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**TRANSPORT AND WORKS (INQUIRIES PROCEDURES)**  
**RULES 2004**

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

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**REBUTTAL PROOF**

**RELATING TO PROOF OF EVIDENCE OF ANDREW  
FLETCHER (OBJ/130) ON BEHALF OF THE MOORGATE  
FOOTBRIDGE CAMPAIGN GROUP (OBJ/65)**

*Prepared by:*

*Sean Wotherspoon: Moorgate Halt Level Crossing – Highway  
Safety*

*Chris Cary: Traffic & Transport*

*Michael Gradwell: Planning*

*Lee Barraclough: Moorgate Halt Level Crossing – Engineering &  
Design of the Alternative Route (including consideration of  
footbridge)*

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|--------------------|---------------------------|
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*(NR/PoE/REB/OBJ/130)*

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## 1. INTRODUCTION

### 1.1 Introduction

This rebuttal proof is providing Network Rail's responses to the Proof of Evidence submitted by Andrew Fletcher on behalf of Moorgate Footbridge Campaign Group Pedestrians (OBJ/65) which comprises:

- 1.1.1
- Proof of Evidence (**PoE-OBJ-65.1**),
  - Summary Proof of Evidence (**PoE-OBJ-65.2**); and
  - Appendices to Proof of Evidence (**PoE-OBJ-65.3**).

The rebuttal is limited to points which it will assist to address in writing. The fact that any point is not responded to does not mean it is accepted.

1.1.2

## 2. NETWORK RAIL'S REBUTTAL EVIDENCE

### 2.1 Rebuttal Evidence of Sean Wotherspoon: Moorgate Halt Level Crossing – Highway Safety

#### Introduction and Scope

- 2.1.1 I have reviewed the Proof of Evidence, Summary Proof of Evidence and Appendix A submitted by Andrew Fletcher on behalf of the Moorgate Footbridge Campaign Group. Much of Mr Fletcher's evidence concerns economic, social, environmental, heritage, consultation and community impact matters. Those matters are not matters for my highway safety evidence, save where they overlap with the safety and operation of the proposed alternative route.
- 2.1.2 My evidence is concerned with the highway safety implications of the proposed diversion from FP209 SADD to FP244 SADD, in particular the point at which users of FP244 SADD interact with the adopted public highway at Oldham Road (A670). I do not address the wider planning balance, the cost or desirability of a footbridge, heritage value, visitor economy or residential amenity, except insofar as they are relevant to highway safety.
- 2.1.3 Mr Fletcher describes the proposed alternative route as dangerous, inconvenient and non-inclusive, and states that a footbridge would provide a safer and more inclusive solution. I acknowledge that this is his view and that it is shared by a number of objectors. However, from a highway safety perspective, the relevant question is not whether a footbridge would be preferred by objectors, but whether the proposed FP244 SADD / A670 route has been properly assessed and whether the residual highway safety risk can be managed to an acceptable level. Mr Fletcher's Summary Proof expressly frames the FP244 SADD alternative as "dangerous, inconvenient and non-inclusive", but his own evidence also confirms that his proof is principally

directed to wider economic, social and environmental impacts rather than a detailed technical road safety assessment.

#### A670 Oldham Road Interface

- 2.1.4 I agree that the FP244 SADD interface with Oldham Road (A670) is the principal highway safety consideration. The Mayer Brown Highways Statement, GG104 Safety Risk Assessment, Stage 1/2 Road Safety Audit and Designer's Response all recognise this location as the key highway constraint. The issue has therefore not been overlooked.
- 2.1.5 Mr Fletcher's evidence at paragraph 3.5.3 refers to the route passing through a narrow private garden area close to 6 Oldham Road, increased pedestrian use, vulnerable walkers, children, dog walkers and cyclists, and the reported near miss between a cyclist and a manoeuvring car. He also refers to the resident's concern about the dangers where FP244 SADD meets Oldham Road.
- 2.1.6 Those points identify a localised interface issue, but they do not identify a new adopted-highway hazard that has not been considered. The relevant highway safety issue remains the interaction between pedestrians, the constrained footway and traffic on Oldham Road (A670). That matter has already been identified, risk assessed and subject to a Road Safety Audit.
- 2.1.7 The reported near miss is noted. It is relevant qualitative evidence and should inform the final detailed design and management of the route. However, it is not, on its own, recorded personal injury collision evidence and does not demonstrate a pattern of highway collisions attributable to the proposed diversion. In my view, it reinforces the need for careful detailed design at the transition between FP244 SADD, the private access environment and Oldham Road, rather than altering the overall highway safety conclusion.

#### Cyclists

- 2.1.8 Mr Fletcher's Appendix A raises specific concerns about cyclists. It refers to previous use of FP209 SADD by cyclists, reported cyclist use of FP244 SADD following the temporary closure of FP209 SADD, and the possibility that cyclists, including children and off-road cyclists, may use FP244 SADD regardless of legal entitlement. The Appendix states that this could create risks to cyclists, walkers and drivers, particularly where FP244 SADD passes through the private garden and parking area before meeting Oldham Road.
- 2.1.9 FP244 SADD is a public footpath and is not promoted as a cycle route. The proposed alternative route should therefore be assessed as a pedestrian route, not as a cycle route. That said, I accept that inappropriate or unlawful cycle use is foreseeable. The final design should therefore discourage cycle use through

signing, route layout and the physical nature of the route, including the proposed steps and surfacing treatment.

- 2.1.10 The fact that some cyclists may misuse FP244 SADD does not mean the pedestrian diversion is unacceptable in highway safety terms. It means that the detailed design should make the status and intended use of the route clear and should reduce the likelihood of cyclists approaching the A670 interface at speed.

#### Vulnerable Users and Inclusivity

- 2.1.11 Mr Fletcher and MFCG raise concerns about vulnerable users and protected characteristics. Appendix A states that many objectors referred to vulnerabilities, disabilities and protected characteristics, and argues that a stepped bridge would be more predictable and easier to use than the improved FP244 SADD route.

- 2.1.12 I acknowledge those concerns, but they must be considered in the correct evidential context. My evidence is a highway safety assessment, not a full accessibility or Equality Act assessment. The wider Diversity Impact Assessment are for Network Rail and other witnesses.

- 2.1.13 From a highway safety perspective, the important point is that neither FP209 SADD nor FP244 SADD is a fully accessible route. Both are rural public rights of way with gradients, uneven surfaces and physical constraints. The Mayer Brown highway evidence recognises that the proposed route is not suitable for all users and that the A670 footway constraint must be managed. It does not proceed on the basis that FP244 SADD is an inclusive urban pedestrian route.

- 2.1.14 The objectors' preference for a footbridge is understood, but it does not follow that the proposed route is unsafe in highway terms. The appropriate question for my evidence is whether the route can operate safely for the users reasonably expected to use it, subject to mitigation. My view remains that it can.

#### Dog Walkers, Children and Mixed Pedestrian Use

- 2.1.15 Mr Fletcher refers to dog walking and the potential for conflict between walkers, cyclists and dogs on the proposed route, and says that the risk to animals and owners where FP244 SADD meets Oldham Road is "stark".

- 2.1.16 I accept that dog walkers form part of the existing user profile and that they should be considered in the route assessment. The proposed diversion would introduce additional pedestrian movements at the A670 interface, including some dog walkers. That increase in use is expressly recognised in the safety assessment process and is the reason mitigation is proposed.

2.1.17 The presence of children, dog walkers and other recreational users does not itself make the route unacceptable. These user groups are commonly present on rural public rights of way and village-edge walking routes. Their presence does, however, support the need for clear wayfinding, a defined route, appropriate surfacing, suitable warning signs and measures to discourage cycle use on FP244 SADD.

#### Private Garden and Residential Amenity at 6 Oldham Road

2.1.18 Paragraphs 3.5.1 to 3.5.4 of Mr Fletcher's PoE primarily concern residential amenity and private land impact. He challenges Network Rail's statement that the use of FP244 SADD would not adversely impact residential properties, referring to the proximity of the route to 6 Oldham Road, parking and manoeuvring within the curtilage, increased use and the reported near miss.

2.1.19 I do not seek to respond to residential amenity or private land impacts, as those matters sit outside my highway safety remit. However, I accept that the physical relationship between FP244 SADD, the private access environment and Oldham Road is relevant to detailed design.

2.1.20 In highway safety terms, this issue should be addressed by ensuring that the public footpath corridor is clearly defined, that users are directed appropriately towards the intended onward route, that visibility is maintained where the route meets the highway environment, and that inappropriate cycle use is discouraged. Those are detailed design and route management matters. They do not, in my opinion, demonstrate that the proposed diversion is inherently unsafe.

#### "Exporting" Rail Safety Risk to the Highway

2.1.21 At paragraph 4.2 Mr Fletcher refers to Network Rail "exporting" the costs of accidents from the level crossing to FP244 SADD, where they would become the problem of the local authority and drivers on the A670.

2.1.22 I do not agree with that characterisation from a highway safety perspective. The closure of the level crossing removes a railway interface risk. The proposed alternative route introduces a different type of interaction with the highway network for those users who previously used the level crossing. The correct approach is to assess that highway interaction on its merits.

2.1.23 That is what the Mayer Brown assessment has done. The A670 interface has been identified as the key highway safety issue, the additional pedestrian movements have been considered, and mitigation has been proposed. The existence of a highway risk does not make the proposal unacceptable. It means that the risk must be assessed and managed.

### Weight of Objection and References to 92 Objectors

2.1.24 Appendix A states that 92 objectors raised concerns about the dangers where FP244 SADD meets Oldham Road. I acknowledge that the level of public concern is material to the Inquiry's understanding of the objection case.

2.1.25 However, the number of objections is not itself a technical highway safety assessment. The professional highway safety question remains whether the risk has been identified, assessed and mitigated. The fact that many objectors are concerned about the A670 interface reinforces the need for careful assessment, but it does not displace the technical evidence.

2.1.26 In my view, the concerns raised by objectors correspond with the key issue already identified in the Mayer Brown work, namely the constrained A670 interface. The concern is therefore not being dismissed. It has been assessed through the appropriate technical process.

### Footbridge Preference and Wider Route Suitability

2.1.27 Mr Fletcher's evidence repeatedly returns to the proposition that a footbridge would be a better outcome because it would retain FP209 SADD on its existing alignment, support walking, protect local economic and social benefits, and avoid routing users via FP244 SADD. His Summary Proof states that only a footbridge can provide a very safe, convenient and inclusive alternative to the level crossing.

2.1.28 The existence of a potentially preferable alternative does not mean that the proposed diversion is unsafe. My conclusion is confined to highway safety and remains that the proposed route is capable of operating safely, subject to the identified mitigation being secured and delivered.

### Conclusion

2.1.29 Mr Fletcher's evidence raises matters that overlap with my Proof of Evidence, particularly in relation to FP244 SADD, the A670 Oldham Road interface, cyclists, vulnerable users, dog walkers and the private access environment at 6 Oldham Road.

2.1.30 I acknowledge those concerns. The A670 interface is constrained and requires mitigation. However, that issue has been identified and assessed through the Mayer Brown Highways Statement, GG104 Safety Risk Assessment, Road Safety Audit and Designer's Response process.

2.1.31 The reported near miss, concerns regarding cyclists and concerns regarding vulnerable users should inform the detailed design and management of the

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route. They do not, in my opinion, demonstrate that the proposed diversion would create an unacceptable highway safety risk.

2.1.32 I therefore do not consider that Mr Fletcher's Proof of Evidence changes my highway safety conclusion. The proposed FP244 SADD diversion can operate acceptably in highway safety terms, subject to implementation of the identified mitigation, including route improvements, speed management, warning signage, wayfinding and measures to discourage inappropriate cycle use.

## **2.2 Rebuttal Evidence of Chris Cary: Traffic & Transport**

### Introduction

2.2.1 This section is providing Network Rail's responses to the following matters raised in Proof of Evidence (PoE-OBJ-65.1)-.

2.2.2 Access to the west for recreational activity where at Paragraph 1.8 notes that Footpath 209 SADD is the only suitable route from the village centre to the hilly countryside and for circular routes, and at Paragraph 2.2.2 which notes that that the recreation area at Moorgate Quarry, the social events at the Golf Club and the great views from Ladcastle Road should be available on foot ("Matter 1");

2.2.3 Access to Uppermill from surrounding villages where at Paragraph 3.2 notes that people use Footpath 209 functionally, walking from nearby villages to Uppermill to use its many facilities whilst also exercising and enjoying the beauty of the scenery and may travel by car instead ("Matter 2");

### Response to Matter 1

2.2.4 I acknowledge that Footpath 209 SADD is the shortest route from Uppermill Village centre to the hilly countryside to the west. However, whilst the shortest it is not the only suitable route as other routes existing that maintain access to the hilly countryside to the west.

2.2.5 With the closure of Moorgate Halt level crossing, Ladcastle Road, Moorgate Quarry and Saddleworth Golf Club, where taken from Moorgate Street at a start point, remain within an acceptable walking distance from for leisure purposes.

2.2.6 Moorgate Halt Level crossing is one of four crossing points within a c.800m stretch along Uppermill, that can be used for circular walks.

2.2.7 It is my view that there will be an impact from the closure of Moorgate Halt Level Crossing in terms of most direct route to access the rural areas to the west of Uppermill Village. However, I consider that the impact has been overstated in Mr Fletcher's Proof of Evidence as usage is predominantly recreational and

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other reasonable alternatives, including via the proposed diversion route of Footpath 244 SADD exist to maintain accessibility to the countryside.

## 2.2.8 Response to Matter 2

2.2.9 I would acknowledge that it's possible that people may use Footpath 209 SADD for usage other than recreational, however it does not connect people to goods and services, within what would be considered an acceptable distance for accessibility on foot.

2.2.10 As noted in Mr Fletcher's proof if people are travelling on Footpath 209 SADD from wider villages, it is also for exercise and the enjoyment of the route (amenity) and as such their activity retains a recreational purpose to the walk therefore not solely to access the village centre out of need.

2.2.11 The number of people impacted in this manner is likely to be small with the diversion route, over a wider travelled distance not significant and this amenity usage is protected with the proposed diversion route.

2.2.12 I do not consider that Mr Fletcher's Proof of Evidence changes my conclusion that on suitability of the diversion route connecting Uppermill with the rural west.

## 2.3 Rebuttal Evidence of Michael Gradwell: Planning

### Introduction

2.3.1 This section is providing Network Rail's responses to the following matters raised in Proof of Evidence (PoE-OBJ-65.1).

**Matter 1:** The role of Uppermill as a 'Centre' as defined by the Oldham Local Plan

2.3.2 Two paragraphs within PoE-OBJ-65.1 concern the role of Uppermill as a designated 'Centre' as defined by the Oldham Local Plan:

- Paragraph 1.4 of PoE-OBJ-65.1 states:

*"Uppermill is designated as one of seven "centres" in addition to Oldham Town Centre in Oldham's Local Plan. The centres are subject to policies designed to enhance their economic and social role and their accessibility. Uppermill is unique amongst these centres in having tourism as a major element in its economy. To date Network Rail has not referred to this designation, the characteristics of this centre, or the planning policies which apply."*

- Paragraph 1.8 of PoE-OBJ-65.1 states:

*“It [FP209] brings people to the heart of the village centre. A small diversion of footfall can make a huge difference. From this perspective the termination of Footpath 244 on Oldham Road, outside even the boundary of the defined “centre” is damaging.*

*Response to Matter 1*

- 2.3.3 In response to this, I do not dispute that Uppermill is a ‘Centre’ as defined in the Oldham Council - Joint Core Strategy and Development Management Policies Development Plan (JCS) (Policy 15 - Centres). This policy states:

*“Oldham Town Centre and the centres of Chadderton, Failsworth, Hill Stores, Lees, Royton, Shaw and Uppermill make significant contributions to the borough. They act as focal points for its commercial, shopping, social, civic, community and cultural activities, and play a major part in the borough’s identity and image. A key aim for the LDF is to promote and enhance the vitality and viability of all the borough’s centres, and the council will therefore protect and maintain their function by controlling retail and leisure developments elsewhere in the borough.”*

- 2.3.4 The extent of land within Uppermill allocated as a Centre is confirmed in the below extract from the Oldham Local Plan Allocations Plan ([https://www.oldham.gov.uk/download/downloads/id/8082/oldham\\_local\\_plan\\_proposals\\_map\\_2024.pdf](https://www.oldham.gov.uk/download/downloads/id/8082/oldham_local_plan_proposals_map_2024.pdf)), which details the defined boundaries of Uppermill centre:

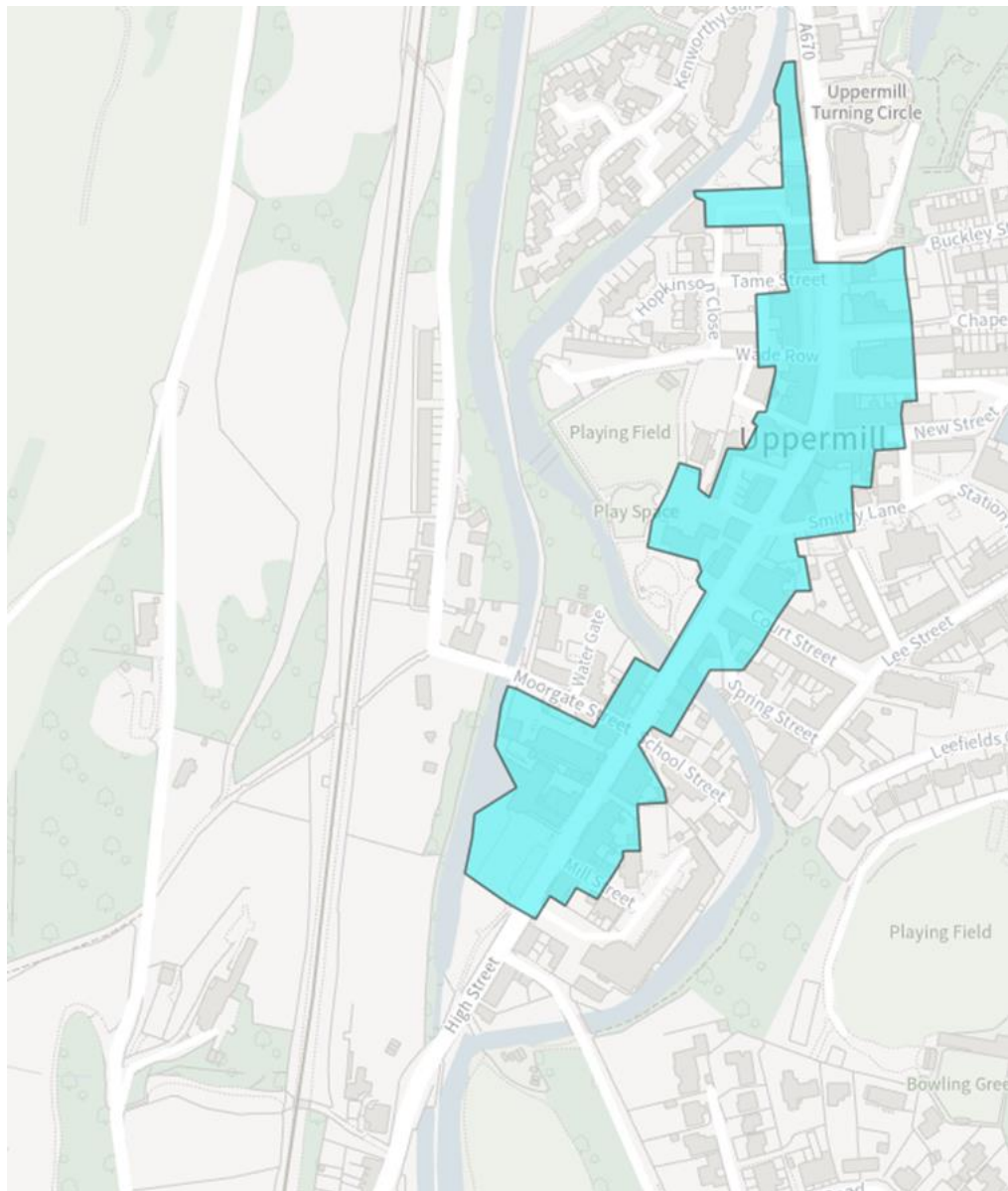


**Figure 1: Defined Boundaries of Uppermill Centre**

2.3.5 JCS Policy 16 (Local Services and Facilities) is also relevant when considering the role of services and community facilities in Uppermill, stating:

*“Locally available services contribute towards vibrant communities by providing convenient facilities near people's homes, so reducing the need to travel and can provide a valuable service for less mobile members of the community. The council will ensure the need for local shops, leisure facilities and offices are met by protecting existing premises and permitting new local services and facilities where appropriate within existing built up areas.”*

2.3.6 However, in my view, the relationship between FP209 and the village centre has been overstated in Mr Fletcher's Proof of Evidence. Neither FP244 nor FP209 fall within the defined boundaries of Uppermill Centre, as confirmed in the plan extract above. As confirmed in The Network Rail Traffic and Transportation Proof of Evidence of Christopher Cary (**NR/PoE/CC/5.2**) (Sections 5.2.23 and 5.2.24), a number of walking routes are available to Uppermill residents and visitors. To expand on this, it is my opinion that visitors are attracted to Uppermill for a variety of reasons, with numerous alternative tourism assets — including the canal towpath — within the centre itself. It is therefore my view that any effect on the centre's tourism role would accordingly be both minimal and insignificant. Given the range and breadth of these attractions, combined with the limited role of FP209 in supporting village vitality, any impact on local businesses would be negligible. I therefore conclude there is no conflict with the strategic aims of Oldham Council - Joint Core Strategy and Development Management Policies Development Plan Policies 15 and 16.

## **2.4 Rebuttal Evidence of Lee Barraclough: Moorgate Halt Level Crossing – Engineering & Design of the Alternative Route (including consideration of footbridge)**

### Introduction

2.4.1 This section is providing Network Rail's responses to the following matters raised in Proof of Evidence (PoE-OBJ-65.1)-.

#### 2.4.2 Matter 1

The interaction between cyclists and pedestrians on FP244 Upgrade.

Paragraph 2.1.3 of PoE-OBJ-65.1 states:

*“Dog walking provides frequent, regular healthy exercise and opportunities for social interaction. Network Rail's usage surveys showed that significant numbers of dog walkers used Footpath 209. The likely conflicts between walkers, cyclists and dog walkers on the steps proposed for Footpath 244 are obvious.”*

### Response to Matter 1

2.4.3 In response to matter this I highlight that cyclists don't have the right to use public footpaths. There is no proposal to create a shared use route as part of the upgrade to FP244.

### **3. WITNESS DECLARATION**

#### **3.1 Statement of declaration**

Each named witness confirms that the declaration on their proof of evidence applies to the relevant parts of this rebuttal.