mayer brown

**NETWORK RAIL**

# CLOSURE OF LEVEL CROSSING OFF MOORGATE STREET / DARK LANE UPPERMILL, OLDHAM

## HIGHWAYS STATEMENT

**JUNE 2025**

the journey is the reward

| | |
|---|---|
| **Report title:** | **Closure of Level Crossing, Off Moorgate Street / Dark Lane, Uppermill, Oldham**<br>**Highways Statement** |
| **Date:** | **June 2025** |
| **Project:** | **NRMOORGATE.2** |
| **Prepared by:** | **Steven Overton - Mayer Brown Ltd** |
| **Approved by:** | **Sean Wotherspoon - Mayer Brown Ltd** |
| **On behalf of:** | **Network Rail** |
| **Status:** | **FINAL** |

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**Network Rail**

**Closure of Level Crossing**

**Off Moorgate Street / Dark Lane, Uppermill, Oldham**

**Highways Statement**

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# 1 Introduction

1.1 Mayer Brown Ltd have been appointed by Network Rail to consider Highways matters related to the proposed extinguishment of a Rail Level Crossing (MVL3 13m 26c Moorgate Halt) and Public Footpath No. 209SADD at Uppermill, Oldham (for location, refer to Appendix A to this report).

1.2 The Public Footpath proposed to be extinguished is circa 200m in length and is shown in Appendix B to this report.

1.3 The proposed alternative pedestrian route is circa 600m in length and is shown in Appendix C to this report.

1.4 This report is not a Road Safety Audit, nor a safety Risk Assessment, but will consider the implications of the proposed extinguishment for all users of the public highway and public footpaths in terms of practicality, usability and safety.

1.5 The decision to extinguish the Rail Crossing is one made by Network Rail and their justification for this is provided elsewhere. Mayer Brown accept Network Rails expert opinion and will consider only the implications for the public of the Crossing and the Footpath being closed and becoming unavailable as a route.

1.6 This report will consider transfer of risk from Network Rail to the Highway Authority, with the findings based on professional opinion.

1.7 This report will recommend potential mitigation for the proposed transfer of pedestrians from the Public Footpath proposed to be extinguished, to the Adopted Public Highway.

1.8 A site visit was made on the morning of Friday 25th April 2025, between the hours of 10:45 and 12:30. The weather was warm and dry, and the ground was dry throughout the area of interest.

1.9 Attending the visit were:

- Project Team Leader - Steven Overton (FIHE), Principal Consultant at Mayer Brown Ltd and a competent Highway Design Engineer and Road Safety Auditor
- Project Team Member - James Stockdale (BEng), Principal Consultant at Mayer Brown Ltd and a competent Highway Drainage Engineer

# 2 Existing Public Footpath Route

2.1 Public Footpath 209SADD, proposed to be extinguished (refer to Appendix B), runs from the corner of Moorgate Street / Den Lane at its Eastern extent (Point A on the plan), generally Southwest-bound, across the Level Crossing, and along Dark Lane until the junction with Ladcastle Road at its Western extent (Point B on the plan).

Photo 2.1a – Eastern extent of Public Footpath to be extinguished (Moorgate Street / Den Lane)

Photo 2.1b – Western extent of Public Footpath to be extinguished (Ladcastle Road)

2.2 At the Eastern extent of the Public Footpath route (Point A), Moorgate Street links to Uppermill High Street, which is the main arterial road through the town centre and is the main “destination” for pedestrians in the local area.

2.3 The Western extent of the Public Footpath to be extinguished terminates at the junction of Dark Lane and Ladcastle Road. At this point there is a continuation of a Public Footpath route on the West side of Ladcastle Road.

Photo 2.3 – Continuation of Public Footpath (West side of Ladcastle Road)

2.4 The nature of the route of the Public Footpath becomes more rural the further West you travel, with limited destinations aside from a golf course, several isolated residential properties and links to further rural-type Footpaths.

2.5 The existing route has a variety of surfacing types and textures, and there are very steep gradients required to be navigated. Between the start and end of the route, there is an approximate 37m change in level, with 29m of this height difference coming between the Level Crossing and the junction with Ladcastle Road, resulting in a gradient of more than 1:5.

2.6 The majority of the surfacing is un-made ground in the form of compacted earth, with multiple obstacles such as random cobbles, rocks, fallen leaves, tree roots etc.

2.7 A fallen tree hinders the route at approximately the half-way point.

Photo 2.7a – Initial length of existing route (between Moorgate Street and Level Crossing)

Photo 2.7b – Level Crossing (looking West)

Photo 2.7c – Immediately West of Level Crossing (looking West)

Photo 2.7d – West of Level Crossing (looking West)

Photo 2.7e – Fallen Tree (looking East, back towards Level Crossing)

Photo 2.7f –Towards Westernmost end of route (looking West)

Photo 2.7g –Westernmost end of route (looking West at junction with Ladcastle Road)

# 3 Effects of the extinguishment of Level Crossing & Public Footpath

3.1 The closure of the Level Crossing and Public Footpath 209SADD will remove a reasonably direct route, circa 200m in length, between Uppermill Town Centre and Ladcastle Road.

3.2 Presuming the same “route start and end points”, the proposed alternative route (refer to Appendix C), would require a user to navigate an additional 400m (approximately) using a combination of Public Footways (adopted highway), Canal Towpaths and Public Footpaths (formal, but non-adopted routes).

# 4 Consideration of likely Pedestrian Movements

4.1 A Census was undertaken between 8th November 2024 and 3rd December 2024 (26 days) to count the number of people utilising the Level Crossing. Results of the Census are included in Appendix D and are summarised below.

4.2 In total, 647 people were observed to use the Level Crossing.

4.3 The vast majority (557) of those observed, were adult pedestrians.

4.4 62 children were recorded, of which 18 were accompanied and 44 were unaccompanied.

4.5 28 cyclists were recorded.

4.6 147 dogs were recorded, of which 139 were on a lead and 8 were not on a lead.

4.7 Although these numbers could be averaged to 25 people per day, the results did show that numbers were not evenly spread throughout the week and that recorded numbers were higher on weekends.

4.8 During our site visit, the only movement observed on any of the Public Footpath lengths was one cyclist.

4.9 Given the nature of the existing route (setting, gradients, surface texture etc) we consider that the route is primarily used by local Dog Walkers, Ramblers and the occasional skilled “mountain-bike-type” cyclist.

4.10 There is a note at the bottom of the Census data that advises of 9 instances of “misuse” during the Census period. The authors of this report do not know for sure what this refers to, but assume that the note relates to safety matters which may strengthen Network Rail’s case for closing the Level Crossing.

# 5 Proposed Alternative Pedestrian Route

5.1 The proposed alternative route commences at Moorgate Street, heading East for approximately 40m before users turn onto the towpath adjacent the Huddersfield / Rochdale Canal. The North/Southbound towpath is accessible via either steps or an easily accessible ramped section.

Photo 5.1 – View of access to / from Towpath to / from Moorgate Street (looking North)

5.2 The towpath is smooth, level and easily navigable by all pedestrian users, including those with mobility impairments and cyclists. The towpath section of the proposed alternative route is circa 200m in length, until it's junction with the A670 – Main Street.

Photo 5.2a – View of Towpath (looking South to junction with A670)

Photo 5.2b – View of junction with Towpath and A670 (looking North)

5.3 Users then navigate approximately 60m along a wide adopted footway adjacent the A670 (west side).

Photo 5.3 – View of footway alongside A670 (looking South)

5.4 As the proposed alternative route reaches its junction with the next section of Public Footpath, the footway narrows significantly. Although this section could be navigated without issue by pedestrians walking in single-file, it could be considered relatively unsafe for unaccompanied small children and would not be passable by a cyclist or a mobility impaired user.

Photo 5.4 – View of footway pinch-point (looking North)

Photo 5.5 – View of footway pinch-point (looking South)

5.5 The proposed alternative route then heads into what first appears to be a private residence but is clearly signposted as a Public Footpath. This section of the route is initially surfaced with bituminous materials, before reaching two small steps and heading onto an un-made pathway as users start an uphill climb.

Photo 5.5a – Public Footpath sign (looking South)

Photo 5.5b – Start of Public Footpath (looking West)

5.6 The proposed alternative route follows the un-made pathway to a crossing of the railway lines by way of a stone tunnel. The tunnel is adequately wide and the surface beneath the tunnel is of bituminous construction and in fair condition. This section of the route is easily navigable.

Photo 5.6a – Approach to tunnel under railway lines (looking West)

Photo 5.6a – Beneath the railway lines (looking East)

5.7 West of the tunnel, the bituminous surfacing terminates and the remainder of the route between this point and Ladcastle Road is unmade ground and is very hard to navigate, even for an able-bodied person with specialist hiking footwear. A drainage gulley is noted at the bottom of the un-made ground, before the bituminous material begins. Although this gulley should catch a relatively fair amount of surface water coming down the hill, it is considered unlikely that it would deal with any significant rainfall event and we would expect the tunnel and ground downstream of the tunnel to suffer from over-ground flow of water should the gulley be “overwhelmed” or bypassed.

Photo 5.7a&b – Gulley at extent of un-made ground (looking West ,then East)

Note: Natural detritus (leaves etc) in abundance, which will reduce the effectiveness of this drainage feature unless regularly maintained.

5.8 The majority of the remainder of the Public Footpath section of the proposed alternative route is steep, un-made ground, with frequent hazards (leaves, rocks, tree roots etc). The path varies in width, becoming increasingly difficult to navigate the further West (uphill) you navigate.

Photo 5.8a&b – Various sections of Public Footpath (looking West, uphill)

Photo 5.8c&d – Various sections of Public Footpath (looking West, uphill)

Photo 5.8e – Section of Public Footpath (looking West, uphill)

Photo 5.8f – Section of Public Footpath (looking West, uphill)

Photo 5.8g – Section of Public Footpath (looking West, uphill)

5.9 Approaching the Western extent of the Public Footpath, users must navigate an extremely steep, rocky incline (estimate 1:2 or steeper), before a set of stone steps that are very steep and are in a state of disrepair. This part of the route was extremely difficult to pass for an able-bodied person with appropriate footwear.

Photo 5.9a – Start of Public Footpath (looking East, downhill, from Ladcastle Road)

Photo 5.9b – Rough stone steps (looking West, uphill, towards Ladcastle Road)

Photo 5.9c&d – Rough stone steps (looking West, uphill, towards Ladcastle Road)

5.10 In summary of the section of proposed alternative route that follows the Public Footpath, similar to the existing route, there are substantial changes in height. The section of proposed alternative route between the railway lines (bridge / tunnel) and Ladcastle Road has a level change of circa 37m, over a distance of little more than a 100m, this results in an average gradient in excess of 1:3.

5.11 At the top of the stone steps, users must navigate along Ladcastle Road for a distance of around 110m, to reach the end of the proposed route (Point B on existing and proposed plans in the appendices).

5.12 Ladcastle Road is an adopted rural road with bituminous carriageway surfacing which is in good condition. The road varies in width and in places it

is not possible for two vehicles to pass one another without slowing their speed significantly or by using passing places.

5.13 There are no footways on Ladcastle Road, however, forward visibility is good and during the site visit vehicle speeds were observed to be relatively low, with no feeling of discomfort when sharing the surface with vehicles.

Photo 5.13a – Access from Ladcastle Road to Public Footpath (at flag-type sign on right)

Note – Ladcastle Road (Northbound) is to the left, with access to a private residence in the centre.

Photo 5.13b – Ladcastle Road

Photo 5.13c – Ladcastle Road

Photo 5.13d – Ladcastle Road

# 6 Summary and Recommendations

6.1 As a result of the proposed closure of the existing Level Crossing and Public Footpath, users wishing to get between points A and B (Eastern and Western ends of the existing route) will be required to divert onto the proposed alternative route.

6.2 The proposed alternative route is approximately 400m longer than the existing route proposed to be closed.

6.3 The majority of the existing route is relatively steep, unlit, and the ground is uneven and littered with obstacles.

6.4 The proposed route varies in its quality, due to the different types of surfaces to be navigated. The majority of the length of the route is smooth and accessible (Moorgate Road, Canal Towpath, A670, Ladcastle Road) but the Public Footpath section is steeper than the existing route, also unlit, has even more obstacles, not least the stone steps at the Ladcastle Road end.

6.5 Based on the Census information and on-site observations, it is considered that users of the existing route mostly consist of able-bodied, physically fit pedestrians of all ages. Many of these would be local people, walking their dogs or exercising. Many others would be Ramblers, following recognised walking routes and with appropriate footwear for the conditions. It is accepted by these users that they are using a Public Foot**path** which typically does not have the same level of surface "finish" than an adopted Foot**way**.

6.6 Any cyclists using the existing route do so at their own discretion and it is considered that they would have a certain level of fitness (uphill) and skill (downhill) to navigate the surface and obstacles that are currently observed.

6.7 It is not considered that mobility impaired people would be using the existing route, and nor would they expect to, given the gradients and nature of the surfacing on the route. Neither would we expect pushchairs / buggy's to be navigating the existing route.

6.8 Our recommendations, below, are made on the basis that any users of the existing route should be able to transfer onto the proposed alternative route, and with the exception of having to travel a greater distance, would not be excessively adversely affected by the closure of the Level Crossing and Public Footpath.

6.9 Recommendation 1 – Closure of Level Crossing and Public Footpath

Ensure that adequate provision is made to deter pedestrians from attempting to cross at the location of the former Level Crossing. Ie. Suitable barrier measures are installed at either end of the Public Footpath to deter users from following the route to the Railway Tracks and attempting to find a way across, following the previously available direct route.

A combination of suitable walls, fencing, signage, destruction of the existing walkways should be implemented as necessary to properly remove the route and prevent it from being navigated.

6.10 Recommendation 2 – Footway Pinch-Point on A670

The footway narrowing alongside the A670, adjacent the entry to the Public Footpath used by the alternative route, is a potential hazard for users, particularly unaccompanied children, due to the potential for pedestrians to come close to moving vehicles on a relatively major road.

Ideally, the footway in this area should be widened to a minimum of 1200mm.

Due to a combination of the existing road width, horizontal alignment and location of drainage gulleys, the A670 does not lend itself easily to provision of a wider footway. Any potential improvement may need agreement from the adjacent, third-party landowner, to facilitate widening to the rear of the footway by way of rebuilding their boundary wall further back into their property.

It is accepted that the wall appears to be constructed of natural stone, which may be costly to replace or re-use, and that the land to the private residence

is higher than the highway land and will increase the retention required should the wall move back.

It is also accepted that there would be a requirement for a change to the limits of adopted highway should the footway be widened.

Finally, therefore, it is accepted that third-party land cannot and should not be relied upon to be available and this recommendation is an “ideal” improvement that may not be deliverable in terms of negotiation and / or cost.

6.11 Recommendation 3 – Surface of Public Footpath on Alternative Route

The majority of the Public Footpath to the West of the Railway Bridge / Tunnel presents at steep gradients and is of a poor-quality surface.

Hazards are evident with almost every step, in the form of tree roots, rocks, un-even ground.

It would be our recommendation that a re-grading of the surfacing between the Railway Tunnel and the Stone Steps (Western end of route) be carried out, to remove above-ground obstructions and present as smooth a surface as possible for users of the route.

An ideal, money-no-object scenario would have a bituminous surface, or similar machined finish, cross-falling to one side with a drainage facility along the edge, be that a soakaway trench, or a drainage channel leading to the existing gulley at the bottom of the run, West of the Railway Tunnel.

A more reasonable request may be to provide a relatively constant grade of surface, with rocks and substantial above-ground obstacles removed, and a loose gravel surface treatment applied to prevent the surface becoming boggy in wetter weather, however, due to the steep gradients evident here, and the amount of surface water that may run down the Footpath, it cannot be guaranteed how long such a loose surface would remain in serviceable condition. Consideration also should be given to the amount of detritus (leaves etc) that is evident in this location and that this natural waste will continue to fall, regardless of the chosen surface finish.

6.12 Recommendation 4 – Stone Steps between Public Footpath and Ladcastle Road.

The existing stone steps on the proposed alternative route are very steep, have short “treads” and are in a state of disrepair. Several of the stones are broken and there are some treads that move when a foot is placed on them.

This whole section of steps would benefit from reconfiguration, with a longer flight of steps installed, with smaller “risers” and wider “treads”, making the entire route more accessible and safer to navigate.

The wider the treads and lower the risers, the more accessible this route would be for cyclists wishing to divert from the route to be closed.

This recommendation is very important should the proposed alternative route be brought into service.

6.13 Recommendation 5 – Location of change in Speed Limit on A670

Refer to Appendix E. There exists a change in speed limit between 20mph and 30mph on the A670, to the east of the entry to the Public Footpath used by the alternative route.

If this speed limit change could be moved somewhere to the west of the entry to the Public Footpath used by the alternative route, the 20mph zone would encompass the entirety of the diversion route and may provide a safety benefit.

# 7 Summary

7.1 Whether or not the existing Level Crossing is safe is not a matter for Mayer Brown as Highway Consultants to decide. Network Rail have carried out their own assessment and determined that they wish to permanently close the crossing, and subsequently, the associated Public Footpath. Mayer Brown assume then, that the risk to pedestrians using the crossing is considered to be unacceptable to Network Rail and that they have significant concerns that there is the potential for a risk to life.

7.2 There is an alternative route available, which is longer than the existing route by around 400m, but which is, for the most part, accessible.

7.3 There are recommendations for improvements outlined in Section 6 of this report, and listed below in order of importance valued in terms of safety:

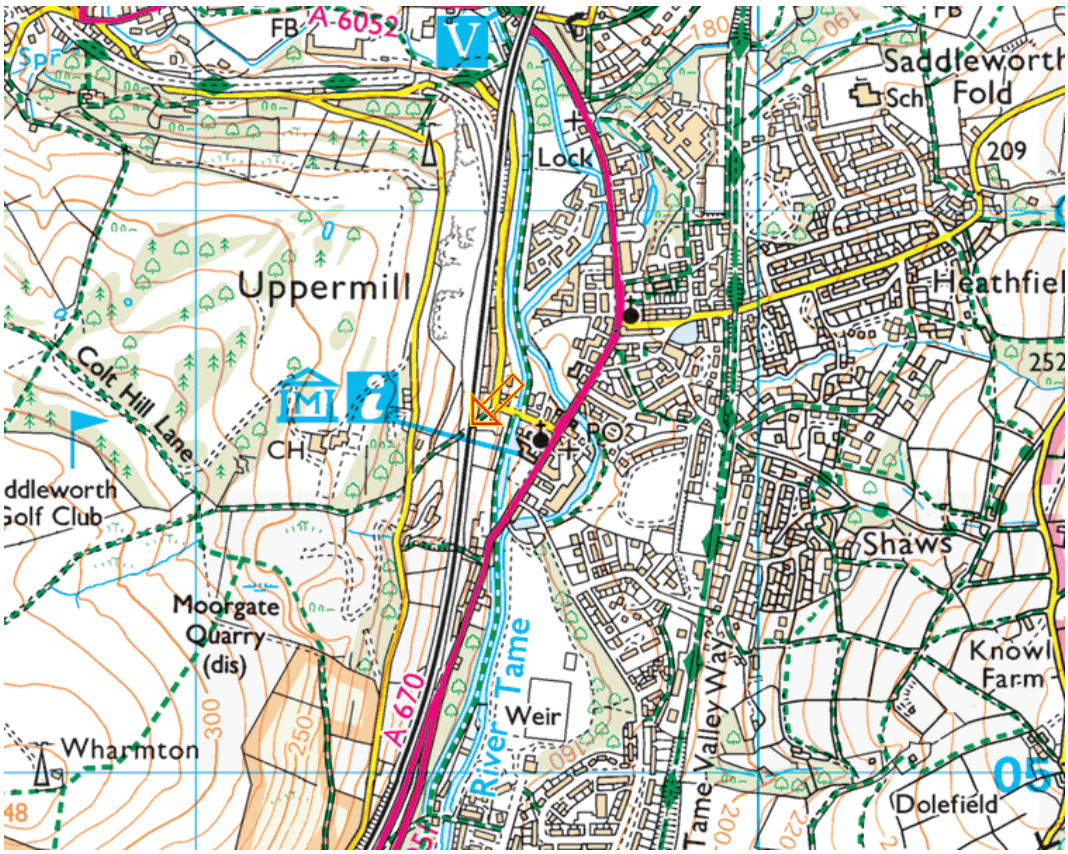
1. Security of the Closed Route (Recommendation 1)
2. Replacement of Stone Steps on Public Footpath (Recommendation 4)
3. Regrading of Public Footpath (Recommendation 3)
4. Amendment of Speed Limit Change Location (Recommendation 5)
5. Widening of Footway Adjacent A670 (Recommendation 2)

7.4 Providing that some form of the three most important recommendations, above, are implemented, the existing route will be suitably closed off and the proposed route will be accessible by all users that currently use the existing route.

7.5 The fourth recommendation may provide a safety benefit, particularly if recommendation 5 cannot be implemented.

7.6 The fifth recommendation, above, would be a nice-to-have, but it is accepted that delivery of the alteration could prove problematic, dependant on the willingness of third parties to be involved.

## APPENDIX A: Location Plan


A-6052
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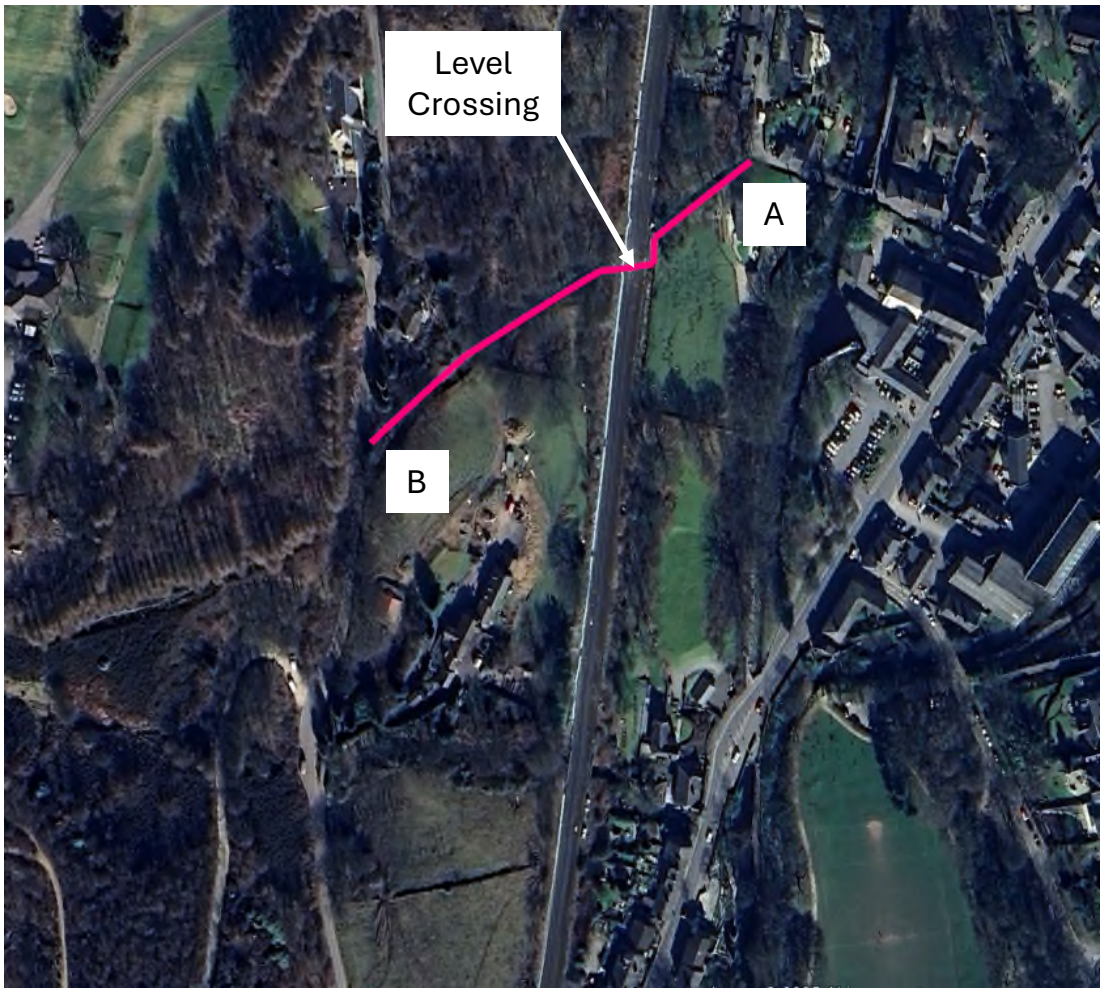
Fold
Sch
Lock
209
Uppermill
Heathfiel
Colt Hill Lane
CH
PO
ddleworth
Golf Club
Shaws
Moorgate
Quarry
(dis)
Knowl
Farm
River Tame
Weir
A-670
Tame Valley Way
Wharmton
Dolefield

Uppermill
White Brook
Library
Museum
Tourist Info
Wickens
Clough
Shaws
Golburn

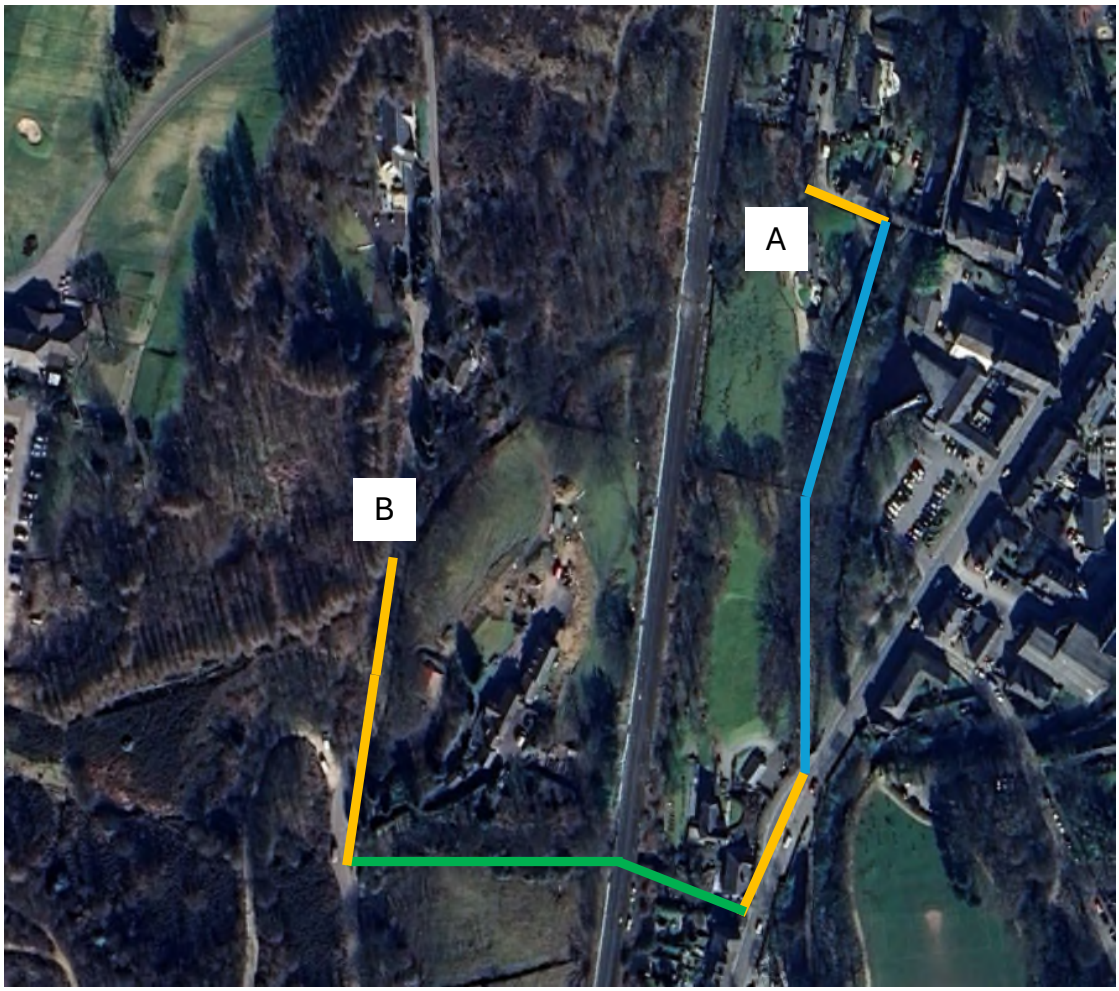
Level
Crossing
Path

## APPENDIX B: Existing Public Footpath to be Extinguished




Route of Existing Public Footpath To Be Extinguished (209SADD)

## APPENDIX C: Proposed Alternative Pedestrian Route




# Proposed Alternative Pedestrian Route

Public Highway (Footway)

Canal Towpath

Public Footpath (244SADD)

# APPENDIX D: Census Data

**Moorgate Halt - Footpath Crossing with Wicket Gates**
**08 11 2024 - 03 12 2024**

| Category | Count |
|---|---|
| Adult Pedestrians | 557 |
| Accompanied Child | 18 |
| Unaccompanied Child | 44 |
| Cyclists | 28 |
| Dog (on Lead) | 139 |
| Dog (Not on Lead) | 8 |
| | |
| | |

| Users between 23:59 - 06:00 | 0 |
|---|---|

| **Total Predestrians** | **647** |
|---|---|

| Date | No. of Users Per Day |
|---|---|
| 08/11/2024 | 4 |
| 09/11/2024 | 70 |
| 10/11/2024 | 35 |
| 11/11/2024 | 23 |
| 12/11/2024 | 27 |
| 13/11/2024 | 26 |
| 14/11/2024 | 19 |
| 15/11/2024 | 22 |
| 16/11/2024 | 32 |
| 17/11/2024 | 23 |
| 18/11/2024 | 16 |
| 19/11/2024 | 24 |
| 20/11/2024 | 26 |
| 21/11/2024 | 19 |
| 22/11/2024 | 31 |
| 23/11/2024 | 13 |
| 24/11/2024 | 39 |
| 25/11/2024 | 24 |
| 26/11/2024 | 9 |
| 27/11/2024 | 18 |
| 28/11/2024 | 45 |
| 29/11/2024 | 21 |
| 30/11/2024 | 27 |
| 01/12/2024 | 31 |
| 02/12/2024 | 15 |
| 03/12/2024 | 8 |

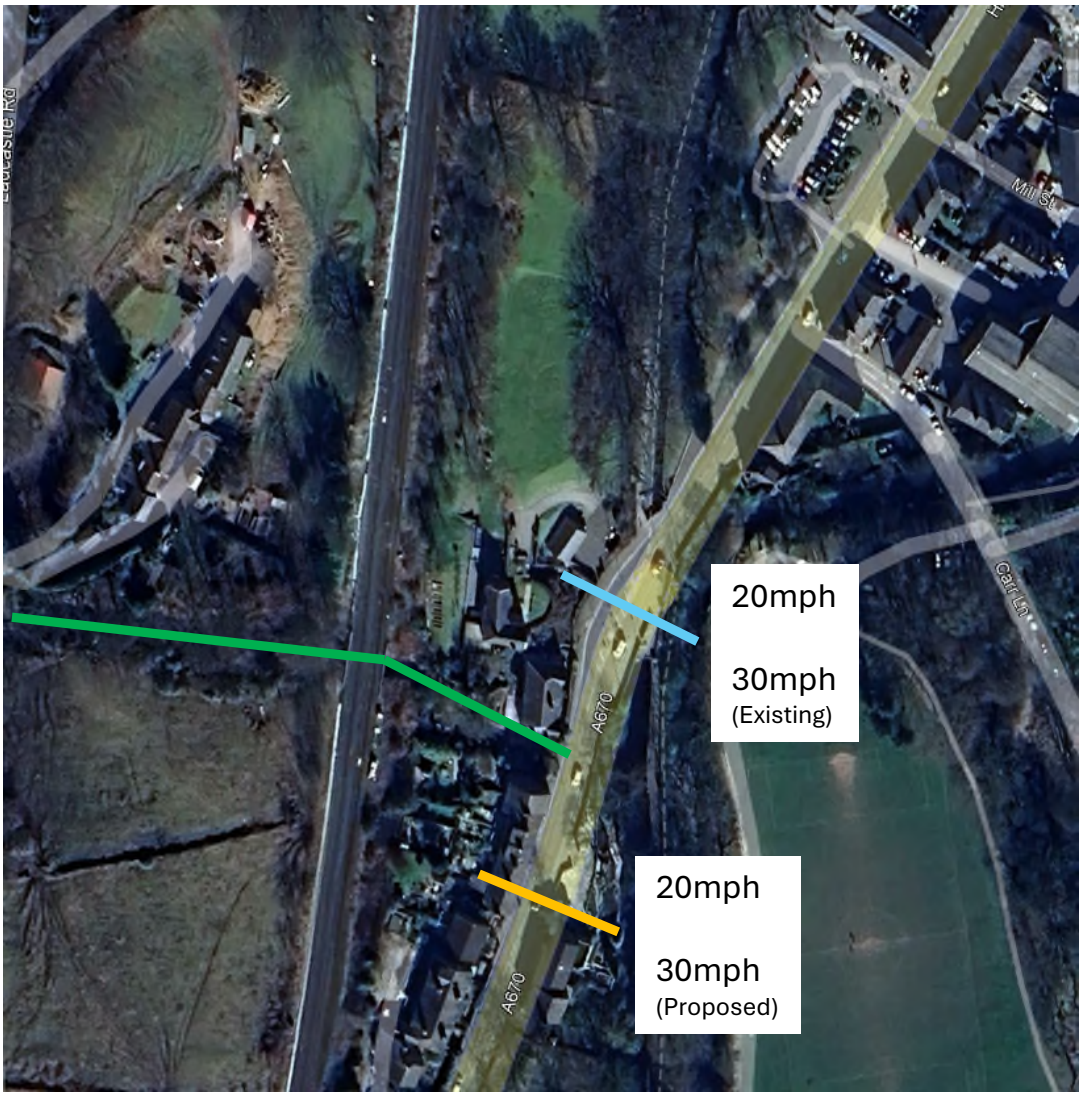
**Comments**

647 pedestrian users traversed the crossing during the census. Of this figure

**Misuse**

There were 9 instances of misuse captured with both adult and

# APPENDIX E: Speed Limits




## Details of Speed Limit Changes

- Location of Existing Speed Limit Change
- Approximate Location of Proposed Speed Limit Change
- Public Footpath (244SADD)