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**Environment Directorate  
Oldham Metropolitan Borough Council  
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Dear Secretary of State,

**Re: TransPennine Route Upgrade (Stalybridge to Diggle) Transport and Works Act Order – Formal Objections by Oldham Council**

Oldham Metropolitan Borough Council (“the Council”) welcomes the strategic importance of the TransPennine Route Upgrade (TRU) and recognises its critical role in improving rail capacity, resilience, reliability and journey times across the North of England.

The Council supports the wider objectives of the scheme, including enhanced connectivity between key economic centres, the delivery of a modernised and electrified railway, and the long-term environmental benefits arising from modal shift away from private car use.

The Council has engaged proactively and constructively with Network Rail throughout the development of the proposals and remains committed to continued collaboration to ensure that the scheme is delivered in a manner that maximises public benefit while appropriately safeguarding local communities, public safety, and statutory responsibilities.

Notwithstanding the Council’s overall support for the TRU, several components of the draft Transport and Works Act Order (TWAO) raise unresolved concerns that require addressing:

- the safety of public rights of way and vulnerable users
- the adequacy and legality of proposed temporary and permanent highway works
- long-term implications for future development land
- the need for appropriate design approval mechanisms

For these reasons, the Council must submit a formal objection to the draft Order in respect of the specific matters set out below.

## **1. Boat Lane / Harrop Court Road and Station Road Bridgeworks – Temporary Diversion Route, Rights-of-Way Status and Safety Risks**

The Diggle Access and Diversion Works set out in NR15 Planning Statement (p.62, para. 3.2.67) describe the creation of a temporary vehicular road linking Harrop Court Road (Definitive Footpath 53, Saddleworth) and Boat Lane (Definitive Bridleway 65, Pennine Bridleway National Trail).

The Council notes that neither route carries public vehicular rights, other than private access rights. They are legally recorded as non-motorised user (NMU) routes on the Definitive Map.

Introducing a temporary vehicular diversion over Footpath 53 and Bridleway 65 raises significant highways and PROW concerns, namely:

- Lack of clarity on who will use the temporary access road and for what purpose (public traffic, construction vehicles, emergency vehicles etc.) and duration.
- No indication whether NMUs will be required to share space with vehicles or whether segregated provision will be provided.

The Council has similar concerns in relation to the temporary diversion routes proposed in the vicinity of the Station Road bridgeworks, where public rights of way and local routes are expected to accommodate diverted traffic during construction.

Until Network Rail provides detailed, legally robust proposals demonstrating that rights-of-way users will be protected and the Definitive Map fully respected, the Council must maintain its objection to these elements of the scheme.

## **2. Greenfield Station – Highway Safety and Design Governance**

The Council has ongoing concerns regarding the lack of detailed design information for proposed highway works associated with Greenfield Station, including the proposed zebra crossing on Shaw Hall Bank Road and the informal drop-off and pick-up arrangements on Oldham Road, adjacent to the emergency access route from the north platform.

These proposals involve material alterations to the public highway and have direct implications for pedestrian safety, traffic movements and the Council's statutory responsibilities as Highway Authority.

Network Rail has confirmed that it will provide a written commitment to establish a formal design working group with Oldham Council to develop the highway aspects of the Greenfield Station proposals to the Council's reasonable satisfaction. The working group will have agreed membership and chairing arrangements, with the governance structure to be agreed with the Council. Network Rail has also committed to the establishment of an escalation group, similarly, agreed with the Council, to resolve any contentious or unresolved matters that may arise.

The Council welcomes this commitment in principle. However, until the working arrangements are formally documented, and sufficient design information is provided to demonstrate how highway safety will be addressed, the Council must maintain its objection to this element of the scheme.

The Council considers that effective resolution of these matters will require:

- early and meaningful engagement on detailed highway design
- the provision of appropriate safety audits and technical assessments
- clear and transparent decision-making and escalation mechanisms
- assurance that no highway works will be implemented until the Council is reasonably satisfied that its statutory duties can be properly discharged.

The Council remains willing to continue working constructively with Network Rail to resolve these matters.

### **3. Moorgate Halt Level Crossing – Proposed Closure of Definitive Footpath 209, Saddleworth**

Network Rail proposes the permanent closure of Definitive Footpath 209, Saddleworth at Moorgate Halt Level Crossing. An application for extinguishment under Section 118A of the Highways Act 1980 was presented to Oldham Council's Highways Regulation Committee on 18 July 2024 and was refused.

Definitive Footpath 209 is an ancient and well-used public right of way. Network Rail's own Diversity Impact Assessment (2022) identified a high level of use by vulnerable users and recommended the provision of a footbridge as the appropriate and inclusive mitigation measure. Planning permission was subsequently granted for a footbridge; however, Network Rail later withdrew this option following a revision of the estimated cost to approximately £4.5 million.

In addition, circumstances at the crossing have worsened as a direct result of Network Rail's own operational changes. Recent re-signalisation works along this section of the TransPennine route have resulted in trains stopping at signals fouling the level crossing, materially increasing the risk to users. This has necessitated the imposition of a Temporary Traffic Regulation Order (TTRO) to close the route on safety grounds.

The alternative diversion proposed via Definitive Footpath 244, Saddleworth, is not acceptable. The route involves steep gradients, steps and challenging terrain which would exclude many vulnerable users, including those with mobility impairments. Parts of the route are subject to Tree Preservation Orders and experience significant drainage issues, raising concerns about the effectiveness and longevity of any proposed improvements and the potential future maintenance burden on the Council. In addition, the High Street terminus suffers from restricted visibility and minimal footway provision, creating further safety concerns.

Given that the existing level crossing has been rendered unsafe by Network Rail's own actions, and that the proposed alternative route does not provide a safe, inclusive or appropriate replacement, the Council's position remains that the only acceptable means of retaining this

important public right of way is through the provision of a footbridge, as originally assessed and recommended by Network Rail.

Further, and without prejudice to the Council's objection to the proposed closure, should the final decision be that Moorgate Halt Level Crossing is to be closed, the Council strongly advises that only the section of Definitive Footpath 209 which directly crosses the railway line be stopped up, rather than the full extent of the footpath between points P1 and P2 as shown on Sheet 15 (Part 2 of Schedule 8 of the draft Order).

Stopping up the entire length of Footpath 209 along Dark Lane between the railway crossing and its junction with Den Lane would remove the remaining highway status of this route. Vehicular rights along Dark Lane have already been extinguished by section 67(1) of the Natural Environment and Rural Communities Act 2006, and the removal of its footpath status would therefore extinguish the last remaining public highway rights along that section.

Any land accessed via that part of Dark Lane would then be reliant on the exception contained in section 67(5) of the Natural Environment and Rural Communities Act 2006, converting the former public right of way into a private right of way. The Council considers this could allow subsoil owners to exert control over the former highway, potentially leading to conflicts between landowners over private access rights.

By retaining the remainder of Dark Lane between the level crossing and Den Lane as a public footpath, the Council would retain the ability to exercise its statutory powers as Highway Authority to manage, protect and maintain the route, thereby avoiding potential disputes and safeguarding access along what would otherwise become a private right of way.

Accordingly, until Network Rail reinstates a safe and inclusive solution that preserves the legal right of way - including reconsideration of a footbridge - the Council must maintain its objection to the proposed extinguishment as set out in the draft Order.

#### **4. Land Interests, Access Rights and Impact on Development Land**

The Council raises objections in respect of several plots and assets affected by the draft Order where there is either a temporary or permanent land take, or where construction impacts may prejudice existing access arrangements, landscaped land, amenity areas, or future development potential. These objections are lodged to protect the Council's position pending further detailed discussions and negotiations with Network Rail.

In particular, the Council has identified concerns relating to the following plots and assets:

##### **Attractive landscaped Land in High Profile Locations:**

- 12-003 (Church Road, Grasscroft – 163,33sqm)
- 12-007 (Oaklands Road, Grasscroft – 415sqm)
- 16-049 (Wool Road – 1,555sqm)

These objections relate primarily to temporary works in attractive, high-profile locations. Further detail is required to assess the impact and potential mitigation.

**Access-related objections:**

- 16-052, 17-002, 17-003, 18-005, 18-012, 18-013, 18-017, 18-019, 18-020, 18-021A, 18-021B, 18-022, 19-002, 19-003A, 19-003B, 19-006

These plots involve either temporary or permanent occupation where the Council requires retention of rights of access, protection of tenants' rights, and assurance that temporary works do not compromise operational access or adjacent land uses. In some cases, such as public car parks (19-003A/B) or telecoms mast access (19-006, 19-002), temporary closure could have knock-on impacts on residents, users, or service provision.

**Plots affecting potential residential development:**

- 18-001 (Ward Lane, Diggle – 1,329sqm)
- 18-005 and 18-013

Plot 18-001 is identified for residential development (outline planning consent previously granted but not implemented). The proposed works for replacement bridges at 18-005 and 18-013 are likely to affect sightlines, which may render residential development on the adjacent site (plot 18-001) impracticable or unacceptable on highway safety grounds. These impacts are potentially irreversible and represent a significant concern. Network Rail has not provided sufficient information to allow assessment of these impacts, nor has any mitigation been proposed.

Until Network Rail provides detailed information on the nature, extent, design and operational purpose of the permanent and temporary works, and demonstrates how access rights, landscaped areas, and development potential will be protected, the Council must maintain its objections in respect of all plots identified above.

## **5. Construction Programming and Impact on the Saddleworth Events Calendar**

The Council notes that while several discussions have taken place with Network Rail regarding the programming of particularly disruptive elements of the scheme, such as the replacement of the Greenfield Station road bridge, there is currently no indicative construction programme included within the draft Transport and Works Act Order or supporting documentation.

In the absence of a clear programme, the Council is not satisfied that the timing of these works will avoid conflict with major, high-attendance events within the Saddleworth area, including but not limited to the Saddleworth Whit Walks, the Saddleworth Band Contest, and the Saddleworth Rushcart Parade. These events attract large numbers of participants and visitors and are of significant cultural and economic importance to the local area.

Such events rely heavily on the safe and effective operation of the local highway network for both vehicular and pedestrian access across Greenfield, Uppermill, Dobcross and Diggle. Major

highway restrictions or bridge closures coinciding with these events would present substantial risks to public safety, event management, emergency access and network resilience.

Until Network Rail provides sufficient information regarding the proposed construction programme, together with clear commitments to engage with the Council and relevant event organisers to avoid or appropriately mitigate impacts on the Saddleworth Events Calendar, the Council must maintain its objection to this aspect of the scheme.

## **Conclusion**

The Council continues to support the strategic objectives of the TransPennine Route Upgrade and recognises the significant benefits the scheme will deliver at both a regional and national level. The Council remains committed to working constructively with Network Rail to facilitate the timely delivery of the project and to maximise its wider economic, social and environmental benefits.

However, for the reasons set out in this representation, the Council considers that the draft Transport and Works Act Order currently fails to provide sufficient clarity, assurance and protection in respect of several key matters. Unresolved concerns remain regarding the safety of public rights of way and vulnerable users, the legality and safety of proposed temporary and permanent highway works, the potential long-term implications for land with development potential, and the governance arrangements necessary to ensure that detailed designs can be progressed in a manner consistent with the Council's statutory duties.

Until these matters are adequately addressed through the provision of detailed information, appropriate mitigation, and clear commitments from Network Rail, the Council is unable to withdraw its objections to the relevant elements of the draft Order. The Council would welcome continued engagement with Network Rail to resolve these issues and remains open to removing its objections where satisfactory solutions are agreed that safeguard public safety, protect public rights, and enable the Council to properly discharge its statutory responsibilities.

Yours sincerely



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