

TRANSPORT AND WORKS ACT 1992

**Transport and Works (Applications and Objections
Procedure) (England and Wales) Rules 2006**

**THE NETWORK RAIL (STALYBRIDGE TO DIGGLE
(SADDLEWORTH) ENHANCEMENTS) ORDER**

STATEMENT OF COMMON GROUND

CLOSURE OF THE MOORGATE HALT LEVEL CROSSING

(1) *Network Rail Infrastructure Limited;*

and

(2) *Kevin Lawton (OBJ/117);*

Document Reference: NR/SOCG/OBJ117

Date: 28th May 2026

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1. INTRODUCTION

- 1.1 Network Rail Infrastructure Ltd ("Network Rail") made an application on 7 November 2025 to the Secretary of State for Transport pursuant to section 6 of the Transport and Works Act 1992 ("the TWA 1992") for the Network Rail (Stalybridge to Diggle (Saddleworth) Enhancements) Order ("**the Order**") (NR02) under Sections 1 and 5 of the TWA 1992.
- 1.2 The purpose of the Order is to give Network Rail the necessary powers to construct, operate and maintain works on the Transpennine line between Stalybridge and Diggle (Saddleworth), including works for the electrification of the railway between Stalybridge and Diggle (Saddleworth) for the purposes of increasing capacity and improving journey time and performance reliability of railway services on the Transpennine line both between Stalybridge and Diggle (Saddleworth) and between Manchester, Leeds and York.
- 1.3 The Order would authorise works to upgrade the operation of the existing railway between Stalybridge and Diggle (Saddleworth), including the construction of a new relocated station at Mossley, railway electrification works and bridge reconstruction works. The Order also confers powers to close and replace existing Level Crossings on the railway between Stalybridge and Diggle (Saddleworth) and powers in connection with the construction and operation of the railway.
- 1.4 The works proposed in the Order application are referred to in this Statement as "**the Order Scheme**". The Order Scheme forms part of the wider Stalybridge to Diggle (Saddleworth) Enhancements Scheme ("**the Scheme**"). In addition to the delivery of the works which comprise the Order Scheme, Network Rail will also be delivering a series of associated works to the railway between Stalybridge and Diggle under permitted development rights which are conferred on Network Rail by the Town and Country Planning (General Permitted Development) (England) Order) 2015.
- 1.5 In connection with the application for the Order, a request has also been made to the Secretary of State for Transport under section 90(2A) of the Town and Country Planning Act 1990 that planning permission, so far as it is required, shall be deemed to be granted for the development proposed to be authorised by the Order.
- 1.6 Listed building consents are also required for the purposes of the proposals included in the application for the Order and accordingly ten listed building consent applications were submitted and have been referred to the Secretary of State for determination pursuant to Section 12(3A) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 1.7 Network Rail also made requests to the Secretary of State under section 19(1)(b) in relation to the acquisition of open space land and paragraph 6 (1)(a) of Schedule 3 of the Acquisition of Land Act in relation to the acquisition of rights over open space land.

2. ORDER PROPOSALS FOR THE CLOSURE OF MOORGATE HALT LEVEL CROSSING

Moorgate Halt Level Crossing

- 2.1 The Moorgate Halt Level Crossing ("**the Level Crossing**") lies to the west of Uppermill village between Greenfield and Marsden stations. The Level Crossing carries a public footpath, Footpath 209 SADD (Dark Lane) across it.

Network Rail's Order Proposals

- 2.2 The Order will provide for the closure of the Level Crossing and the extinguishment of the part of Footpath 209 SADD (Dark Lane) which crosses the Level Crossing.
- 2.3 The Order will also provide for enhancement works to be carried out to existing Footpath 244 SADD to facilitate part of an alternative route across the railway in consequence of the closure of the Level Crossing. Footpath 244 SADD, is located to the south of the Level Crossing, between Oldham Road (A670) and Ladcastle Road, and crosses under the railway via the existing Wickens Underbridge (MVL3/29).
- 2.4 In summary, the alternative route would:-
- 2.4.1 commence at the point where Footpath 209 SADD (Dark Lane) joins Moorgate Street;
 - 2.4.2 follow existing Footpath 76 SADD from the point it joins Moorgate Street to the point it joins Oldham Road (A670);
 - 2.4.3 continue along the existing footway on the west side of Oldham Road (A670) to the point that existing Footpath 244 SADD joins that footway (the Order introduces a new 20 mph speed limit along the section of Oldham Road (A670) adjacent to this footway);
 - 2.4.4 proceed along existing Footpath 244 SADD, which then crosses under the railway via the existing Wickens Underbridge (MVL3/29), to the point where Footpath 244 SADD joins Ladcastle Road. (Footpath 244 SADD will be subject to enhancement works under the Order between Ladcastle Road and Wickens Underbridge (MVL3/29), including widening, resurfacing, provision of new steps, repairs to existing footpath features, regrading of land and vegetation clearance); and
 - 2.4.5 follow Ladcastle Road to the point where existing Footpath 209 SADD (Dark Lane) joins Ladcastle Road.

Summary of the Order powers relating to the closure of the Level Crossing

- 2.5 The Order provides the statutory authority for the closure of the Level Crossing and the extinguishment of the part of Footpath 209 SADD (Dark Lane) which crosses the Level Crossing.

- 2.6 Subject to Article 19(3)(b), Article 19(1) of the Order provides for the stopping up and discontinuance of the Level Crossing as described in columns (1) and (2) of Part 2 of Schedule 8 to the Order.
- 2.7 Subject to Article 19(3)(b), Article 19(2) provides that, upon the stopping up and discontinuance of the Level Crossing, the part of Footpath 209 SADD (Dark Lane) which crosses the Level Crossing (as described in column (3) of Part 2 of Schedule 8) is extinguished. This part of Footpath 209 SADD (Dark Lane) also being shown on Sheet 15 of the Deposited Plans and Sections (NR09).
- 2.8 Article 19(3)(b) of the Order provides that the stopping up and discontinuance of the Level Crossing and the extinguishment of the part of Footpath 209 SADD (Dark Lane) which crosses the Level Crossing, are not to take effect until Network Rail has constructed the footpath enhancement works.
- 2.9 The footpath enhancement works are defined in Article 19(16) of the Order as *“works to replace the existing stone steps which provide access from Footpath 244 SADD to Ladcastle Road with new concrete steps”*.

3. OBJECTIONS

- 3.1 Kevin Lawton (***“Mr Lawton”***) submitted an objection to Network Rail's application for the Order on 6 January 2026 (OBJ/117) and a Statement of Case dated 20 February 2026 on behalf of Wednesday Walkers (Oldham), Peak and Northern Footpaths Society and Saddleworth Pedestrians.

4. PURPOSE OF THIS STATEMENT OF COMMON GROUND

- 4.1 The purpose of this Statement of Common Ground (***“the Statement”***) is to provide a succinct summary of the matters agreed and not agreed between Network Rail and Kevin Lawton, (together, ***“the Parties”***) in relation to Network Rail's Order proposals for the closure of the Level Crossing.

5. STATEMENT OF MATTERS WHICH ARE AGREED

Safety Case for Closure of Moorgate Halt Level Crossing

- 5.1 The Parties agree that the Level Crossing should be stopped up and discontinued for the reasons detailed in the safety case as set out in Section 8.2.1 of Network Rail's Statement of Case (NR30), a copy of which is set out in **Appendix A** to this Statement

Past users of the Level Crossing

- 5.2 The Parties agree that, prior to the current temporary closure of the Level Crossing under a Temporary Traffic Regulation Order, when open the Level Crossing was used, as also described in paragraph 8.2.1.4 of the Network Rail Statement of Case (NR30), by the following range of users including vulnerable users:-

- 5.2.1 pedestrians;

- 5.2.2 individual walkers and walking groups;
- 5.2.3 unaccompanied children;
- 5.2.4 dog walkers; and
- 5.2.5 pedestrians pushing bicycles

Unsuitability of replacing the Level Crossing with a new Pedestrian Underpass at the same location

- 5.3 The Parties agree that the provision of a new pedestrian underpass, at the location of the existing Level Crossing, as a replacement means of access across the railway would not represent a suitable solution to address the proposed closure of the Level Crossing for the reasons set out at paragraph 8.2.2.53 of Network Rail's Statement of Case (**NR30**), as summarised below:-

- 5.3.1 The headroom and cover required under the railway would result in both substantial earthworks and construction having to be carried out from the railway access due to the access challenges of the surrounding area.
- 5.3.2 The provision of an underpass would introduce the new risk of potential flooding;
- 5.3.3 The provision of an underpass would introduce new risks of antisocial behaviour issues, which is likely with the existing reported misuse at the Level Crossing;
- 5.3.4 The construction of an underpass would also likely require land purchase in order to correctly gradient the structure; and
- 5.3.5 At this particular location, the steep gradients on either side of the Level Crossing would likely cause major issues with the construction of an underpass.

Amendments to the Order

- 5.4 The Parties agree that, in the event the Inspector concludes that the alternative pedestrian route proposed by Network Rail does not constitute an appropriate replacement facility for the closure of the Level Crossing, the appropriate course of action would be to amend Article 19 of the Order so as to remove from Article 19 the specific statutory authority for the closure of the Level Crossing and the extinguishment of the part of Footpath 209 SADD (Dark Lane) which crosses the Level Crossing.

6. STATEMENT OF MATTERS NOT YET AGREED

Suitability of the Alternative Route

- 6.1 It is Mr Lawton's view that the alternative pedestrian route, including Footpath 244 SADD, proposed by Network Rail does not represent a suitable and convenient solution to the closure of the Level Crossing and the extinguishment of the part of Footpath 209 SADD (Dark Lane) provided for by the Order.
- 6.2 Mr Lawton maintains that the most appropriate replacement facility for the closure of the Level Crossing would be the provision of a new stepped footbridge located at, or in close proximity to, the existing Level Crossing, with steps on the east side and a ramp on the west side.

Cost of a replacement stepped footbridge

- 6.3 Mr Lawton does not agree with Network Rail's cost estimation summary for the construction of a new stepped footbridge at, or in close proximity to, the existing Level Crossing as set out in Appendix 4 (*Moorgate Halt Footbridge and Alternative Route Cost Summary*) to Network Rail's Statement of Case (NR30), a copy of which is set out in **Appendix B** of this Statement.

Signed by (on behalf of Network Rail Infrastructure Limited)

M. Ashton

Position: Project sponsor

Date: 28th May 2026

Signed by Kevin Lawton

K. W. Lawton

Date: 27 May 2026

APPENDIX A

Network Rail Statement of Case (NR30) – Paragraph 8.2.1 - Safety Case for Closure

8.2.1. Safety Case for Closure

- 8.2.1.1 Moorgate Halt level crossing is considered a high-risk level crossing on the North West Route. Prior to the current Temporary Traffic Regulation Order being in place, the Moorgate Halt level crossing previously had a Fatality Weighted Index (FWI) of 0.007 and was ranked 23rd highest risk out of 457 in the North West Route level crossing risk register. When comparing this crossing to other footpath crossings of similar type, the crossing was ranked 5th out of 75 footpath crossings.

² B. Barnes, 1961, Passage Through Time Saddleworth Roads & Trackways

³ Map of the Inclosures in the Parish of Saddleworth belonging to James Farrar Esq. 1770, reproduced in Mapping Saddleworth Vol. II, Saddleworth Historical Society 2010.

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- 8.2.1.2 The TRU enhancements will increase the Moorgate Halt level crossing to 0.0088 and the risk at the crossing by 35%, moving the Moorgate Halt level crossing to 13th in the listing of highest risk crossings in the North West Route. The Moorgate Halt level crossing also becomes the 4th highest risk footpath crossing on the North West Route. As a result, the risk increase at the Moorgate Halt level crossing would be intolerable should it reopen.
- 8.2.1.3 Although the level of pedestrian usage was not considered high, the risk at the Moorgate Halt level crossing is ranked high due to the type of usage, the level of rail usage, and the poor incident history of the crossing. The incident history consisted of 23 reported incidents in the past 5 years, 6 of which were near misses – the definition being that the train driver had to apply the emergency brake or had no time to hit the emergency break before the train reaches the crossing. Many of these reported incidents were by children playing chicken or standing and sitting on the crossing deck. In addition, many pedestrians were observed wearing head-obscuring clothing and/or earphones or using mobile phones and were therefore not concentrating on looking for approaching trains and may not have seen or heard the approaching train until the last possible second.
- 8.2.1.4 When it was open, pedestrian usage included walkers both individuals and in groups, unaccompanied children and dog walkers. The Moorgate Halt level crossing also saw a higher than usual number of vulnerable users. Vulnerable level crossing users can be defined as people who, when compared with typical users:
- are likely to take an extended time to traverse due to disability or distraction; and/or

- are encumbered, through other means. They may be carrying heavy items, or pushing buggies or a bike, or walkers with a dog either on, or off the lead.

8.2.1.5 To give vulnerable users the time to traverse the crossing in safety, and to give greater warning of an approaching train, the traverse time was increased by 50%. However, because of the sweeping curvature of the railway, on the Down line looking at trains travelling in the Down direction, the increased warning was physically not achievable due to limited sighting at the 65mph line speed. This risk was temporarily mitigated by imposing a speed restriction of 55mph to ensure vulnerable users had the appropriate warning time when they first see an approaching train.

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8.2.1.6 However, as part of the TRU upgrade, the railway line will see an increase in line speed from 65mph to 80mph and an increased train frequency to 3 passenger trains per hour in each direction. Due to poor sight-lines as a result of the track curvature and new Overhead Line Stanchions, there will not be sufficient warning of approaching trains as a pedestrian is reliant on seeing the approaching train before confirming it is safe to cross.

8.2.1.7 To demonstrate this, the current sighting of approaching trains for users standing at the Decision Point is shown in the photographs below. The yellow shaded areas show the impact of the stanchions once installed.



Figure 73 Moorgate Halt level crossing views

8.2.1.8 Frequent and longer trains passing over the Moorgate Halt level crossing also increases the possibility of more than one train approaching simultaneously with the first train 'hiding' and masking the sound of the second train

approaching from the opposite direction. This imports a significant risk, especially where the first train approaching is a shorter local passenger service travelling at a slow speed, and a pedestrian has patiently awaited its approach and passing, but then crosses as soon as it passes, and walks directly into the path of a 2nd train, approaching from the opposite direction that they have neither seen or heard.

- 8.2.1.9 This is a real risk that has been the cause of fatal accidents at other crossings similar to the Moorgate Halt level crossing. When passing over the level crossing the first train can effectively hide the approach of the 2nd train for several seconds and the sound of a 2nd train approaching on the opposite line is thought to be the sound of the first train passing. The risk is further exacerbated where the pedestrian is vulnerable or encumbered, walking with

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Statement of Case (NR30)**

a dog or walking in a group and where their concentration may be compromised.

- 8.2.1.10 In addition, the necessary placing of new signals close to the Moorgate Halt level crossing has introduced the unacceptable risk of trains standing over the level crossing that are held at a red signal. The former 2006 Railway Safety Principles and Guidance Part 2 Section E – Guidance on Level Crossings (HS(G)153/6), which stated: "The positioning of a crossing and its associated signalling arrangements should ensure that, during normal working, no part of a stationary train should stand obstructing the crossing." With no control or means in preventing a user from crossing at any time, the presence of a stationary train over the Crossing may (and is known to have occurred at other level crossings) induce pedestrian users to climb over or under the train, or to attempt to walk around the back of the train. In addition, where the user may have waited several minutes for a train to 'move on' they may inadvertently cross out right behind it and, unable to see or hear trains approaching from the opposite direction may walk out into the path of a second approaching train.
- 8.2.1.11 Consequently, and with no other reasonable means of making the Moorgate Halt level crossing safe for continued use, this is the rationale for the current temporary closure of the Moorgate Halt level crossing and contributes to why Network Rail also needs to seek the permanent closure of the Moorgate Halt level crossing with all former and future users being redirected to an alternative and safer route.

APPENDIX B

Network Rail Statement of Case (NR30) – Appendix 4 - Moorgate Halt Footbridge and Alternative Route Cost Summary

Footbridge Cost Estimate

Moorgate Halt Footbridge	
Details of Estimate	Estimated Cost
Supply & Install footbridge, including stairs, signage and crash prevention	£677,900
Groundworks, substructure, specialised plant hire and works to infrastructure	£827,800
Works to existing infrastructure	£296,600
Design costs	£324,400
Project Management costs	£207,200
Access and Land costs	£463,200
Total base cost	£2,797,100
Risk – Low probability confidence level	£992,900
Risk – High probability confidence level	£1,762,100
Total Cost (at Low Probability Confidence Limit - excluding Inflation)	£3,790,000
Total Cost (at High Probability Confidence Limit - excluding Inflation)	£4,559,200