



Secretary of State for Transport
C/O Transport Infrastructure Planning Unit
Department for Transport
Great Minster House
33 Horseferry Road
London
SW1P 4DR

Our Ref:

CM.CP0423

23rd February 2026

By Email only (transportinfrastructure@dft.gov.uk)

Dear Sirs,

**Statement of Case. The Network Rail (Stalybridge to Diggle (Saddleworth) Enhancements) Order.
Owner: Susan Fleming**

**Property: Land at Oaklands Road / Bank Road, Grasscroft, Oldham
Plot Numbers: 12-022, 12-032A and 12-032B**

We act on behalf of Susan Fleming, in respect to their land parcels affected by the above Order being promoted by Network Rail under the Transport and Works Act 1992.

Susan Fleming is the owner/interested party in respect of the land identified in the First Schedule to the Rule 15 notice served on 7 November 2025. The plots affected include:

12-022 and 12-032A Worksite and access for construction and maintenance compound

12-032B Environmental mitigation works

We can confirm that our clients wish to **make representations** relating to the Network Rail (Stalybridge to Diggle (Saddleworth) Enhancements) Order ('The Order') as currently proposed. We would be grateful if you would accept this letter as a representation in response to the submission of the application.

Whilst Susan Fleming does not oppose the purpose or principle of The Order. Our client does wish to make representations relating to the design of the scheme and proposed land take. Insufficient engagement with our clients has been undertaken on the justification and reasoning for why plots 12-022, 12-032A and 12-032B are required for the purpose of the scheme, nor have alternative considerations been made.

In preparing our Representation we have been mindful of the Statement of Aims and the other Application Documents, set out by Network Rail as their justification for the making of the proposed Order.

The contents of this Statement of Case document is largely the same as our Objection Letter, dated 19th December 2025. Since the submission of the Objection Letter, I attended a meeting with Network Rail and Bruton Knowles at which they verbally addressed my client's objections, specifically why the land parcels are required on a permanent basis and informing that alternative sites had been considered but deemed unsuitable for the proposed maintenance compound. I was advised that these justifications, together with the alternative site assessment, would be set out in writing for our consideration. As this correspondence has not yet been received, and Network Rail have not justified the need for acquisition, we are unable to provide any further comment on our representations at this stage.

In summary, our representations are as follows:

1. Purpose of the Acquisition

In the Application Documents, Network Rail Infrastructure Limited has failed to justify why the land falling within the ownership of Susan Fleming is required for the purposes of the proposed Order.

The Application Documents fail to justify why the land within Susan Fleming's ownership is required on a permanent basis.

The proposal identifies the land as being required for a construction and maintenance compound and environmental mitigation, but no evidence has been provided to demonstrate why this specific land is necessary, why the extent proposed is proportionate, or why alternative locations have been discounted. The justification offered is generic and does not establish a clear functional link between the land and the delivery of the scheme.

2. Consideration of Alternatives

Network Rail has failed to demonstrate that reasonable alternatives have been properly considered.

The compulsory purchase regime requires a promoter to show that there are no reasonable, less intrusive alternatives to the land acquisition proposed. This includes consideration of alternative access arrangements, alternative construction methodologies, reduced working areas, and use of land already within the promoter's control. The Application Documents do not evidence that such an assessment has been undertaken.

No alternatives appraisal has been provided, and there is no technical, engineering or cost evidence demonstrating that the acquisition of our client's land represents the only viable solution. The absence of such analysis strongly suggests that the proposed land take has been driven by convenience rather than necessity.

3. Impact on Development Proposals for the Land

The proposed permanent acquisition of the land would have a material and prejudicial impact on its future development potential and on the ability of the landowner to bring the site forward in accordance with evolving planning policy.

The land has historically been the subject of several planning applications for residential development, submitted in the 1990s, which were refused on the basis that the proposals conflicted with the adopted Oldham Borough Local Plan at that time. Those refusals were grounded in policy designations and landscape considerations which have since evolved.

Importantly, under the emerging Local Plan, the site has been released from its former designation as "Other Protected Land", and the planning position is now materially more favourable than it was at the time of the earlier refusals. The removal of that designation reflects a shift in planning policy and a recognition that the site should no longer be treated as permanently constrained in principle. The land therefore retains a realistic prospect of being reconsidered for development in the future, subject to appropriate design and assessment.

The proposed Order would permanently deprive the landowner of the opportunity to bring the site forward in response to that changing policy context. The identification of the land for permanent use as a maintenance depot and environmental mitigation land would sterilise the site entirely and foreclose future planning options, regardless of how policy continues to evolve. This would not only prejudice the landowner's legitimate interests but would also remove from the planning system land which may, in due course, contribute to meeting wider development needs.

The Application Documents do not acknowledge this impact, nor do they explain why the permanent loss of this land is justified in circumstances where alternative sites or less intrusive arrangements may be available. In the absence of such justification, the permanent acquisition of the land represents a disproportionate interference with its future development potential and with the wider public interest in the efficient and flexible use of land.

4. No Meaningful Attempts have been made to Acquire by Agreement

No meaningful attempt has been made to permanently acquire the land from Susan Fleming by agreement prior to seeking compulsory powers. There has been no substantive engagement regarding the necessity for permanent acquisition, no meaningful discussion of alternatives, no heads of terms, and no meaningful explanation as to why compulsory acquisition is required at this stage.

The use of compulsory acquisition is intended to be a measure of last resort. Promoters are expected to demonstrate that they have taken all reasonable steps to negotiate voluntarily, including early engagement, disclosure of justification for land requirements, exploration of alternatives, and genuine efforts to minimise land take.

In this case, Network Rail has proceeded directly to seeking compulsory powers without first engaging constructively with the landowner or providing a reasoned explanation as to why agreement could not be reached.

The absence of any documented attempt to acquire by agreement is a material deficiency in the application. It undermines the justification for compulsory powers and indicates that Network Rail has not complied with established compulsory purchase principles or the Secretary of State's guidance, which requires promoters to minimise interference with private property rights and pursue negotiated solutions wherever possible.

5. Public Interest

The compulsory acquisition of Susan Fleming's land has not been shown to be in the public interest.

While the strategic benefits of the rail upgrade are acknowledged, the public interest test requires justification for the specific land acquired, not reliance on the general merits of the scheme. In this case, the permanent acquisition of the land is not shown to be necessary, proportionate or unavoidable, and the resulting private harm outweighs any marginal public benefit derived from taking this particular site.

The public interest is not served by the exercise of compulsory powers where the resulting impacts could be avoided through better design, alternative access arrangements or negotiated solutions. Authorising such powers would unnecessarily transfer risk and long-term constraints from the promoter to the landowner without any corresponding public benefit.

Network Rail have not upheld public interest on account that the costs are not being minimised through the compulsory acquisition of Susan Fleming's land, as there is no clear justification why the land is required on a permanent basis for the scheme.

In these circumstances, the Secretary of State cannot be satisfied that the balance of public benefit and private harm weighs in favour of the compulsory powers sought, and those powers should therefore be refused or modified to remove their permanent effect on Susan Fleming's land.

6. Human Rights

The proposed compulsory acquisition would constitute an unjustified interference with Susan Fleming's rights under Article 1 of the First Protocol to the European Convention on Human Rights.

The scheme can be delivered without the compulsory acquisition of this land, and a fair balance has not been struck between the private rights of the landowner and the public interest. The interference is therefore disproportionate and not justified.

7. Conclusion

In conclusion, whilst Susan Fleming supports the objectives of improving rail infrastructure, she objects to the Order insofar as it seeks to permanently acquire her land without adequate justification, without proper consideration of alternatives, and without genuine attempts to acquire the land by agreement.

On this basis, it is our view that the Order in its current state should not be confirmed by the Secretary of State or should at the very least be modified to remove or materially reduce the compulsory acquisition of their land.

Yours faithfully,



Claire Matthews BA (Hons) MA MRICS Registered Valuer
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For and on behalf of
ROGER HANNAH

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Summary

Introduction	Whilst Susan Fleming does not oppose the purpose or principle of The Network Rail (Stalybridge to Diggle (Saddleworth) Enhancements) Order, she wishes to make representations in respect of the design of the scheme, the extent and permanence of the proposed land take, and the justification for the compulsory acquisition of their land.
Representations	Purpose of the Acquisition. Network Rail has failed to justify why land within the ownership of Susan Fleming is required on a permanent basis. The Application Documents do not explain why this specific land is necessary for access, construction, maintenance or environmental mitigation purposes, nor do they demonstrate that the extent of land proposed to be acquired is proportionate or unavoidable. Consideration of Alternatives. Network Rail has failed to demonstrate that reasonable alternatives have been properly considered. No alternatives appraisal has been provided to explain why other land, reduced working areas, alternative access arrangements or different construction methodologies could not be used to avoid or materially reduce the permanent acquisition of the land. Impact on Development Proposals for the Land. The permanent acquisition of the land would materially prejudice its future development potential. The site has been released from its former “Other Protected Land” designation under the emerging Local Plan, and the planning position is becoming more favourable. The proposed permanent use of the land as a maintenance depot and environmental mitigation area would sterilise the site entirely, depriving both the landowner and the wider public of potential future beneficial use. No Meaningful Attempt to Acquire by Agreement. No meaningful attempt has been made by Network Rail to acquire the land by agreement prior to seeking compulsory powers. There has been no substantive engagement with the landowner, no discussion of alternatives, and no attempt to minimise land take, contrary to established compulsory purchase principles which require compulsory acquisition to be used only as a last resort. Public Interest. The compulsory acquisition of Susan Fleming’s land has not been shown to be in the public interest. The permanent loss of the land is not demonstrated to be necessary or proportionate, and the resulting private harm outweighs any marginal public benefit derived from acquiring this particular site. Human Rights. The compulsory acquisition would result in a disproportionate interference with the landowners’ rights under Article 1 of the First Protocol to the European Convention on Human Rights. The scheme can be delivered without acquiring this land, and a fair balance has not been struck between private rights and the public interest.
Conclusion	For the reasons set out above, it is Susan Fleming’s position that the Order, as currently drafted, should not be confirmed. At the very least, the compulsory acquisition powers affecting their land should be removed or materially modified.