: This is an application for judicial review of the stopping up of Mildenhall Footpath No 28 in Suffolk by the defendant purportedly under powers conferred on him by sections 16 and 17 of the Defence Act 1842 ("the Act"). Sections 16 and 17 as subsequently amended are in these terms:

"16 . . . it shall be lawful for the principal officers of her Majesty's ordnance for the time being to enter on, survey, and mark out, or to cause to be surveyed and marked out, any lands, buildings, or other hereditaments or easements wanted for the service of the ordnance department, or for the defence of the realm, or to stop up or divert any public or private footpaths or bridle-roads, and to treat and agree with the owner or owners of such lands, buildings, hereditaments, or easements, or with any person or persons interested therein, either for the absolute purchase thereof, or for the possession or use thereof during such time as the exigence of the public service require.

17 Provided always . . . that whenever any footpath or bridle-road shall be stopped up as aforesaid, another path or road shall be provided and made in lieu thereof respectively, at the expense of the ordnance department, and at such convenient distance therefrom as to the principal officers of her Majesty's ordnance for the time being shall seem proper and necessary."

2. The powers of the ordnance department now vest in the defendant. While the Act makes provision for the stopping up of footpaths and for the provision of another path in lieu, it does not make any provision for the publication of any formal order or notice to that effect. The defendant therefore set out his decision and the reasons for it in a non-statutory Footpath Decision Paper which was published on 5th September 2005. Annex 3 to that paper is a public notice giving details of the stopping up and the replacement footpath.
3. Footpath 28 runs from point A on the map referred to in the decision paper on a public highway known as Hurdle Drove, across land in Ministry of Defence ownership, around part of RAF Mildenhall, to a point X within the base. There it joins up with another highway which has been temporarily closed by the Suffolk County Council as highway authority under other statutory powers. The temporarily closed length of highway leads from point X to point J on another highway, the A1101. The replacement path runs between point A and point E on Hurdle Drove, then between point E and point F on New Road, and then between point F and point J on the A1101. It is common ground that the replacement path runs for its entire length along existing public highways, principally the C603 and the A1101.
4. The claimant challenges the defendant's decision on two grounds. First, it is said that the power conferred by section 16 is not a freestanding power to stop up or divert footpaths or bridle-ways (referred to as bridle-roads in the Act). The power to stop up or divert may be used only in respect of land which is in the process of being acquired under section 16. Second, it is said that the defendant has not "provided and made"

another path in lieu of the stopped up Footpath 28. He has simply told members of the public that there is an alternative route that they can use to get between point A and point J via the existing highway network. As a subsidiary part of this second ground of challenge, the claimant contends that (a) what replaces a footpath must be a footpath and no more, ie, it would not be lawful for the defendant to provide under section 17 a replacement bridleway in lieu of a stopped up footpath; and (b) initially at least, it was submitted that the whole of the replacement path had to be new, ie, it was not permissible to utilise any part of the existing highway network. Subsequently, this submission was modified to acknowledge that while part of the alternative route may utilise the existing highway network, the replacement path must be "in substance" a new route. The end result must be that members of the public do not suffer any or any significant loss of footpath or bridleway.

5. The defendant accepts that the power to stop up or divert footpaths and bridle-ways under section 16 must be exercised for defence of the realm purposes. Thus it would not be lawful for the defendant to exercise section 16 powers simply because he considered that it would be advantageous to do so on, for example, highway or town and country planning grounds. However, the defendant submits that is the only constraint on the stopping up and diversion power contained in section 16. The power relates to 'any' land and not just to land which either is being or has been acquired under section 16 of the Act, or other enactments enabling land to be acquired or used for defence of the realm purposes.
6. In respect of ground two, it is submitted that the effect of section 17 is that there must be an alternative route available to the public at such convenient distance as the defendant considers proper and necessary. It is permissible to take into consideration the existing highway network in deciding what shall be provided by way of the replacement, and once it is accepted that it is permissible to incorporate the existing highway network into part at least of the path that is to be provided in lieu, then it is submitted there is no reason why the whole of the path to be provided in lieu should not be provided by the existing highway network. If the matter was simply one of degree then one could have the position, for example, where the provision of a relatively short length of 'cut off' at the corner where New Road joins the A1101 would mean that there would be a lawful replacement within section 17. It is submitted that the fact that this can be done means that there would be absurd consequences which should be avoided by recognising that the whole of the replacement path may be provided via the existing highway network.
7. There are no authorities dealing with these powers, although the scope of section 16 was considered by the House of Lords in **Attorney General v De Keyser's Royal Hotel Ltd** [1920] AC 508. Lord Moulton said at pages 550 to 551:

"This Act gives very wide powers to the Crown. It has unrestricted powers of selection of the necessary lands, buildings, et cetera to be taken. It contemplates in the first instance voluntary purchase, but, if that cannot be arranged, then the lands, et cetera, may be acquired compulsorily subject to certain certificates being obtained as to the necessity or expediency of the acquisition or in case of actual invasion. I

am satisfied that it enables the Crown to acquire either the property or the possession or use of it as it may need. In all cases compensation is to be paid by the Crown, the amount to be settled by a jury."

At page 553, he said this:

"But towards the beginning of the last century the Acts take on a more general and permanent form, and eventually they culminate in the Defence Act 1842, which gives to the Crown, through its properly appointed officials, the widest possible powers of taking land and buildings needed for the defence of the realm under a minutely defined procedure set out in the Act. It contemplates, as I have already said, that the acquisition shall, as a rule, be by agreement, but it gives ample powers of compulsory acquisition if the necessity be duly vouched, or in the case of an actual invasion. In all cases compensation for the taking or using of the land by the Crown is to be decided by a jury . . . "

8. Against this background it is convenient to deal with the grounds of challenge in reverse order. Firstly, I do not accept the submission that was at one time advanced on behalf of the claimant that in providing and making another path in lieu of the path that has been stopped up, the defendant is not entitled to have regard to the existing highway network and to utilise part or parts of that network. If, as in the present case, the stopped up footpath links two highways, there is no sensible reason why the replacement path should not require the walker (or the rider in the case of a bridleway) to walk or ride some distance along those existing highways at either end before traversing a new replacement link between them. Indeed, it may be essential to use some part of the existing highway network to reach the terminus points of the stopped up footpath or bridleway if, for example, the path that has been stopped up runs through the middle of a military establishment which is bounded on two sides by roads. The replacement path will then have to be diverted around the establishment. It may well be necessary to use the existing highway network as part of the diverted route, in order to do so.
9. Looking at the facts of the present case, it is difficult to see how any replacement path made or provided in lieu of the stopped up path between points A and X, and ultimately point J, could be provided without using at least part of the existing highway network on the A1101 leading to point J. At point A on Hurdle Drove it might, theoretically, be possible to strike out immediately across the fields in the general direction of point J. That would not be possible at point J, given the surrounding development alongside the A1101.
10. The submission that there should be no loss to the public of footpath or bridleway is an anachronistic approach to section 17. In 1842, Parliament's concern was not that members of the public should be able to explore the public path network for leisure purposes so that there should be no reduction in its extent, but that the public should have a reasonably convenient replacement path. The replacement path might be longer or it might be shorter. In 1842 the latter would probably have been the preferable option. If it is possible to create a more convenient path between the two terminus

points by constructing a length of new path shorter than the length of path that has been stopped up, then there is no sensible reason why such a course would not be within the scope of section 17.

11. Nor do I accept the other subsidiary submission advanced by the claimant that a highway upon which there is a right of passage by vehicles as well as on foot cannot form part of the path that is provided and made in lieu of the footpath that has been stopped up. In this context, the greater includes the less. In **Suffolk County Council v Mason** [1979] AC 705, Lord Diplock described the position of common law thus at pages 709H to 710A:

"The law of highways forms one of the most ancient parts of the common law. At common law highways are of three kinds according to the degree of restriction of the public rights of passage over them. A full highway or 'cartway' is one over which the public have rights of way (1) on foot, (2) riding on or accompanied by a beast of burden and (3) with vehicles and cattle. A 'bridleway' is a highway over which the rights of passage are cut down by the exclusion of the right of passage with vehicles and sometimes, though not invariably, the exclusion of the right of driftway, ie, driving cattle, while a footpath is one over which the only public right of passage is on foot."

12. Bearing in mind the underlying focus of section 17 and the fact that Parliament in 1842 was not concerned with countryside recreation but with ease of access between two points, the public could not complain if their public right of passage was enlarged rather than restricted under section 17; for example, if in lieu of a footpath a bridleway was provided, since the bridleway would include not merely the right to ride along the way but also a right of way on foot. Similarly, if a full highway or cartway was provided in lieu of a footpath or a bridleway, the public right of passage would be enlarged because such a way would include a right of way on foot as well as the additional rights described by Lord Diplock. On the other hand, the public could certainly have complained if a bridle-road was stopped up and what was provided in lieu was simply a footpath. That would be an unlawful restriction of the public right of passage.
13. For these reasons, I do not accept the subsidiary arguments advanced by the claimant in support of the second ground of challenge. However, I do accept the claimant's principal submission under this ground, that in simply telling the public that they can use the existing highway network to get between points A and J, the defendant has not "provided and made" another path in lieu of Footpath 28 which has been stopped up. Section 17 is expressed in peremptory terms. A replacement path or road 'shall' 'always' be 'provided and made' at the expense of the ordnance department (now the defendant). That duty is not removed merely because the defendant considers that, given the existing highway network, it is unnecessary to incur expenditure on providing a replacement path in lieu.
14. On behalf of the defendant, Miss Lieven QC submitted that such a construction of the section would produce absurd results. If that is the case, then so be it. The fact that it may be possible to discharge the duty imposed by section 17 by providing and making

a relatively short stretch of new path at the expense of the ordnance department, does not provide any ground whatsoever for abrogating the clear statutory duty. Given the particular circumstances of this case, where it is accepted that the whole of the replacement path runs along the existing highway network, it is unnecessary to resolve the issue raised by the claimant: how much of the replacement path must be newly constructed in order to comply with section 17? Inevitably, this will be a question of fact and degree, in each case, as with the question: how many hairs has a beard? In the present case, since there are no hairs, there is no beard. It follows that the decision taken by the defendant was unlawful.

15. In the circumstances, ground one is academic. There would seem to be four possibilities: first, that the stopping up and diversion power is confined to land which is in the process of being acquired under section 16 of the Act (the claimant's submission); second, that it is confined to land which either is being or has been acquired under section 16 of the Act; third, that it relates to footpaths or bridleways on any land, whether or not that land is being or has been acquired under section 16; and fourth (though this was not argued on behalf of the defendant) that it is a general power to stop up any footpaths and bridle-roads on any land for any purpose whatsoever.
16. Looking at the first of those possibilities I can see no sensible reason to constrain the section 16 power to footpaths that are crossing land whilst that land is actually in the process of being acquired under section 16. It is unnecessary to read such a limitation into the section and there is no sensible reason why the power should not extend to land which has been acquired under section 16. The existence of public rights of way in days long before the existence of definitive maps might not have been apparent during the course of acquisition. Can it sensibly be said that having acquired land under section 16 and then having discovered that there is a public footpath or bridle-road across it, the defendant would have no power under section 16 to stop or divert the bridleway or footpath because the acquisition had been completed under section 16? Similarly, the practical problems created by the existence of a footpath or bridleway might be realised only some time after a purchase had been completed, for example, when a detailed layout was prepared, or when it was desired to alter the layout of the land for defence purposes. I do not accept the claimants' submission that in such circumstances the section 16 power could not be utilised because the power lasts only for so long as the land is being acquired under section 16?
17. It seems to me, therefore, that the real issue is whether the stopping up power relates simply to land which is being and/or has been acquired under section 16 or whether it is a more general power to stop up or divert any public or private footpaths or bridle-roads for defence of the realm purposes. In the context of this case, this point is doubly academic, (a) because of my views in respect of ground two above, and (b) because the land in question is Ministry of Defence land. It is to be assumed, therefore, that such land has been acquired and/or is now held for defence of the realm purposes. Nevertheless, submissions having been made, I will express my views on this issue. I prefer the submissions of Miss Lieven for the defendant. While I readily accept that the stopping up and diversion power is not a freestanding power in the sense that it may not be used for any statutory purpose other than for the purpose of defence of the realm, I see no reason why the power should be confined to land that is or has been acquired

under section 16. On behalf of the claimant, Miss Crail referred to the fact that the procedure under section 16 was described by Lord Moulton as "a minutely defined procedure". So it is, at least by the standards of the time. However, it will be noted that section 16 contains a power to acquire not merely lands and buildings and other hereditaments but also easements that are wanted for the service of the ordnance department or for the defence of the realm.

18. The fact that there is a quite separate power to stop up or divert not merely public footpaths or bridle-roads but private footpaths or bridle-roads suggests that this separate power may be used to stop up or divert private footpaths or bridle-roads that are not being acquired as easements as part of the land acquisition process under section 16 of the Act. This suggests that the stopping up power extends to other land, ie, land that is not about to be acquired under section 16. The draftsman of section 16 could have added the words "on such land" after the words "to stop up or divert any public or private footpaths or bridle-roads", but he did not do so. There may well be a good reason for stopping up a footpath on land adjoining the land to be acquired under section 16 because, for example, it overlooks the land to be acquired.
19. In the circumstances, I accept Miss Lieven's submission that there is no reason not to give the word "any" its normal meaning, particularly bearing in mind two factors: (a) the public interest is protected by section 17, so that while there can be no compensation payable for the stopping up of a public right of way as there can be for a private easement, the public is protected by the requirement 'always' to provide and make another path in lieu of that which has been stopped up; and (b) the recognition in the **Attorney General v De Keyser**'s case that the powers conferred by the 1842 Act are very wide powers. In the context of powers conferred for the purpose of defence of the realm, it would be inappropriate, in my judgment, to infer a limitation on those powers if that limitation was not expressly enacted by Parliament.
20. For these reasons, while I reject the claimant's challenge on ground one, I accept the challenge upon ground two. Now I will hear submissions as to relief. Yes, Miss Crail.
21. MISS CRAIL: My Lord, I am grateful. To return to the question of relief I was sketching out this morning before you, there is a slightly amended order which we would now be seeking in terms of page C of the bundle. The modification that I have suggested in section 6 was a declaration that the defendant, perhaps rather than the Secretary of State, acted unlawfully in purporting to stop up Footpath 28 with effect from 1st October 2005. The public notice is the date in fact from which the stopping up was to take effect.
22. MR JUSTICE SULLIVAN: Would the declaration that the stopping up of Footpath 28 was unlawful be enough? I would have thought a declaration that the stopping up of Footpath 28 was unlawful, that is point one. Anything else?
23. MISS CRAIL: My Lord, whether one further needs an order quashing the decision to stop it up may be overkill.

24. MR JUSTICE SULLIVAN: Yes, it is difficult to know what one is doing. One is certainly not quashing an order, as you rightly pointed out.
25. MISS CRAIL: Maybe that the stopping up is ineffective. That follows from declaring it to be unlawful.
26. MR JUSTICE SULLIVAN: Yes. I will hear what Miss Lieven says about this. I am slightly conscious of the fact that really what the Ramblers Association was concerned about in this case was, if you like, a matter of principle. I am not aware of any huge desire on the part of the public to get to point X on this plan from point A. If there was, or if someone was being very seriously inconvenienced then I might think of going further than declaratory relief and I might think of quashing, if I could find what it was that I wanted to quash. I think I could use my ingenuity to find something to quash. Since this is defence of the realm, I would be slightly reluctant to go beyond a declaration. What do you want to say about it, Miss Lieven?
27. MISS LIEVEN: My Lord, two things. First of all, in my submission, a declaration is quite sufficient here. The practical reality is that once your Lordship has made a declaration then my clients need to consider what to do next. In the interim it is extremely important that the path be stopped up. But I am in a moment going to ask your Lordship for permission to appeal.
28. MR JUSTICE SULLIVAN: Either you are going to appeal or you are going to put your hands up and say "We will have to provide a replacement of some kind" and then think about what that is going to be.
29. MISS LIEVEN: Yes. In any event, my Lord, I would ask for a stay, either pending the determination of the appeal or pending the determination of the application to appeal to the Court of Appeal if your Lordship does not give me permission. Just to fill in the gap, as it were, what we are likely to do is to ask Suffolk County Council to exercise its temporary stopping up powers, as we did when a previous order was quashed by consent, and that will hold the ring until we decide what to do next. Nobody is arguing that it is appropriate on the facts not to stop this path up for national security reasons. It is, in my submission, absolutely vital that the court ensures that it remains stopped up at all times. As to the principle of relief, the declaration is quite sufficient.
30. MR JUSTICE SULLIVAN: If I stayed it then it would not actually mean that Suffolk County Council would have to busy itself, although I suppose if you appealed and failed or if you decided not to appeal then something of a rather more long-term basis would have to be sorted out pending resolution of what sort of replacement is provided.
31. MISS LIEVEN: My instructions are that Suffolk County Council can step into the gap as long as we have a few weeks, whether we ultimately decide to appeal or not.
32. MR JUSTICE SULLIVAN: Yes. Miss Crail, it does seem to me that it is sensible to adopt a mechanism that holds the ring, at least for a little while so the Ministry can scratch its head and decide what it wants to do. I do not detect from the Ramblers

Association's challenge that there is an all fired urgency to get access to point X. It was very much an order of principle.

33. MISS CRAIL: My Lord, that is right. What I am debating in my mind is whether or not, having declared that the stopping up was unlawful, it must follow that it was ineffective and therefore there is no stopping up.
34. MR JUSTICE SULLIVAN: Either the Secretary of State will appeal or he will not, but I would say there is no reason to believe that the law will not be obeyed here.
35. MISS CRAIL: What I was going to say is that you cannot really stay a declaration. If there is no further relief such as a quashing or anything being granted then there is nothing to stay.
36. MR JUSTICE SULLIVAN: Yes, effectively not granting a quashing means that if there is a stay in practical terms there has been declaratory relief. I am going to square this circle.
37. MISS LIEVEN: Can I just say one thing, my Lord. It is important that the position is made clear because otherwise there may be problems with Suffolk County Council making a temporary stopping up order.
38. MR JUSTICE SULLIVAN: Is it better then, in fact, that I do make a quashing order but stay it?
39. MISS LIEVEN: Yes, my Lord, I suspect from our point of view it is. Then the position is absolutely clear that the stopping up of this footpath would, subject to the stay, be ended by your Lordship's judgment therefore Suffolk County Council effectively have to exercise their temporary power, subject to any arguments they hear to the contrary, but no arguments have ever been put on the substantive merits of this case.
40. MR JUSTICE SULLIVAN: As to what it is I am quashing, I am not quashing the decision am I? I must be quashing the stopping up. It is an act that the Secretary of State does. He stops up, does he not?
41. MISS LIEVEN: Yes, I may have missed a subtlety here, my Lord. I had rather seen it as being quashing the decision issued 5th September 2005 to stop up. Now, I may be being overly simplistic.
42. MR JUSTICE SULLIVAN: I am more than happy to do that. Right, unless I hear anything further I will tell you what I am going to do and you see if you want to say anything further. I am going to grant a declaration that the stopping up of Footpath 28 was unlawful. I am going to quash the decision contained in the notice of decision dated 5th September 2005 to stop up Footpath 28. I am going to grant a stay on that order for -- now, how long? I realise we have not yet dealt with appeal, but whether I give you permission or not you have to have a certain amount of time to think about what you are going to do. I would say four weeks or so would be enough.

43. MISS LIEVEN: The other way to do it would be a stay on the order until, if your Lordship grants me permission, the Court of Appeal determines the matter or, if your Lordship does not grant permission, until the Court of Appeal determines any application. That gives me three weeks to make my application. The advantage of that, my Lord, is that if your Lordship gives me four weeks, and we may have to come back if there is some delay in Suffolk, whereas this, as it were, allows the matter to go on until it becomes critical.
44. MR JUSTICE SULLIVAN: So you make your pitch for me giving you permission to appeal and we will see where we go from there.
45. MISS LIEVEN: My Lord, I will keep my pitch very short. The two tests, my Lord, in my submission it is clearly arguable. I only have to argue on your Lordship's analysis on the second ground in any event. In my submission, there can be no doubt at all that our case is arguable. The statute is not at all clear, and the end result that we have come to on ground two is one that I think your Lordship yourself will acknowledge is one that may not make a very great deal of sense on the ground because one could end up with a short piece of new footpath with absolutely no benefit in terms of the statutory purpose whatsoever. My Lord, in my submission arguability is clearly met.
46. Even if your Lordship is against me on that, in my submission there is the other ground which is that this case is clearly of considerable wider importance because it is by no means limited to the facts of this particular case. Your Lordship will recall there were originally two cases here. There will a number of other circumstances around the country where these issues of national security and footpaths going through or close to military establishments have to be considered, and what powers are open to the Secretary of State is a matter of very great importance for him but also, I would suggest, very great wider public importance.
47. MR JUSTICE SULLIVAN: Certainly. Yes, I understand that.
48. MISS LIEVEN: My Lord, on that ground alone I suggest we meet the test.
49. MR JUSTICE SULLIVAN: What do you want to say about that, Miss Crail?
50. MISS CRAIL: My Lord, I have been asked to make it quite clear on behalf of my client that they do not wish to do anything to jeopardise national security in any way. We are content with the proposals, subject to the period of stay pending the appeal. My Lord, in our submission there is no prospect of success on ground two if it is the intention of the Secretary of State, as it must be, to argue that section 17 can be complied with simply by pointing to the existing highway network. There is no prospect of success on that whatsoever. It would be forlorn and pointless to go to the Court of Appeal and say that it is a matter of public interest when it cannot be won. Therefore we would say leave to appeal should be refused and it should be left to the Court of Appeal to decide whether or not it is an appropriate case. According to your Lordship's judgment, in the words of the statute, it is not an appeal that would succeed.

51. MR JUSTICE SULLIVAN: Yes, well they always used to call storming the breach in a besieged town a forlorn hope. Some of them still survived. Thank you very much.
52. I am going to give permission to appeal. I do so really, I think, under the second limb. It seems to me that this is potentially an issue of wider importance to the ambit of the powers conferred by the 1842 Act. I am bound to say that I find it difficult to see that the position on this case is arguable under ground two, but it will be a matter for the Secretary of State to consider whether or not this one is worth arguing. What I will do is give permission to appeal, I am going to grant a stay, Miss Lieven, until the period for appealing expires and/or, if a notice of appeal is filed and served within the time, until the Court of Appeal has finally disposed of the matter. Is that what you want?
53. MISS LIEVEN: I am very grateful, my Lord, that is exactly what I want.
54. MR JUSTICE SULLIVAN: Right.
55. MISS CRAIL: My Lord, I do not know if I can have leave to cross appeal, in those circumstances.
56. MR JUSTICE SULLIVAN: No, I do not think you do. The position is that if the Secretary of State does not appeal then you are stuck with my views on ground one. On the other hand, if the Secretary of State does appeal you can come in with a cross appeal and so the Secretary of State may lose the lot.
57. MISS CRAIL: The other question is costs. My Lord, we have won and costs should follow the event and we should have our costs. We do have a schedule of costs.
58. MR JUSTICE SULLIVAN: I have not seen your schedule. Have you seen it, Miss Lieven?
59. MISS LIEVEN: I have not seen my learned friend's, no.
60. MISS CRAIL: We would go to detailed assessment in those circumstances.
61. MR JUSTICE SULLIVAN: Can I find out what Miss Lieven's submissions are on the principle of the costs.
62. MISS LIEVEN: My Lord, on principle I do resist paying my learned friend's costs. In my submission the fairest costs decision is no order, or each side pay their own costs. The reasons for that are self-evident. On the first issue, although your Lordship rightly said because of the finding on the second issue it was academic, your Lordship did reason it out fully and found for the defence, so we won the first issue.
63. To go further than that, on the second issue the claimant only gained what is, in my submission, a very partial victory because what they sought to establish was that section 17 required an alternative path which was one of the same order, so a path for a path or a bridleway for a bridleway, but also that it was subject to *de minimis* entirely new, whereas your Lordship did not find that that was the test at all. Obviously, that in many ways, from my client's point of view, is the critical point. If one goes back to the

fact this litigation was originally brought about two footpaths we would have won, on your Lordship's analysis, on Eriswell and lost on Mildenhall. So, my Lord, that shows that even on the second issue we had a significant measure of success.

64. I appreciate, my Lord, that the decision was quashed. I am trying to take a realistic stance, which is not to say that we won three quarters and they won one quarter so they should pay something to us or some argument such as that. It is just that in my submission, having actually won a very substantial part of the issues in this case, the fair order is that there should be no order.
65. MR JUSTICE SULLIVAN: Miss Crail, my view is that the Ramblers Association ought to get half its costs. You did win but many of Miss Lieven's points are perfectly fair. But at the end of the day you did win so I think you should get something, but not more than half. So half your costs. Do you want me to summarily assess those costs or do you want to go to detailed assessment? If you have not seen them then you will not be able to --
66. MISS LIEVEN: My Lord --
67. MR JUSTICE SULLIVAN: I think a detailed assessment. Could I just make it clear, this is half the costs of the challenge to Footpath 28. In so far as some of these costs, if they were bumped up by the other challenge that has not been pursued at all, they should not be included. I am not sure the extent to which they are. I simply do not know.
68. MISS CRAIL: I think the problem is that it would be impossible. There was the same consultation by the defendant in respect of both and they were treated as very much --
69. MR JUSTICE SULLIVAN: Yes, I suspect whether there were two or one the points are the same. Right. Sorry, Miss Lieven.
70. MISS LIEVEN: Sorry, my Lord, I was taking instructions. My Lord, in my submission this matter should go to detailed assessment for two reasons. One is there is the tricky issue of the two footpaths, and undoubtedly some time would have been spent on Eriswell. The other is that the figure for the solicitors' costs is perhaps surprisingly high and, in my submission, needs to be the subject of detailed assessment. We need to see what the hours were and the hourly rate and quite how it ended up as such a high figure.
71. MR JUSTICE SULLIVAN: In fact there is a fair amount of fees for counsel as well prior to the hearing. Inevitably, sometimes counsel's fees are very high because the solicitor does not have to do too much or vice versa. It is swings and roundabouts. I think this ought to go for detailed assessment. I make it clear that some allowance ought to be made for the fact that there is no reason why the Secretary of State should pay for what are really the abortive costs of Eriswell Footpath 6, but again I make it clear that I would not necessarily expect those to have added very greatly to the overall costs because the two legal issues had to be run anyway, so there may be a modest

adjustment but I would not expect there to be a very large adjustment on that account. Fifty per cent of your costs to go for detailed assessment unless otherwise agreed.

72. Anymore for anymore? No. Sorry to keep you late but it was a good idea to finish it today.

Townclerk

Subject: FW: Laureate School Road path through to Willie Snaith Road

From: Mary George <Mary.George@suffolk.gov.uk>

Sent: 20 January 2023 14:28

To: Andy Drummond (SCC Councillor) <Andy.Drummond@suffolk.gov.uk>

Cc: Wright, Colin <colin.wright@westsuffolk.gov.uk>; Townclerk <Townclerk@newmarket.gov.uk>

Subject: RE: Laureate School Road path through to Willie Snaith Road

Dear Councillor Drummond

Colin will be able to provide you with an update regarding the covenant.

If Newmarket Town Council wish to submit a formal application for a definitive map modification order, it will be necessary to complete the application process and submit the completed schedules and user evidence forms to the definitive map team. The application schedules and guidance notes are available on the SCC website here: [Apply for a definitive map modification order \(DMMO\) - Suffolk County Council](#)

A completed formal application would be considered by the definitive map case prioritising panel and assigned a priority for investigation. There is information about the prioritising scheme on the SCC website here: [Making changes to the definitive map and statement - Suffolk County Council](#) If the County Council has not determined a completed formal application within 12 months of receipt, the applicant has the right to ask the Secretary of State to direct the County Council to determine the application within a set timescale. The Secretary of State will ask the County Council to explain the reasons for the priority assigned to an application before deciding whether or not to issue a direction.

As I have explained previously, the disadvantage of a definitive map modification order (DMMO) application supported by user evidence is that if successful a DMMO could only record the route that was previously in use. Since this alignment is now obstructed by carparking and landscaping, a public path order (PPO) under the Highways Act 1980 section 119 would subsequently be required to divert the DMMO route to secure a usable route on the ground. There is a public objection period for a DMMO, and if as seems likely, the landowner/s objected, the order would have to be determined by the Planning Inspectorate (PINS), requiring a public inquiry as the claim would be user based. This would be a lengthy process and PINS also have a backlog of order cases awaiting determination. If a DMMO were confirmed a subsequent PPO to divert the DMMO route would similarly be open to objection. If the landowner objected a PPO would also need to be determined by PINS, resulting in further delay.

It is possible that a formal application supported by strong user evidence might help to persuade the landowner that it would be simpler to provide the path as originally proposed, however, unless this happens a DMMO would not provide a quick solution and does not appear to be the most expedient means of resolving the problem.

Kind regards

Mary George

Senior Definitive Map Officer

Rights of Way and Access Team

From: Andy Drummond (SCC Councillor) <Andy.Drummond@suffolk.gov.uk>

Sent: 20 January 2023 09:19

To: Wright, Colin <colin.wright@westsuffolk.gov.uk>; Mary George <Mary.George@suffolk.gov.uk>

Cc: Townclerk <Townclerk@newmarket.gov.uk>

Subject: Fw: Laureate School Road path through to Willie Snaith Road

Dear Colin & Mary

Please note below that town councillors and residents want answers as to what is happening?

West Suffolk are being slow and in my opinion have a vested interest in this route being extinguished. I believe NTC have collected enough evidence to go for the PROW option and formally request that we do that please without delay.

Many thanks

Andy

Councillor Andy Drummond - Newmarket & Red Lodge division

Subject: Laureate School Road Footpath

Hi both, this is the relationship between the blocked footpath and the nearby PROW.



Cathy Whitaker

Subject: FW: Newmarket Recycling Facilities

From: Richard Smith (SCC Councillor) <richard.smith@suffolk.gov.uk>
Sent: 18 January 2023 09:50
To: Cathy Whitaker <Cathy.whitaker@newmarket.gov.uk>
Cc: Rachel Hood (SCC Councillor) <Rachel.Hood@suffolk.gov.uk>; Andy Drummond (SCC Councillor) <Andy.Drummond@suffolk.gov.uk>
Subject: RE: Newmarket Recycling Facilities

Dear Cathy Whitaker

Thank you for your letter sent on behalf of Newmarket Town Council.

I note its contents and am well aware of the desire for the re-establishment of the Household Waste centre in Newmarket, as you have two excellent County Councillors who lobby me on this subject frequently. The present budgetary constraints mean that a site is unlikely to be re-established in part because, as a part of this year's budgetary preparations we have had to look at closing further sites, although in the end we managed to avoid this course of action. You will also understand the differences between revenue and capital spending, and reopening would fall mainly within our revenue budget, which is tightly constrained due to our very costly social care responsibilities.

With regards

Richard Smith
Richard Smith, MVO
Cabinet Member for Economic Development, Transport Strategy and Waste
County Councillor for the Blything Division



Newmarket TOWN COUNCIL

THE KING EDWARD VII MEMORIAL HALL
HIGH STREET, NEWMARKET, SUFFOLK, CB8 8JP

Telephone: 01638 667227

Town Mayor: Councillor Philippa Winter

Town Clerk: Cathy Whitaker

17th January 2023

Councillor Richard Smith,
Cabinet member for Economic Development, Transport Strategy and Waste
Suffolk County Council

Dear Councillor Smith

I am writing further to a resolution made by Newmarket Town Council (NTC) at its meeting on 22 November 2022 (reference 22/11/16.01) to request that a recycling facility be re-opened in Newmarket.

It has been noted that Suffolk County Council is investing £7.8 million in redeveloping the recycling centre at Foxhall. In the light of this substantial investment in the East of the county, NTC requests that SCC makes the considerably smaller investment required to re-open the Newmarket recycling facility. The site of the previous facility remains unused and empty. The lease is held by the Open Door, a charity that operated the recycling facility after SCC withdrew services. The charity has indicated informally that they would be willing to negotiate the lease if SCC were willing to operate the facility. Additional funding could be sought from West Suffolk Council from the Section 106 levy in a similar way that East Suffolk Council has provided nearly £800,000 from their community infrastructure levy for the Foxhall scheme.

The current lack of a facility shifts costs on to West Suffolk Council who must deal with increased fly tipping and increased recyclable waste being disposed of as general rubbish, and to residents who must drive at least 10 miles to the nearest facility in neighbouring Mildenhall, a town with fewer residents than Newmarket.

As part of Newmarket sits within Cambridgeshire, Cambs County Council could be approached to provide a proportion of the revenue funding. If this were initially refused, data collected via the visitor booking system could provide evidence of the number of Cambridgeshire residents using the facility, which may provide leverage for further funding requests.

Newmarket residents pay their rates just as those in East Suffolk do, and it is unacceptable that they receive less adequate services and effectively subsidise residents in the East of the county. Based as it is in Ipswich, SCC possibly does not appreciate the extent of the anger and frustration of Newmarket residents to get their voices heard on this matter.

We urge you to consider re-opening the Newmarket Recycling Centre at the earliest opportunity.

Regards,

Councillor Susan Perry

On behalf of Newmarket Town Council

Cathy Whitaker

From: Potter, Charlie <Charlie.Potter@acleisure.com>
Sent: 19 December 2022 17:30
To: Cathy Whitaker
Cc: Nicki Mayhew
Subject: Teen Chill Newmarket Launch Thursday 5th January 2023.
Attachments: Teen chill. poster. other.png; TEEN CHILL.poster.png

Good afternoon, Cathy.

I hope this email finds you well.

We are delighted to announce that we will be launching the Teen Chill project at Newmarket Leisure centre on Thursday 5th January 2022. Please see attached are e-flyers which are in circulation. Feel free to share.

I have copied in Nicki (cc) who coordinates our PR. Nicki will send a draft press release for the town councils' full approval and to provide a quote at the time in the New Year.

I'd like to take this time to thank the town council for their patience but more importantly financial support to get Teen Chill off the ground at to make an impact on the young people and their families in Newmarket (and surrounding areas).

Have a fantastic Christmas and healthy new year.

With kind regards
 Charlie Potter
 Active Communities Manager.

W: 07950 891299



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TEEN CHILL

FOR AGES 11-16

THURSDAYS
19:00-21:00

at
Newmarket
Leisure Centre

JUST
£1
PER
SESSION



Book via our app or turn up and pay



Newmarket
Town Council



Abbeycroft Leisure
INSPIRING A HEALTHIER YOU

CITIZENS ADVICE WEST SUFFOLK

NEWSLETTER



Issue 3 | January-March 2023

HAVERHILL RACE NIGHT

Citizens Advice West Suffolk ran another of their highly popular Race Nights at The Haverhill Golf Club in Haverhill in September.

The aim of the event was to raise the awareness of Citizens Advice and the part it plays in supporting the community in the town, especially during these difficult times, as well as raising money to support the service.

The event was a great success with a wide range of sponsors listed below as well as other racegoers, including representatives from the council and members of the public and volunteers from our local office. The raffle prizes were donated by a range of local retailers including Hughes Electricals, Boots, Tesco, Chapmans, Anatolia Restaurant, Cineworld, Abbeycroft Leisure, Jamie's Meats and Ronnie's Bakery with a very welcome drink from The EpiCentre science park.

Once again, Peasgood and Skeates lifted the winners' trophy. After a frenzied evening of racing, undeterred by the wet weather, our racegoers made their way home, looking forward to our next event.

We look forward to seeing you all again in Autumn 2023!

Thanks go to sponsors The EpiCentre, Saffron Insurance, Peasgood and Skeates, Hackett and Griffey, 1 Accounts, Preview Property Services, Fairhurst and Menuhin and Ronnie's Bakery.



UNDER STARTER'S ORDERS:

Punters enjoy the Race Night Haverhill 2022, above; Left: Trophy winner Emma Whitwell, from Peasgood and Skeates, with CAWS CEO Carol Eagles

TRADING STANDARDS

Here are some of the very latest updates from Trading Standards.

■ Experts have warned that unscrupulous lenders could try to cash in on the festive and new year period as households struggle to cope with rising food, fuel and energy bills.

Loan sharks are targeting vulnerable people seeking credit and trapping them into a cycle of debt with exorbitant interest rates and threats of violence.

A report published by the Centre for Social Justice estimated that 1.08 million people could already be in debt to an illegal money lender. This is over 700,000 more people than the most recent official estimate.

Figures released by the England Illegal Money Lending Team (IMLT) show that nearly one in ten of those who borrowed money from loan sharks last year did so to cover the costs of Christmas.

■ A crackdown by enforcement bodies and Meta has removed listings of potential counterfeit products from Instagram.

The listings cover counterfeit electrical goods – such as phone accessories and potentially dangerous chargers – as well as fake clothing and fashion accessories, jewellery, tobacco, car parts and copyrighted photographs.

■ Residents have been receiving telephone calls from individuals claiming to be the “Local Energy Advisor”.

The telephone caller states that they are offering a free survey to check the loft insulation in the property as there may be a problem.

TS advises people should be wary of any approach made in a telephone cold call and always to check the credentials of any company that contacts you out of the blue.

Call TS via Citizens Advice Consumer Service on 0808 223 1133 with any concerns.



ANNUAL GENERAL MEETING

Three volunteers were thanked for their long service at the annual general meeting.

Elaine Pulsford (16 years), Nic Wright (15 years) and Judy Broadway (10 years) received certificates at the meeting at the Quaker Meeting House on November 4.

In her report, chair Mary Porch paid special tribute to Chris Cadman for his loyal and dedicated service to CAWS. Mr Cadman had



stepped down from the trustee board after illness had prevented him from seeking re-election.

CEO Carol Eagles told supporters that the cost-of-living crisis had seen a 100% increase in calls to the service between October 2021 and 2022.

Ray Bolton, Peter Holland, Keith Lardner, Mary Porch and Marc Walker were re-elected to the trustee board. Meanwhile, Madeleine Finn, Anthony Howard, Annabel Mayer and Barry Peters were elected onto the board for the first time.

Supporters enjoyed an insight into the Suffolk Community Foundation from its executive vice-chairman Stephen Singleton, pictured.

MEET AND GREET

Meet CAWS chair, MARY PORCH.

Mary Porch moved to Suffolk in 2015, joined the CAWS trustee board in autumn 2016 and has been Chair since October 2021.

She lives just outside Bury St Edmunds, has four grown up daughters, two grandchildren and is a marketing consultant working primarily in the professional services sector.

You can engage with her on twitter @MaryPorch



Follow us on Twitter via **@CitAdviceSW**
Check out our website via **suffolkwestcab.org.uk/contact-us/**

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