

NETWORK RAIL STALYBRIDGE TO DIGGLE TRANSPORT AND WORKS ACT ORDER

CLOSING STATEMENT BY THE MOORGATE FOOTBRIDGE CAMPAIGN GROUP AND SADDLEWORTH PARISH COUNCIL

1 INTRODUCTION

- 1.1 This submission is made on behalf of the Moorgate Footbridge Campaign Group. Five people spoke on behalf of the Campaign Group - Mr Lawton, Mr Harrison, Dr Taylor, Mr Buckley and Mr Fletcher. Mr Lawton is separately making a closing submission on behalf of several walking groups.
- 1.2 Councillors of Oldham Council and the Saddleworth Parish Council presented proofs relating to Moorgate and other matters. This submission captures both their representations on Moorgate and those other matters where they are closely connected. Paragraph 6.5 below is an example of that connection. Separate proposals will have a cumulative effect on the local economy and local people.
- 1.3 In the case of Mr Fletcher the relevant Summary and Proof are named on the Inquiry website as
- Proof Supplement appendices received 30.06 26
 - Proof Supplement dated 01. 07.26.

His separate Summary and Proof 130.1 and 130.2 concerning compounds are relevant in terms of the cumulative impact of proposals on Uppermill (see paragraph 6.5 below).

- 1.4 We have attempted to relate this Submission directly to the Statement of Matters and subdivide it accordingly.

2 “The suitability, safety and convenience of proposed alternative routes, and whether appropriate mitigation has been considered, including the provision of a footbridge.” Matter 3a

- 2.1 Safety is paramount. We are seeking a solution which guarantees that there will be no predictable risk at the level crossing and none will be created where Footpath 244 runs through Wickens Clough, and most of all where Footpath 244 meets Oldham Road.
- 2.2 This focus on safety is about the protection of local residents and the large number of tourism visitors. Within those groups particular attention must be given to the safety, suitability and convenience of Footpath 244 for people with protected characteristics – particularly children, older people, disabled persons and other

vulnerable people. This is covered in detail in section 7 below where we cover the Equality Act 2010 and the Public Sector Equality Duty.

Where Footpath 244 meets Oldham Road the issue of safety is clearly a critical one. Our volunteer witness, Mr Harrison, was responsible for highways safety matters at Oldham Council for many years. He concluded that the significant increase in pedestrian movements within the highway at this location, compared to the very limited previous use of the public footpath, would inevitably result in pedestrians having to walk within the carriageway at a potentially dangerous location. He considered that the mitigation work which Network Rail was able to propose would be insufficient to overcome the potential danger to highway users.

2.3 It seems to be Mayer Brown's position in the Safety Risk Assessment (NR 88) that some degree of risk is acceptable. It is not. Mayer Brown's calculation is that the frequency of incidents will rise from less than once every 1 to 10 years to once every 5 to 10 years. They attempt to balance this by saying that the degree of harm will reduce from severe harm to moderate harm as a consequence of the introduction of the mitigation measures. They then produce a theoretical score to justify a statement that the danger in the area is unchanged.

2.4 The Inquiry heard that there have been no accidents on Oldham Road. So by Network Rail's admission there would be a move from there being no accidents of any degree of harm at this location, to there being accidents of moderate harm every 5 to 10 years.

2.5 Thought must be given to the fact that the risk at Oldham Road will affect a hugely increased volume of users. Footpath 244 has been almost unused for many decades.

The level crossing usage recorded on the camera survey of March / April 2022 was reported to be a high volume of users, including a high proportion of vulnerable users.

Two points can be added here. The camera surveys understated the volume of usage because they were conducted outside the high season for tourism. Camera surveys are an inadequate way of identifying disabilities.

2.6 Thus Mayer Brown's calculation of the frequency and severity of accidents is likely to be mistaken. It is probably a significant understatement.

This is for the following reasons:-

- The camera survey of the level crossing which is likely to have been used is that quoted in an earlier Mayer Brown document NR 86. This was based on a November/December 2024 camera survey. It recorded 25 crossings per day. A survey from March/April 2022 produced a figure of 40 per day. If the

nature of the Uppermill tourism economy had been understood a mid Summer survey would have been undertaken. This would almost certainly have produced a much higher figure.

- The “missing” users would have been predominantly our tourism visitors, the people who would be least aware of the dangers at Oldham Road.
- Mayer Brown has made its risk assessment on the basis that only the “able bodied” would be approaching the intersection of Footpath 244 with Oldham Road. (see paragraph 7.18 below). There has been no “weighting” in consideration of people with protected characteristics, such as children, older people, the disabled and other vulnerable people, being in greater danger. This is certainly a consideration when level crossing danger is being assessed.
- We would suggest that “moderate harm” to an adult may be “serious harm” to a child.

- 2.7 Given the area’s tourism growth aspirations and the desire to encourage healthy lifestyles, Network Rail should be planning an alternative to the level crossing with much higher usage in mind. The only alternative that can deliver this increased usage is a footbridge. Increased usage adds to the footbridge’s value for money.

The legislation may refer to providing for existing usage, but Network Rail has a particular role to play in contributing to economic, social and environmental progress in the North. For us, further growth involves increased use of our footpath network.

- 2.8 The Mayer Brown analysis is further flawed because it ignores the risk to people who, having descended Footpath 244, try to cross the A670 to the far pavement and a bus stop. People may also decide to walk south towards Greenfield Station. These are obvious choices for walkers or cyclists who have been delivered to a point well outside the village centre. Both these manoeuvres are dangerous.

- 2.9 Mayer Brown also omitted consideration of cyclists descending Footpath 244. It is already happening following the temporary closure of the level crossing and has been reported to Network Rail in February 2026. (See Appendix A to the Moorgate Footbridge Campaign Group Proof. Para 2.2.3).

This should have been anticipated since use by cyclists was revealed by the two camera surveys. It is known that the types of cyclists now using Footpath 244 are mountain bikers and young children in family groups.

- 2.10 To say, as Network Rail do in Inquiry Document 25, that cycling is not permitted on Footpath 244, or that the new steps at the top will be a deterrent, is a denial of reality.

In 2022 Network Rail said that the footbridge for which planning permission was sought and granted would be suitable for cyclists. Mr Gradwell accepted that this was the case when cross examined.

2.11 A comparison should be made between the junction of Footpath 244 with Oldham Road and the junction of Footpath 209 with Den Lane / Moorgate Street. As the Inquiry has heard the latter location has no history of accidents to footpath users, pedestrians or cyclists, despite it being used as our access to the station at Moorgate Halt for over 40 years. The risk at Oldham Road which Network Rail has acknowledged should be seen in this light.

2.12 Our other arguments relating to the convenience and suitability of the alternative route Footpath 244 are in the Moorgate Footbridge Campaign Group Statement of Case, paras 31 to 38.

3 Costs of a footbridge. Cost of enhancing the alternative route via Footpath 244

3.1 Mr Lawton's Proof of Evidence and his Closing submission cover this matter in more detail.

3.2 The cost of building a footbridge would seem to be the only reason why Network Rail has decided not to build a footbridge. In all other ways it offers the perfect solution, both for the current usage and to provide for additional usage in the future with all the benefits that brings.

3.3 We would ask that the quoted cost of a footbridge be closely scrutinised.

3.3.1 We have received a number of different versions of the costings with changing sub headings for the cost components. We have tried to suggest ways to reduce cost elements (**eg**, Closure of level crossings and walkways set at £584,000 in December 2025 and £296,000 in February 2026. We contended that this sum should be zero). According to Network Rail's Statement of Case NR30 (final page of 470) the same sum is now to be spent on "Works to existing infrastructure". There could hardly be a vaguer description of a cost heading.

3.3.2 The figure for Access and Land Costs (£463,000) is also unexplained.

During cross examination of Mr Barraclough we asked for written clarification of cost elements such as these, but this was refused by Network Rail.

3.3.3 **H**igh risk allowances have been added to all these cost elements, including to cost elements which should by now be certain. All to achieve a figure of £4.559,200.

3.3.4 Come what may the total has remained close to £4.5 million in every iteration since Network Rail decided it did not wish to construct a footbridge.

3.4 In stark contrast the cost of the enhancements of Footpath 244 have been underestimated. Again we ask that these are scrutinised.

- 3.4.1 For instance, new costs have not been offered following the additional work described in NR150. We have not seen any provision for the acquisition of land needed to widen the footpath to the west of Wickens Bridge and needed to build the larger steps at Ladcastle Road.
- 3.4.2 It may be necessary to rehouse the owner of 6 Oldham Road during the construction period because it is not at all clear whether she will be able to access her property during a period of 12 weeks.
- 3.4.3 Traffic management on Oldham Road during the construction period may be another cost, and another impact on the village economy and community life.
- 3.4.4 The cost of future maintenance and repair of the footpath should also be considered, particularly in the light of the flash flooding of its route which we detail below.

4 “Impacts of scheme construction on residential amenities, local businesses and tourism”. Matter 3d

- 4.1 The construction process described by Mr Barraclough and as set out on Inquiry Document 25 will have a severe impact on the resident of 6 Oldham Road, and to a slightly smaller degree, the residents of 8 Oldham Road. All the residents are older people with restricted mobility. The ability to be able to park her car at 6 Oldham Road is vital for that resident.
- 4.2 Impacts on local businesses and tourism are a great concern and are explained in Section 6 below.

5 “The environmental effects of the scheme, including impacts on....” Matter 6

5.1 Trees. Matter 6b

- 5.1.1 The proposals for the alternative Footpath 244 described in NR150 will lead to the felling of a considerable but as yet undefined number of trees in a Tree Preservation Order.

The rootballs of further trees could be affected as the proposals for Footpath 244 affect the course of flash flooding in the steep V shaped valley through which the footpath passes.

5.2 Flood Risk. Matter 6c

- 5.2.1 The route of Footpath 244 is subject to violent and destructive flash flooding. Here it is necessary to respond to the misleading information in Inquiry Document 25
- 5.2.2 The fact that there is flash flooding was contained in the Moorgate Campaign Group’s objection and Statement of Case. (Paragraph 21)

- 5.2.3 During cross examination of Mr Barraclough It was confirmed that a Flood Risk Assessment of the proposal had not been carried out.
- 5.2.4 In Inquiry Document 25 Network Rail said that a scheme wide Assessment had not revealed any flooding problems. It should be noted that a number of streams near Uppermill are subject to similar flash flooding. On Flood Risk Maps of Uppermill land which can be inundated by standing floodwater is identified, but flash flooding streams are not indicated as such on those maps.

This is a failure of Network Rail to properly investigate the issue of flash flooding despite clear references in objections.

- 5.2.5 An objector has submitted photographic evidence of flash flooding happening on 31st December 2024. This was at least the fourth flash flooding incident in the last 20 years.
- 5.2.6 The next recurrence of flash flooding is likely to damage the new construction work and deposit the debris on Oldham Road, as has happened quite frequently. The culvert cannot cope with these events.

We believe this will necessitate quite frequent reinstatement of the new footpath at considerable cost to the local authority. It is clear example of unsustainable development and is therefore contrary to planning policy at national, local and neighbourhood level as detailed in paragraph 3.5.6 of Mr Fletcher's Proof.

- 5.2.7 Network Rail refers to the drainage that is to be installed under parts of the new path. This will have no impact on flash flooding. Network Rail refers to "Sustainable Drainage" (Inquiry Document 25.1). The footpath design is the very opposite of Sustainable Drainage. The smooth steps and the path surface with side retaining features will speed water downhill. The proposed devegetation will remove one of the most effective means of "slowing the flow".

5.3 **Landscape character Matter 6c**

- 5.3.1 When consulted on NR150 the Campaign Group made the following comment

"What we can say with certainty is that this highly engineered and increasingly substantial and obtrusive construction imposed on the V shaped valley topography will be highly incongruous. Large concrete structures will dominate the view upwards as one ascends the higher parts of the path. Some sort of retaining structures, as yet unspecified, will run along some lengths of the footpath. As an overall construction, we know of nothing like it on any off road footpath in Saddleworth. In our opinion this will be a depressing start or finish to an excursion on the west side of the village. This will be the main footpath route into this area."

- 5.3.2 Network Rail replied

“In terms of the visual impact, the upgrade to Footpath 244 is detailed in a similar fashion to the Pennine Bridleway.”

This is a ridiculous response. There is nothing similar to the proposals for Footpath 244 on the Pennine Bridleway in Saddleworth, nor on any other recreational route in the area.

5.4 Heritage assets, including historic routes. Matter 6d

- 5.4.1 The significance of Dark Lane, Uppermill (Footpath 209) as an inter-regional route of great antiquity is well established (see Mr Buckley’s Proof). This does not seem to be questioned by Network Rail. The fact that the part of Dark Lane to the east of the rail line is in the Uppermill Conservation Area did not seem to be understood by Mr Gradwell when cross examined.
- 5.4.2 This is the best preserved section of the route in Saddleworth. It is the oldest man made element in the Conservation Area and is part of the street pattern which should be conserved. This route existed long before the village and determined where the village formed. It is part of the story of the village, having led to our railway station at Moorgate halt before it was closed.
- 5.4.3 We believe that it should be regarded as a key element in the Uppermill Conservation Area and therefore as part of a Designated Heritage Asset.
- 5.4.4 Under NR149 Network Rail propose to retain this part of Footpath 209 as a cul de sac.

There are a number of reasons why this is a very unsatisfactory solution.

- It does not conserve Dark Lane as a “living “ feature of the village. It shows no regard for its historic purpose.
- It is likely to become a site of anti -social behaviour and a maintenance liability, leading to inevitable pressure for it to be gated off.
- It will encourage trespass on the railway as pointed out by Mr Wotherspoon in NR 86 (paragraph 6.9)

As pointed out by Mr Fletcher, the only completely safe, convenient and suitable solution is a well- used path passing over a footbridge.

5.5 Designated and non Designated green spaces. Matter 6a

- 5.5.1 The Moorgate Quarry Recreation Area is a short and easy walk away from Uppermill village centre by Footpath 209. The area was purchased and transformed from a derelict quarry in the late 1990s at considerable expense. It is now a designated Open Space in the Oldham Local Plan and a Site of Biological Interest. It is of exceptional beauty and a great viewpoint, and one which has inclusive access. Footpath 244 will not provide inclusive access. The impact on

children should be a consideration. (See objection 2 as an example). This is an example of regeneration in the TRU corridor which should not be undone.

6 “The likely impact of the scheme on tourism and local businesses.” Matter 3d (We comment on both the construction period and permanent proposals.)

- 6.1 The proposal to divert people from Footpath 209 to Footpath 244 demonstrated a very serious lack of knowledge at Network Rail about the economic role of Uppermill as a tourism and leisure destination. This led to a failure to understand the part that the footpath network, purposefully created in the late twentieth century, plays in the village’s success.
- 6.2 Why would one jeopardise the results of large scale public investment rather than enable the area to progress further? Uppermill is already playing a part in the levelling up of the North and has the potential to do much more. However, Network Rail’s approach threatens to jeopardise the prospects of the independent traders that contribute so much to the attraction of Uppermill.
- 6.3 The very simple point is that Footpath 244 is in the wrong location. The junction of Moorgate Street and High Street is where people want to arrive and depart. And that is where the village economy needs them. We need footfall. More is better.
- 6.4 Mr Cary’s description of the use of Footpath 209 as “recreation”, as though that diminishes its importance, is revealing. Recreation is a core function of Uppermill.
- 6.5 To assess this impact of the TRU scheme on Uppermill one needs to take into account both construction period effects and proposal effects. One also needs to think about the combined effects of various temporary and permanent interventions. Moorgate is an important part of the picture, but this proposal needs to be seen alongside the effects of at least one ill considered compound (plot 16-049 Wool Road), one compound which may cause environmental damage (13-027), and the disruption to traffic and to key visitor attracting events.
- 6.6 Network Rail has not demonstrated any knowledge of the economic role or growth potential of Uppermill. This ignorance was demonstrated in the Application, the Statement of Case which followed, and in the Proofs presented. All failed even to consider this matter.
- 6.7 How could this happen when all the evidence could have been easily found? The ignorance is all the more puzzling when the information is contained in Local Plans. The importance of Uppermill as a tourism and leisure destination of considerable significance to the city regions of the North, and as one of Oldham’s main “centres” is clearly flagged up in the Oldham Local Plan taken with the Saddleworth Neighbourhood Plan.
- 6.8 One obvious reason for this ignorance lies in the failure to engage with the local businesses and community groups that know the area best. Network Rail made no

serious effort to engage with local businesses, and attempts by the Campaign Group to engage with Network Rail were constantly rebuffed. Some of these attempts were taken to the highest level in Network Rail. It should have been obvious to Network Rail that local authorities do not have the resources or depth of local knowledge to enable them to assist in this way.

- 6.9 The Moorgate Campaign Group and the Parish Council engaged with local businesses from the time of the Application until the Inquiry, and represented the views of those who asked to be given a voice. Network Rail failed to engage with local businesses, the Moorgate Campaign Group or the Parish Council and therefore failed to learn about the levelling up being practised in Uppermill.
- 6.10 We know from our conversations with local businesses that there is important information to be gleaned. There is a vulnerability amongst independent traders operating on very tight margins, and reliant for their survival on profits achieved in the summer tourist season. Summer profits enable them to stay open during the winter continuing to serve local needs. Any slight impact on the vibrancy of the village could cause a spiral of decline which it would be very difficult to reverse.
- 6.11 A “tick box” approach to consultation is never productive. It is particularly inappropriate where a major infrastructure project is meant to contribute to the regeneration or “levelling” up of the North.
- 6.12 This failure of basic understanding led to flawed analysis – such as surveying the volume and type footpath usage in November/December 2024. No survey of usage was made during the high season period upon which local businesses depend.
- 6.13 We believe the approach taken by Network Rail in this instance is quite contrary to paragraph 3.8 of the **National Networks National Policy Statement (2024)**. It is worth quoting from that paragraph.

“Transport infrastructure is a catalyst and key driver of growth, and it is important that the planning and development of infrastructure fully considers the role it can play in delivering sustainable growth, how it can support local and regional development plans and the growth aspirations of local authority areas.”

Mr Fletcher’s Proof and his cross examination of Mr Gradwell pointed to the failure of Network Rail to comply with this National Policy Statement in Uppermill.

Indeed it is worse than that. Network Rail are, through a combination of proposals (see 6.5 above) jeopardising what has already been achieved - the recent transformation of Uppermill into a new tourism destination. This was delivered through major public and private investment in carefully planned sustainable growth, founded on the creation of an excellent, inclusive footpath network, within which Footpath 209 is a vital link to the village centre.

- 6.14 Uppermill itself will gain very little direct benefit from the TRU because it no longer has a station, having once had two. Nonetheless we remain strong supporters of the TRU - provided that its levelling up intentions are properly delivered.

7 *“Whether the proposals comply with the Equality Act 2010 and the Public Sector Equality Duty, including impacts on accessibility and mobility for children, older people, disabled persons and other vulnerable users.” Matter 4.*

- 7.1 We do not believe that the proposals at Moorgate Level Crossing comply.

We need to provide a full account of our concerns in this Submission because

- Network Rail’s final proposals for Footpath 244 were not submitted until 29th May 2026.
- The Diversity Impact Assessment was not submitted until 12th May 2026 and had not been shared with us at any stage of its development.
- We were not aware of Network Rail’s very relevant internal guidance on data collection and DIA preparation until 12th May 2026.

- 7.2 The Moorgate Footbridge Campaign Group raised the issue of the Public Sector Equality Duty at paragraph 27 of its objection and at paragraph 27 of its Statement of Case. Mr Lawton referred to the matter in Section 5.0 of his Statement of Case. Oldham Council referred to the issue at paragraph 4.10 of its Statement of Case. Saddleworth Parish Council raised this issue on page 2 of its objection and again at the same point in its Statement of Case.

- 7.3 Mr Lawton, acting on behalf of several walking groups and the Campaign Group, sought information from Network Rail about progress on this matter. He needed to resort to a Freedom of Information request. The reply is appended to his Proof. He was advised that a DIA would be submitted with the Proofs

- 7.4 45 other objectors raised issues about the impact on people with protected characteristics. Objectors may have referred to their personal circumstances but, for the Campaign Group, these had, quite understandably, been redacted. Network Rail had access to this information, unredacted. We are not aware that any objector with a relevant protected characteristic was approached for a discussion by Network Rail.

- 7.5 On 12th May 2026 Network Rail presented a DIA attached to the Proof of Mr Barraclough. It also issued a number of “NR Proof Related Documents”. This was the first time we were aware of NR106 “Census Good Practice” July 2017, and NR121 “Network Rail – Design Manual – Diversity Impact Guidance”. The latter document had been issued to Network Rail staff in September 2023. It is our opinion that Network Rail has, in some important ways, not complied with those two documents.

We would ask that this is carefully considered.

We would point, for instance, to the paragraphs under section 1.71 and 1.72 of NR121 which point to the proper timing of a DIA, and the risk of Network Rail being open to legal challenge if a DIA is undertaken late.

- 7.6 In the case of NR106 it has not complied with the advice on data collection about existing use of level crossings. It is our contention that Network Rail has never collected sufficient information about the usage of the Moorgate level crossing to properly inform a DIA. We mean a DIA which has the specific purpose of judging the safety, suitability and convenience of Footpath 244, as improved, as an alternative.
- 7.7 Network Rail relied on two camera surveys. The first carried out in March/ April 2022 used a Network Rail definition of “vulnerable” and identified a “high proportion of vulnerable users”. The second camera survey carried out in November / December 2024 did not specifically identify vulnerable users, although use by children was noted. We did not receive information on this second survey until November 2025. It is unclear why the second survey paid less attention to vulnerability than the first. One would have thought there would have been an increased understanding of the relevance of the Equality Act 2010 as Network rail changed its position from building a footbridge to proposing the use of Footpath 244.
- 7.8 Camera surveys alone are an inadequate way of identifying people with protected characteristics.
- 7.9 To this camera information, Network Rail added local statistics from the ONS Census. This would not, of course, provide information about visitors to Saddleworth.
- 7.10 We have not seen any evidence that the guidance at 8.2.3 of NR106 was followed by Network Rail. We can say with certainty that the Moorgate Footbridge Campaign Group was excluded from this type of evidence gathering. We could have helped Network Rail to establish, for instance, a forum of people with protected characteristics- firstly to share their experiences of using Footpath 209, and then to comment on the designs for Footpath 244 as they developed.
- 7.11 Network Rail quite properly chose to use a DIA to demonstrate compliance with the Equality Act 2010. NR121 was available to guide staff through this process. NR 121 contains advice on how a DIA should be done. Section 1.71 says that a DIA should commence at the conceptual stage. In our opinion the conceptual stage must have been before 28th November 2024 when Footpath 244 was presented as a clearly favoured option at a Consultation event.
- 7.12 The DIA would, of course, need to be one specific to its proposals for Footpath 244. Initially this should have informed a decision on whether Footpath 244 was a sensible option to pursue. Any idea that Network Rail had made a start on this DIA because it had done a previous DIA of the footbridge is tenuous in the extreme.

The November /December 2024 camera survey may have been intended to inform a new DIA, but the results of the camera survey made no direct reference to vulnerable people or people with protected characteristics. It was less informative on this issue than the March/April 2022 camera survey.

7.13 Following the consultation event in November 2024 it was clear to Network Rail that its proposals were, at very least, going to be contentious. Even though the conceptual stage had passed there would have been value in engagement with the community about the design of the improvements of Footpath 244.. Despite many requests made on behalf of the Moorgate Footbridge Campaign Group, no engagement with the Group was allowed. We have not seen any evidence that there was any other form of engagement with the community after November 2024 or any engagement with people with protected characteristics at all.

7.14 The DIA was started after the decision to choose the option of Footpath 244 had been made. Network Rail's NR 121 warns against this. Presumably because of

- the danger that the DIA will appear to not be objective.; and
- that it will create an impression that the process is a post justification of a decision already made.

7.15 We do not believe that Network Rail has complied with the advice in NR121 Step 4, either in respect of the timing of Consultation, or the idea of having a dialogue with the groups and organisations listed in the right hand column of the opening page of Step 4. We are not aware of any Network Rail engagement with "*children, older people, disabled persons and other vulnerable users*"

It is our opinion that the DIA has been produced without any engagement with people with protected characteristics.

7.16 At the time we wrote our Proofs we were not aware that engagement with the community was recommended to Network Rail staff.

7.17 We only know of one disabled person who has had the opportunity to have a dialogue with Network Rail. Mr Fletcher is sight impaired and had the opportunity because he was participating in the Inquiry. Mr Fletcher explained that he would have a problem when descending the long flights of steps from Ladcastle Road. Lower down, he felt that the many raised water bars across the path could cause him to trip. The Network Rail witness did not contest this. Mr Fletcher did not get as far as the dangerous exit of Footpath 244 onto Oldham Road.

However, our main point is that no other person with any other form of disability has been involved in the process, as far as we are aware.

7.18 What we can say is that the following features of the proposals are likely to be problematic for children, for older people, and for disabled people. Different issues will affect different groups.

- The dangerous junction of Footpath 244 with Oldham Road. Document NR 87 prepared by Mayer Brown for Network Rail says (at para 3.1) of this junction. ***“It should be noted that this alternative pedestrian route would not be accessible or recommended to mobility or vision impaired pedestrians due to the uneven ground and steps which form part of the route to the west of Oldham Road. On this basis, the following recommendation is based on only able-bodied pedestrians being able to utilise this section of the proposed alternative route.”*** The route to the west of Oldham Road is the one which Network Rail is claiming will be made accessible to most mobility impaired and all vision impaired pedestrians. There are, of course, other forms of disability to be considered and also older people and children.
- The long sequence of steps close to Ladcastle Road are likely to be very difficult for people with heart or breathing problems. These greatly exceed the climb up the steps on either the east or west side of a footbridge.
- The narrowness of the improved Footpath 244. Attempts have been made to increase the footpath width to 2000mm minimum, but much narrower widths will remain. About 60 metres of the path will have a width of 1000mm. This includes a narrow section through the garden of 6 Oldham Road which will not be widened. This 60 metres is a considerable proportion of the 170 metres length of 244. Devegetation adjacent to the path is not permanent widening.
- The tripping hazards presented by the many unpredictably spaced water bars, each with an upstand of 50mm above the path surface, remain.

It is probably inevitable that a failure to follow a proper DIA process has led to a design which does not comply with the Equality Act 2010 or the Public Sector Equality Duty.

7.19 The contrast with the previous footbridge proposal at Moorgate is stark. Planning permission was granted after a DIA had concluded that it would be suitable for all existing users of the level crossing, including cyclists. People with protected characteristics are familiar with a Network Rail footbridge. The layout is predictable. Footbridges do not include tripping hazards. The footbridge at Moorgate will not have sections that are too narrow for disabled people. Footpath 209 will not discharge users straight into a busy road.

There was no person who objected that said they would have any problem using a footbridge at Moorgate. Mr Fletcher has used rail footbridges without difficulty.

- 8.1 It is the view of the Moorgate Footbridge Campaign Group that Footpath 244 does not provide a safe, suitable or convenient alternative.
- 8.2 In addition we believe that the proposal is damaging to the economic prospects of Uppermill, to the environment and landscape character of the area, and to social issues such as healthy exercise, enjoyment of greenspaces and residential amenity. It is therefore contrary to the TRU's purpose of contributing to levelling up, and to the principles of sustainable development.
- 8.3 The proposal is itself not sustainable because it will be destroyed by flooding.
- 8.4 The proposal causes harm to a designated asset, the Uppermill Conservation Area, and to the historic route of which Dark Lane forms the best preserved part.
- 8.5 The proposal will leave the Council with the responsibility and cost of dealing with the problems of highway safety, footpath maintenance and reconstruction, and flood management.
- 8.6 In our opinion the proposal does not comply with the Equality Act 2010 or the Public Sector Equality Duty.
- 8.7 We believe that, for all these reasons, a footbridge is the only solution, as originally proposed by Network Rail.
- 8.8 If a decision is made that a footbridge should be built, then we would ask that requirements are put in place to ensure that Network Rail builds the footbridge as soon as is practicably possible. The current temporary closure is giving people no alternative but to use a dangerous path.