

**STATEMENT OF CASE**  
**THE NETWORK RAIL (STALYBRIDGE TO DIGGLE (SADDLEWORTH))**  
**ENHANCEMENTS ORDER**

**Submitted by:** Oldham Metropolitan Borough Council

**Role in Inquiry:** Objector / Statutory Authority

**To:** The Secretary of State for Transport

**Date:** 23<sup>rd</sup> February 2026

## **1 Introduction**

- 1.1 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.
- 1.2 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.
- 1.3 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.
- 1.4 Notwithstanding the Council’s overall support for the TRU, several components of the draft Transport and Works Act Order 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
- 1.4 For these reasons, the Council must submit this statement of case to the draft Order in respect of the specific matters set out below.

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

- 2.1 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).
- 2.2 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.
- 2.3 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.
- 2.4 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.
- 2.5 Network Rail's letter dated 5<sup>th</sup> February 2026 provided further information about their intentions with respect to both temporary diversions, including the proposal to include them both in the Construction Traffic Management Plan, which will require approval by Oldham Council. This further information is currently being considered by the Council.

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

- 3.1 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.
- 3.2 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.
- 3.3 Network Rail's letter dated 5<sup>th</sup> February 2026, provided a written commitment to establish a Highway Design & Management 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.
- 3.4 The Council welcomes this commitment in principle. However, until the terms of reference of the working group are agreed and documented, the Council must maintain its objection to this element of the scheme.
- 3.5 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.

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

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

4.1 Network Rail proposes the permanent closure of Definitive Footpath 209, Saddleworth at Moorgate Halt Level Crossing and the provision of enhancement works to the existing footpath network between Oldham Road and Ladcastle Road, which passes under MVL3/29 Wickens Underbridge to provide an alternative footpath route. An application for extinguishment of the crossing under Section 118A of the Highways Act 1980 was presented to Oldham Council's Highway Regulation Committee on 18 July 2024 and was refused.

4.2 Definitive Footpath 209 is an ancient and well-used public right of way as evidenced in Network Rail's (NR) Moorgate Halt Level Crossing impact risk assessment report reference IAR/MVL3/13.26, dated 2<sup>nd</sup> February 2023 (Appendix 1). The report includes a 11-day census of use (paragraph 7.2 of the report) for the period 25<sup>th</sup> March 2022 to 4<sup>th</sup> April 2022. The census recorded the following:

i) 434 pedestrian movements

ii) 418 adult pedestrians

iii) 8 accompanied children

iv) 8 unaccompanied children

v) 82 dogs on leads

vi) 2 dogs not on leads

vii) 13 cyclists

The report also identified that the crossing is known to have usage by vulnerable users due to the proximity to the centre of Uppermill village (paragraph 7.2.2 of the report). The footpath provides a convenient route between Ladcastle Road and the centre of Uppermill via Moorgate Street and therefore can be considered to be both a utility route and a leisure route.

4.3 Network Rail's impact risk assessment (Appendix 1) 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 (Appendix 2); however, Network Rail later withdrew this option following a revision of the

estimated cost to approximately £4.5 million with justification set out in paragraph 12.3 of the report entitled Additional Information Moorgate – Final (Appendix 3)

- 4.4 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.
- 4.5 Pursuant to section 5(6) of the Transport and Works Act 1992, a Transport and Works Act Order shall not extinguish any public right of way over land unless the Secretary of State is satisfied either that an alternative right of way has been or will be provided or that the provision of an alternative right of way is not required. As Definitive Footpath 209, Saddleworth is well used, the Council does not consider that the Secretary of State can be satisfied that an alternative right of way is not required.
- 4.6 Network Rail are proposing enhancements to Footpath 244 Saddleworth as the alternative right of way in place of Footpath 209. The Department of Transport issued A Guide to Transport and Works Act Procedures 2006 which provides guidance on the procedures for obtaining orders under Part 1 of the Transport and Works Act. Schedule 1 of the Act exemplifies those matters that may be included in an order made under section 1 or 3 of the Act and a commentary on Schedule 1 is provided in Annex 2 of the Guide. The relevant part of Annex 2 of the Guide states:
- “a section 1 or 3 order shall not extinguish a public right of way over land unless the Secretary of State is satisfied that an alternative right of way has been or will be provided, or that one is not required. If an alternative is to be provided, the Secretary of State would wish to be satisfied that it will be a convenient and suitable replacement for existing users.”* An extract of the relevant parts of A Guide to Transport and Works Act Procedures 2006 is attached as Appendix 4 with the relevant parts highlighted. As far as the Council is aware, the guidance that the Secretary of State would wish to be satisfied that the alternative right of way will be a convenient and suitable replacement for existing users is still relevant.
- 4.7 Consequently, if Definitive Footpath 209 Saddleworth is to be extinguished, the Secretary of State should be satisfied that Footpath 244 Saddleworth will be a convenient and suitable replacement for existing users.
- 4.8 The Council does not consider that the alternative diversion proposed via Definitive Footpath 244, Saddleworth, can be considered to be a convenient and suitable replacement for Definitive Footpath 209, Saddleworth, as evidenced by the photographs in 'Closure of level crossing off Moorgate Street/ Dark Lane, Uppermill, Oldham, Highway Statement' revision A dated 3<sup>rd</sup> July 2025 (Appendix 5). 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 (Appendix 6) and an existing, dilapidated, shallow, stone box culvert exists beneath the footpath that would require complete renewal should the proposal go ahead. This raises concerns about the effectiveness, cost 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 for the greater number of people who would use this route, as evidenced in the Highway Statement (Appendix 5 section 5.4).

- 4.9 Footpath 209 provides a relatively short link (approximately 170 metres) between Ladcastle Road and Uppermill village centre whereas the proposed alternative route via Footpath 224 Saddleworth is longer (approximately 660 metres) and the route via adopted carriageways is even longer approximately (approximately 1,800 metres). As stated above, the Council has temporarily closed the crossing for safety reasons by making a TTRO under section 14 of the Road Traffic Regulation Act 1984. When making a TTRO the Council are required to have regard to the existence of alternative routes suitable for the traffic which would be affected by the order. When the Council made the TTRO closing Footpath 209 at Moorgate Halt we did not refer to any alternative routes for persons using the footpath as we did not consider that there were any routes that were suitable.
- 4.10 The public sector equality duty set out in section 149 of the Equality Act 2010 requires a public authority in the exercise of its functions to have due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. In deciding on a convenient and suitable replacement route there is a need to consider the current and potential users of the existing route to ensure that the alternative route does not perpetuate restrictions on those who might qualify as existing users of the route. The alternative route via Footpath 244 Saddleworth proposed by Network Rail, by reason of its length and topography, is likely to be less accessible to persons who are mobility impaired compared to Footpath 209 Saddleworth and will therefore not be in accordance with the public sector equality duty.
- 4.11 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 convenient or suitable 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. The Council notes that where the Secretary of State considers that a crossing constitutes a danger to members of the public using it or likely to use it, the Secretary of State has the power under section 48 of the Transport and Works Act 1992 by order to require an operator to provide a bridge to carry a path over the railway at or reasonably near to the crossing to which the closure or diversion application relates. The Council considers that the Secretary of State should consider using this power to require Network Rail to provide a footbridge at Moorgate Halt rather than closing the footpath.
- 4.12 Paragraph 9.2.6 of Network Rail's (NR) Moorgate Halt Level Crossing impact risk assessment report reference IAR/MVL3/13.26, dated 2<sup>nd</sup> February 2023 (Appendix 1) states that the erection of an overbridge would have an impact on a lineside neighbour. Due to the required construction of overhead line equipment to electrify the line and the need to maintain sufficient sighting distances on the operational railway, any overbridge would have to be of a height that would result in users being able to see into the properties of the neighbouring landowners and thus reduce privacy. The Council considers that the privacy concerns can be resolved

by providing a higher parapet on the overbridge to prevent users on the overbridge being able to see into the adjoining land.

- 4.13 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.
- 4.14 In our letter of objection to the proposed closure, we requested 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). Network Rail has accepted our request and is willing to amend Sheet 15 of the Deposited Plans and Sections, Traffic Regulation Plans and Open Space Plan so as to limit the extent of footpath 209 Saddleworth to be extinguished to the part which crosses the railway only, so that the remainder of Dark Lane can be retained as a public footpath, and the Council can retain its ability to exercise its statutory powers as Highways Authority to manage, protect and maintain the route. Consequently, this matter will not have to be addressed at the public inquiry.

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

- 5.1 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.

- 5.2 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)

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

- 5.2.2 In Network Rail's letter dated 5<sup>th</sup> February 2025 the response to 12-003 AND 12-007 states:

*Environmental Report Volume 2 Figure 8.1.12 (folder 2 of 3) (NR14) "Tree Protection Plans" confirms that there are no trees affected in the immediate vicinity of the Christ Church, noting removal as required for construction purposes is designated by a red-dotted hatch on this figure.*

- 5.2.3 The land relating to 12-003 /12-007 is two small parcels of land with numerous trees providing circa 80 – 90 % tree cover. It therefore appears unlikely no trees are affected. More detailed information is required from Network Rail regarding how trees and other

vegetation will be affected and how the land will be reinstated before this temporary land use is agreed.

- 5.2.4 16-049 Wool Road. This is an area of circa 1,555 m<sup>2</sup> of landscaped land with numerous mature specimen trees and naturalized woodland. It is proposed to remove 12 individual trees and completely clear two small areas of tree cover. Although Network Rail have stated the land will be reinstated, given the extent of the trees and vegetation being removed more detailed information on reinstatement is required.

### 5.3 **Access-related objections:**

16-052 is a small section of a private drive. The Council has not had the opportunity to review this with the resident affected by the proposed right of access. The Council reserves its right to object to the right of access until such time as the Council and Network Rail have reviewed this with the resident.

- 5.3.1 17-002, 17-003, 18-005, 18-007, 18-012, 18-013, 18-017, 18-019, 18-020, 18-021A, 18-021B, 18-022, 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.

- 5.3.2 17-002 / 17-003 / 18-005 / 18-012 / 18-021A / 18-021B.

These relate to a circa 1km stretch of former railway line. Unless Network Rail agree to maintain the land and boundaries then the Council needs to retain a right of access to carry out any maintenance. Assurances are also required from Network Rail on satisfactory reinstatement of the land.

- 5.3.3 18-005 / 18-007 / 18-012 / 18-013

These relate to the acquisition of land at Ward Lane Bridge. The Council own circa 1.84 hectares of land to the south of Ward Lane Bridge only accessible from the track under the bridge. The Council therefore needs to be granted an unrestricted right of access across the acquired land.

- 5.3.4 18-013 includes a public footpath. Further information is required as to how the proposed works will affect the public footpath.

- 5.3.5 18-017 / 18-019 / 18-022. This land provides vehicle and pedestrian access to Grandpa Green's cafe car park and circa 0.75 acres of Council owned public open space. 18-019 is used as car parking by members of the public accessing the public open space and the adjacent public footpath / canal towpath. More information is required on the proposed use of the land and how rights of access will to be maintained during the works. A permanent right of access for the Council, Grandpa Greens and the public needs to be granted across

18-017 when ownership is transferred. Assurances are required on the maintenance of the access road during the works and reinstatement at the end of the works.

- 5.3.6 18-022: This relates to circa 0.75 hectares of public open space where the Council has recently carried out a major programme of tree planting. The Council also partner with 'Life for Life' who plant memorial trees on the site. More information is required on the proposed use of the land and how it will impact woodland / memorial trees. Assurances are required on the reinstatement of the land.

#### **5.4 Loss of Public Car Parks / Public Access**

- 5.4.1 12-005 Well-i-hole Road car park provides car parking for local residents and walkers accessing the adjacent canal towpath. It is opposite 12-003 and 12-007 and all three sites are located on a road bend at the junction of Well-i-hole Road, Shaw Hall Bank Road, Church Road and Oaklands Road. More information is required from Network Rail to assess the proposed use of the land, the timescales involved and the impact of the loss of car parking and likely displacement of parking onto the highway.
- 5.4.2 19-002 / 19-003a Sam Road car park. The car park provides public parking spaces for residents and walkers accessing the adjacent canal towpath. It is circa 150m away from Diggle school. Sam Road is predominantly terraced housing with no off road parking for residents. Sam Road provides emergency access and contractors access to Standedge Tunnel and a major contractors compound for the Trans Pennine rail upgrade works. More information is required from Network Rail to assess the impact of parking being displaced onto adjacent roads and how any highway safety concerns can be mitigated.
- 5.4.3 Sam Road car park has two public footpaths running through it and is also used by No 4 Sam Road to access a domestic garage. More information is required from Network Rail as to how existing rights of access will be affected.

#### **5.5 Plots affecting potential residential development:**

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

- 5.5.1 Plot 18-001 is identified for residential development (outline planning consent previously granted but not implemented, and the consent has therefore expired). The site is in the Council's Housing Land Supply / SHLAA, ref No HLA3147. 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) unacceptable on highway safety grounds. These impacts are potentially irreversible and represent a significant concern. Network Rail has stated the bridge will not affect sight lines, but the Council has not seen detailed drawings to confirm this. Further information is required from Network Rail before the Council can agree compensation is not required. Further information is required from Network Rail as to the timescales of the temporary use to assess when development could be progressed and whether the delay causes any material detriment to the Council. Assurances are required on the reinstatement of the land.

- 5.6 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.

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

- 6.1 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.
- 6.2 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.
- 6.3 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.
- 6.4 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.

## **7 Planning considerations**

In relation to wider planning considerations associated with the Order application there are several points which the Council considers prudent to raise in response to the Planning Statement submitted with the application (Document NR15).

### **7.1 Planning Policy Framework**

- 7.1.1 The Places for Everyone (PfE) Plan and related documentation took effect and became part of the statutory development plan on 21 March 2024. The PfE Plan must now be considered in the determination of planning applications, alongside Oldham's Joint Core Strategy and Development Management Development Plan Document (Local Plan), adopted November 2011, in accordance with the National Planning Policy Framework (NPPF).

7.1.2 The following policies are considered relevant to the determination of this application:

Places for Everyone:

Policy JP-S1: Sustainable Development  
Policy JP-S2: Carbon and Energy  
Policy JP-S4: Flood Risk and the Water Environment  
Policy JP-S5: Clean Air  
Policy JP-G1: Landscape Character  
Policy JP-G2: Green Infrastructure Network  
Policy JP-G3: River Valleys and Waterways  
Policy JP-G6: Urban Green Space  
Policy JP-G7: Trees and Woodland  
Policy JP-G8: A Net Enhancement of Biodiversity and Geodiversity  
Policy GP-G9: The Green Belt  
Policy JP-P1: Sustainable Places  
Policy JP-P2: Heritage  
Policy JP-C1: An Integrated Network  
Policy JP-C2: Digital Connectivity (public transport)  
Policy JP-C3: Public Transport  
Policy JP-C5: Streets for All  
Policy JP-C6: Walking and Cycling  
Policy JP-C7: Freight and Logistics  
Policy JP-C8: Transport Requirements of New Development

Oldham Core Strategy:

Policy 1: Climate Change and Sustainable Development  
Policy 4: Promoting Sustainable Regeneration and Prosperity  
Policy 5: Promoting Accessibility and Sustainable Transport Choices  
Policy 6: Green Infrastructure  
Policy 9: Local Environment  
Policy 17: Gateways and Corridors  
Policy 19: Water and Flooding  
Policy 21: Protecting Natural Environmental Assets  
Policy 22: Protecting Open Space  
Policy 24: Historic Environment

*National Planning Policy Framework (NPPF)*

Chapter 02 – Achieving Sustainable Development  
Chapter 09 – Promoting Sustainable Transport  
Chapter 13 – Protecting Green Belt land  
Chapter 15 – Conserving and Enhancing the Natural environment  
Chapter 16 – Conserving and Enhancing the Historic environment

## **7.2 Green Belt considerations**

- 7.2.1 In relation to Green Belt, the Planning Statement confirms that deemed planning permission is specifically sought for interventions into the Green Belt, which includes the creation of temporary compounds as well as works to structures.
- 7.2.2 Oldham Local Plan Policy 22 is engaged and states that development in the Green Belt will be permitted provided it does not conflict with national policies on Green Belt. The national policies on Green Belt are set out in the National Planning Policy Framework.
- 7.2.3 Paragraph 154 of the National Planning Policy Framework states that development in the Green Belt is inappropriate unless one of the listed exemptions applies. This includes situations for development that preserves its openness and does not conflict with the purposes of including land within it where it is for local transport infrastructure which can demonstrate a requirement for a Green Belt location.
- 7.2.4 Paragraph 143 of the National Planning Policy Framework confirms the five main purposes of Green Belt as being:
- a) to check the unrestricted sprawl of large built-up areas;
  - b) to prevent neighbouring towns merging into one another;
  - c) to assist in safeguarding the countryside from encroachment;
  - d) to preserve the setting and special character of historic towns; and
  - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 7.2.5 Network Rail considers that the proposed Green Belt interventions are exempted for being inappropriate given they are either temporary in nature, works to existing railway structures, or necessarily in close proximity to the railway, which justifies their Green Belt location. However, in relation to the temporary compounds, whilst little justification has been provided regarding the total number of required compound areas, it is accepted that they are for purposes associated with local transport infrastructure and their locations nearby the operational railway are apparent. Oldham Council does not consider that the proposals will conflict with the overarching aims and objectives of Green Belt policy given the provisions made for local transport infrastructure.

## **7.3 New 'permanent maintenance facility' on Oaklands Road, Grasscroft**

- 7.3.1 It is acknowledged that a permanent maintenance facility compound is also proposed at Oaklands Road, Grasscroft, on land designated as Other Protected Open Land (OPOL) in the Council's Proposals Map associated with the Local Plan. Oldham Local Plan Policy 22 (Protecting Open Land), in relation to OPOL sites, states:

*"Development on OPOL will be permitted where it is appropriate, small-scale of ancillary development located close to existing buildings within the OPOL, which does not affect the openness, local distinctiveness or visual amenity of the OPOL, taking into account its*

*cumulative impact. Where appropriate, development will be screened or landscaped to minimise its visual impact.”*

7.3.2 Furthermore, the site is designated as being a Green Corridor/Link. As such, Oldham Local Plan Policies 6 and 21 are engaged:

Policy 6 states:

*“Development proposals, where appropriate, must:*

- a. promote and enhance the borough’s Green Infrastructure network. This currently consists of nature conservation sites, strategic recreation routes, green corridors and links, canals and open spaces which are defined below; and*
- b. make a positive contribution to Green Infrastructure assets and its functions in priority areas identified in the Greater Manchester Green Infrastructure Framework and elsewhere where there are deficiencies in quantity, quality, accessibility and functionality; and*
- c. support opportunities to contribute towards the habitat creation and repair of Biodiversity Opportunity Areas identified in the Greater Manchester Ecological Framework. In the borough the two priority biodiversity areas identified for habitat creation and repair are South Pennine Moors (this is a Special Area of Conservation and Special Protection Area for Birds) and Moston Brook Corridor (this is a green corridor); and*
- d. protect and enhance habitats and species identified in the Greater Manchester Biodiversity Action Plan and Oldham Biodiversity Action Plan; and*
- e. conserve, protect and enhance the geological and geomorphological heritage identified in the Greater Manchester Local Geodiversity Action Plan; and*
- f. have regard to historic landscape as identified in the Greater Manchester and Oldham Urban Historic Landscape Characterisation Study; and*
- g. enhance and reinforce distinctive elements of the borough’s landscapes and have regard to the Oldham Landscape Character Assessment; and*
- h. ensure that the purpose, appearance and valued characteristics of the Peak Park, and views into and out of it, are not adversely affected; and*
- i. support the implementation of plans and projects which significantly contribute to the borough’s Green Infrastructure. These include the Moston Brook project, Leesbrook Nature Park, Pennine Edge Forest Trail, Peak Park Northern Gateway project, Sustrans Connect2 projects, Beal Valley and canal and river valley enhancement schemes.*

*These will be delivered through a range of funding streams, including developer contributions, where appropriate. The council will provide further advice and guidance on this policy.”*

Policy 21 States:

*“Development proposals must:*

- a. protect and maximise opportunities for Green Infrastructure at or near to the site.*
- b. protect, conserve and enhance biodiversity and geodiversity, designated nature conservation sites, legally protected species and their habitats and Local Nature Reserves. The hierarchy for site protection is:*
  - i. Special Protection Areas for Birds (SPAs) and Special Areas of Conservation (SAC);*
  - ii. Sites of Special Scientific Interest (SSSIs);*
  - iii. Sites of Biological Importance (SBI's); and*
  - iv. Local Nature Reserves and other non-designated sites containing substantive nature conservation value of local significance.*

*The Council will ensure development does not have an adverse effect on the integrity of a European designated site on the basis of objective information. The Council will work with Natural England and the Greater Manchester Ecology Unit to assess proposals that may have an adverse effect on the integrity of the European site and where appropriate, ensure effective mitigation measures are put in place before permission is granted.*

*In exceptional circumstances where development is unavoidable and cannot be accommodated elsewhere:*

- v. the applicant must demonstrate the need for, and the over-riding public interest and benefits of, the development.*
- vi. the development must set out how the proposals will protect and enhance the nature conservation, including how any harm will be minimised effectively through design and mitigation measures.*
- c. maintain, extend or link existing green corridors and links, including strategic recreational routes, where appropriate.*
- d. have regard to the principal landscape objective for the relevant landscape character area and type found within the Oldham Landscape Character Assessment. Development must enhance the visual amenity of the area, including Green Belt land, through conserving and reinforcing the positive aspects and distinctiveness of the surrounding landscape character.*
- e. protect and, where appropriate, enhance the aquatic environment, such as canal corridors, rivers and peat lands including their value as biodiversity resources. The council will support appropriate canal and river side regeneration, whilst ensuring development does not act as an obstacle to canal maintenance and its operations, navigation for leisure or freight purposes and public access to towpaths.*

*The Council will provide further advice and guidance on this policy.”*

7.3.3 As such, there are aspects of the principle of this proposal, as well as matters relating to access and design, that have not been agreed with Oldham Council, although the Planning Statement references the schedule of proposed conditions submitted which would require further information to be submitted to the Council for consideration and approval.

7.3.4 However, until such a time as these issues are resolved, either through the imposition and discharge of the proposed conditions, or amendments submitted prior to the TWAO application being determined, concerns remain regarding this aspect of the proposals given they have not been properly justified at this time.

#### **7.4 Heritage considerations**

7.4.1 Alongside the TWAO application, seven applications for Listed Building Consent have been submitted to Oldham Council on 7 November 2025.

7.4.2 For the avoidance of doubt these applications relate to the following listed buildings in Oldham:

- MVL3/20 Wright's Mill Overbridge - Works to reconstruct bridge, required in connection with Transpennine Route Upgrade programme
- MVL3/23 Wright's Overbridge - Works to remove bridge, required in connection with Transpennine Route Upgrade programme
- MVL3/25 Royal George Underbridge - Works to reconstruct bridge, required in connection with Transpennine Route Upgrade programme
- MVL3/26 Shaw Hall Bank Road Footway - Works to strengthen bridge, required in connection with Transpennine Route Upgrade programme
- MVL3/28 Oldham Road Overbridge - Works to reconstruct bridge, required in connection with Transpennine Route Upgrade programme
- MVL3/29 Wickens Underbridge - Works to strengthen the underbridge using precast reinforced units and replace the handrails with GRP in line with Network Rail safety regulations, required in connection with Transpennine Route Upgrade programme
- MVL3/31 Uppermill Viaduct - Installation of seven Overhead Line Equipment (OLE) portals and portal brackets, required in connection with Transpennine Route Upgrade programme

7.4.3 These applications were referred to the Planning Casework Unit (PCU) (for both processing and determination) on 7 November 2025 under the requirements of Section 12(3A) of the Planning (Listed Buildings and Conservation Areas) Act 1990, (<https://www.legislation.gov.uk/ukpga/1990/9/section/12>) and Oldham Council made representations on these proposals to the Planning Casework Unit on 19 December 2025.

7.4.4 Considerable weight must be given to the requirements of S16(2), S66(1) and S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Paragraph 213 of the NPPF requires clear and convincing justification to be given for any harm. NPPF paragraph 214 requires demonstration that the total loss or substantial harm the proposal would cause is outweighed by the substantial benefits, which should be clearly set out in the submission.

- 7.4.5 Paragraph 215 of the NPPF allows LPAs to consider the less than substantial harm against the public benefits generated by a proposal, including where appropriate securing an optimum viable use.
- 7.4.5 Policy 24 of the Local Plan states development to, or within the curtilage or vicinity of, a listed building or structure must serve to preserve or enhance its special interest and its setting. There will be a strong presumption against proposals involving the demolition of listed buildings or structures.
- 7.4.6 Places for Everyone Policy JP-P2 is also relevant to the assessment.
- 7.4.7 For the reasons identified above, the proposals represent total loss of Wrights Mill Bridge (MVL3/20), and substantial harm to Oldham Road Overbridge (MVL3/28) Wrights Bridge Overbridge (MVL3/23) and Royal George Underbridge (MVL3/25).
- 7.4.8 The proposed works to Uppermill Viaduct (MVL3/31), Wickens Underbridge (MVL3/29), and Shaw Hall Bank Road Underbridge (MVL3/26) represent a low level of less than substantial harm. Across the route, the proposals will also cause a high level of less than substantial harm through the loss of evidential value and group value.
- 7.4.9 The proposed scheme at Uppermill Viaduct will cause low level harm to the character and appearance of the Uppermill Conservation Area. There is some intervisibility between the Royal George Underbridge and the Royal George Mills Conservation Area which will impact on the setting of the conservation area due to the underbridge being a contributing factor to its setting and wider character and appearance, resulting in some limited visual impact.
- 7.4.10 There will be minor changes to the setting of Grade II listed 7, 9, 11 and 11A Midge Hill, which sits to the west of Wrights Mill Bridge and Grade II listed Christ Church, which sits to the north east of the Royal George Underbridge.
- 7.4.11 Wrights Mill Bridge forms part of the wider setting of the dwellings on Midge Hill with limited shared and as such the impact of the proposed scheme will be negligible. Shared views are more prominent between Christ Church and the Royal George Underbridge; however, due to the limited scale of the works to the underbridge, the impact on the setting of the listed building will result in limited, low-level harm.
- 7.4.12 There will be a minor change to the wider setting of Midge Hall, a Non-Designated Heritage Asset. Overall, this impact will only be limited due to minimal intervisibility from the site towards Wrights Mill Bridge.
- 7.4.13 The Council did not raise any specific objections to the listed building consent applications in its representation to the Planning Casework Unit on the basis that the proposals set out within them are necessary for the associated transport infrastructure scheme to be delivered. However, the levels of harm identified must be given significant weight in the decision-making process when considering the wider scheme, balancing this against the recognised benefits of the scheme and any other material planning considerations.

- 7.4.14 Based on these works being essential for the delivery of the wider scheme no objections are raised to these proposals although it must be emphasised that the decision-maker must be satisfied that the benefits associated with the delivery of the wider scheme outweigh the extent of harm that has been identified in heritage terms.

## **7.5 Biodiversity Net Gain**

- 7.5.1 It is noted that the statutory BNG condition that applies to planning permissions granted under Part 3 of the Town and Country Planning Act 1990 do not currently apply to a deemed planning permission pursuant to a direction by the Secretary of State under s90(2A) of the Act. However, it is acknowledged that the proposed conditions include provision for securing improvements to biodiversity and mitigate the ecological impacts from the proposals, aligned with the requirements of PfE Policy JP-G8.

## **7.6 Proposed Conditions**

- 7.6.1 Network Rail has liaised with Oldham Council in developing these proposals, identifying the key policy considerations and constraints, as well as providing mitigation measures for many of the issues raised during discussions. This includes matters covered by the schedule of proposed conditions set out in Document NR11 (Request for deemed planning permission and statement of proposed conditions), which covers the following subject matters.

1. Time limit
2. In accordance with the planning direction drawings
3. Stages of development
4. Preliminary works
5. Landscaping and ecology
6. Code of construction practice
7. Construction traffic management and travel plan
8. Materials
9. Biodiversity Net Gain
10. Archaeology
11. Oaklands Road permanent maintenance facility - Highway accesses
12. Oaklands Road permanent maintenance facility - Detailed Design
13. Approval and implementation under these conditions

- 7.6.2 Notwithstanding the issues raised in relation to the new 'permanent maintenance facility' on Oaklands Road, Grasscroft (which is associated with proposed conditions 11 and 12), the approach taken for conditions is considered to cover subject matters where details are yet to be provided. These are considered to meet the tests set out in paragraph 57 of the National Planning Policy Framework which requires that conditions be necessary, relevant to planning and the development to be permitted, enforceable, precise and reasonable in all other respects.

## **7.7 Planning summary**

- 7.7.1 With the exception of matters relating to the proposed 'permanent maintenance facility' on Oaklands Road, Grasscroft, matters which are reserved for future consideration through the imposition of the recommended conditions, and other concerns raised elsewhere within this statement, it is considered that key planning policies relevant to the proposals within the Oldham boundary have been identified and considered by Network Rail in the submission.

## **8. Conclusion**

- 8.1 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.
- 8.2 However, for the reasons set out in this Statement of Case, 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.
- 8.3 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.



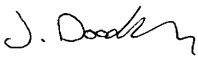
**North West & Central (NW&C) Region**

**North West Route**

**Moorgate Halt Level Crossing  
Impact Risk Assessment Report**

|                   |                |
|-------------------|----------------|
| Report Reference: | IAR/MVL3/13.26 |
|-------------------|----------------|



|              |                                                                                                 |
|--------------|-------------------------------------------------------------------------------------------------|
| Prepared By: | Signature:  |
|              | Name: James Doodson                                                                             |
|              | Job Title: Level Crossing Manager                                                               |
|              | Organisation: Network Rail                                                                      |
| Approved By: | Date: 2 <sup>nd</sup> February 2023                                                             |
|              | Signature:                                                                                      |
|              | Name:                                                                                           |
|              | Job Title: Route Level Crossing Manager                                                         |
|              | Date:                                                                                           |

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## Reference Documents

| Ref. | Name                                                           | Date           | Version |
|------|----------------------------------------------------------------|----------------|---------|
| 1    | Level Crossings: A Guide for Managers, Designers and Operators | December 2011  | 2234207 |
| 2    | Principles for Managing Level Crossing Safety                  | 15 June 2021   | 1       |
| 3    | Moorgate Halt LC Narrative Risk Assessment (NRA)               | 16 August 2022 | -       |

## 1. Background

- 1.1. This report has been commissioned to allow for assessment of the likely impact that the Transpennine Route Upgrade scheme and their railway improvements will have on user safety. This report will also help determine what action is to be taken to ensure the change in safety risk suitability it addressed.
- 1.2. Transpennine Route Upgrade project is a large scheme of works happening across multiple lines of track. For Moorgate Halt specifically, these improvements include a more frequent train service, an increased linespeed and electrification of the line,
- 1.3. Network Rail also has a legal responsibility under the Management of Health and Safety at Work Regulations 1999. Section 3 focuses on the requirement for suitable and sufficient assessments of risk to health and safety of employees and others in connection with their undertaking.

## 2. Level Crossing Details

|                                       |                                   |
|---------------------------------------|-----------------------------------|
| <b>Name of crossing</b>               | Moorgate Halt                     |
| <b>Type</b>                           | Footpath with Wicket Gates (FPW)  |
| <b>ALCRM Risk Rating</b>              | <b>C4</b>                         |
| <b>Fatality Weighted Index (FWI)</b>  | <b>0.00369509</b>                 |
| <b>Engineers Line Reference (ELR)</b> | MVL3                              |
| <b>Mileage</b>                        | 13m 26ch (572yds)                 |
| <b>Region / Route</b>                 | NW&C Region / North West Route    |
| <b>OS Grid Reference</b>              | SD998066                          |
| <b>What3words</b>                     | verb.siesta.foresight             |
| <b>Number of lines crossed</b>        | 2                                 |
| <b>Line Speed (mph)</b>               | 65mph                             |
| <b>Electrification</b>                | N/A                               |
| <b>Signal Box</b>                     | Manchester East Signalling Centre |

- 2.1. As part of a level crossing risk assessment, data is entered into the industry accepted risk modelling support tool (All Level Crossing Risk Model – ALCRM) which enables Network Rail to compare risk at all level crossings throughout the network. Results for this level crossing are referenced above; further calculation details are provided later in this document.
- 2.2. The Crossing is classed as an unprotected ‘passive’ crossing. This means there is no active warning of train approach; users are not protected from train movements and trains traverse the Crossing irrespective of whether it is clear. Apart from the provision of whistle boards, which do not provide any significant level of mitigation outside of the NTQP (and none during the NTQP), users are required to decide by themselves, whether to cross by looking in both directions for the absence of trains.

### 3. Aerial Photos of the Crossing

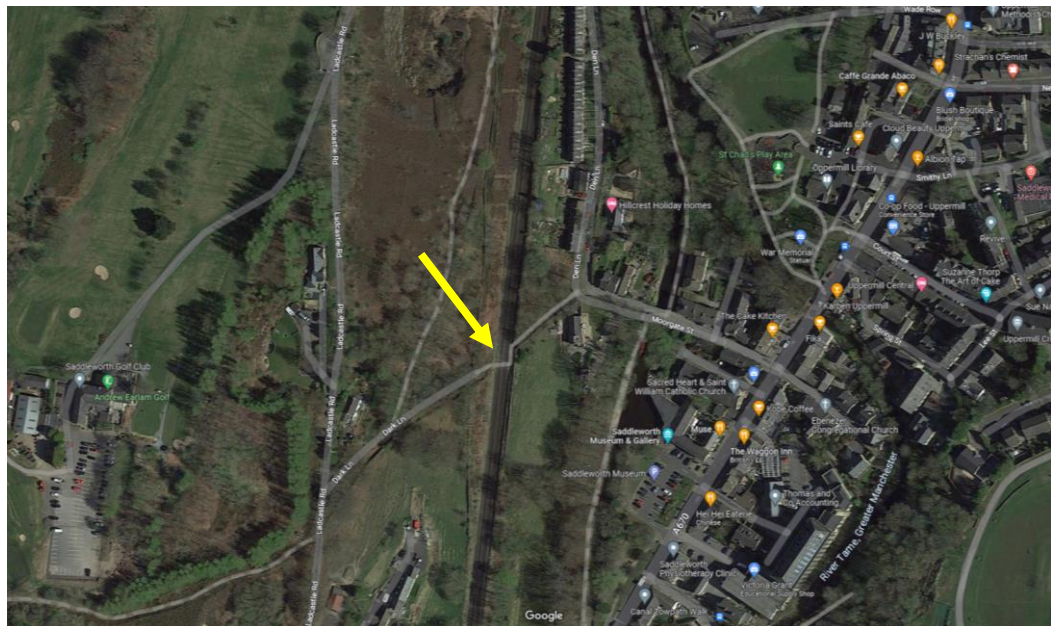


Figure 1 – Satellite view of the level crossing

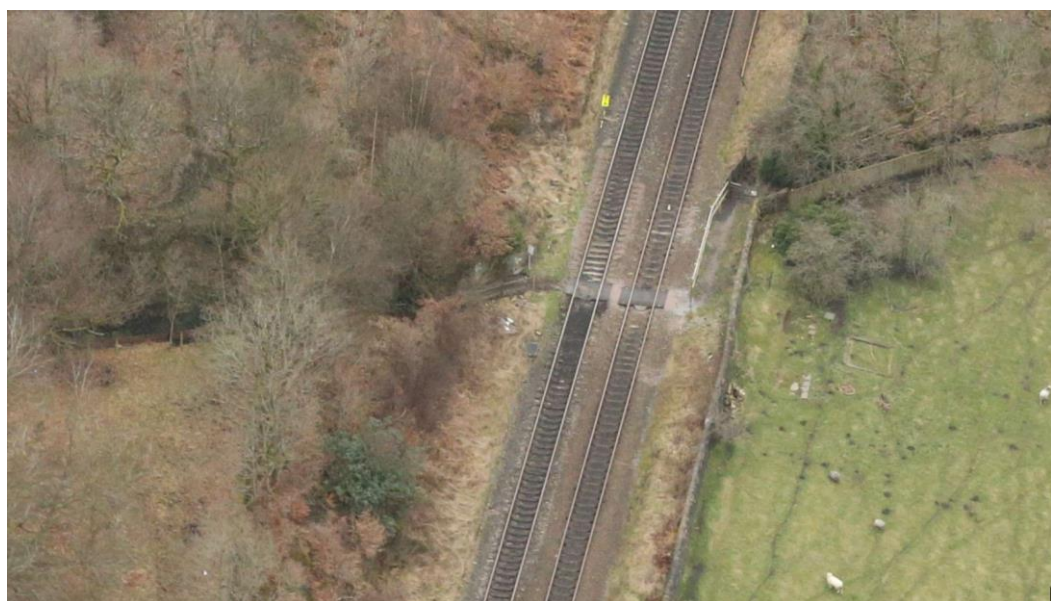
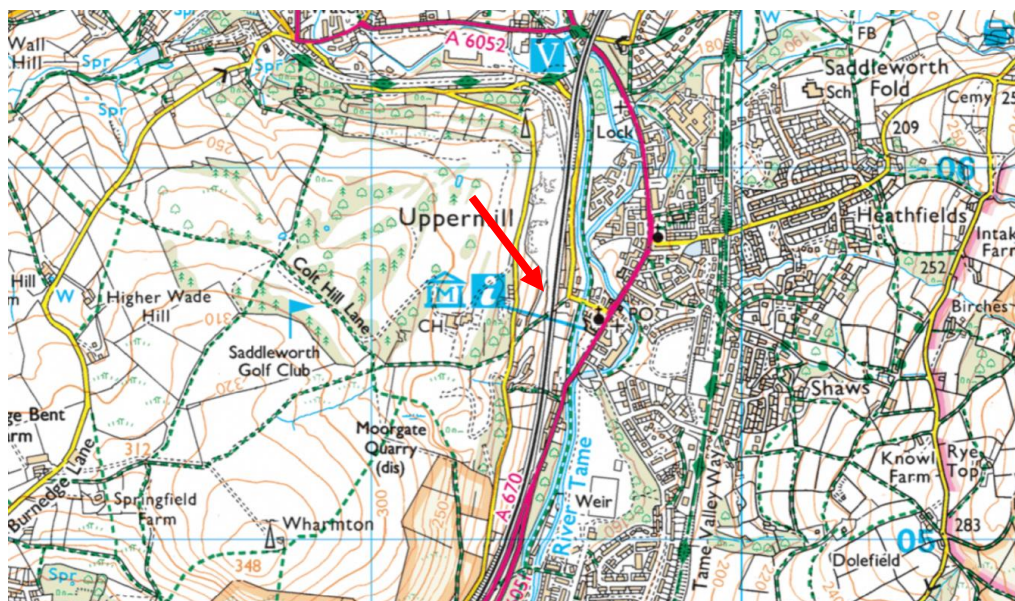


Figure 2 – Drone view of the level crossing from Route View

### 3.1. Ordnance Survey Map of the Town and crossing



## 4. The Local Environment

- 4.1. Moorgate Halt is a public footpath level crossing that is located in the village of Uppermill which has an approximate population of 7,500 based on a 2001 census. Uppermill is part of the parish of Saddleworth which has an approximate overall population of 30,700 (based on 2011 census). The surrounding area is a mixture of rural land and urban land.
- 4.2. The crossing receives a high volume of usage and is used as an access into the centre of Uppermill for many. This usage includes a higher than usual number of vulnerable users.
- 4.3. With regard to vulnerable users, there is a sighting deficiency on the down side train approach. As a result, a temporary speed restriction has been imposed on the crossing in order to achieve the suitable sighting for a vulnerable user.

## 5. Site Factors

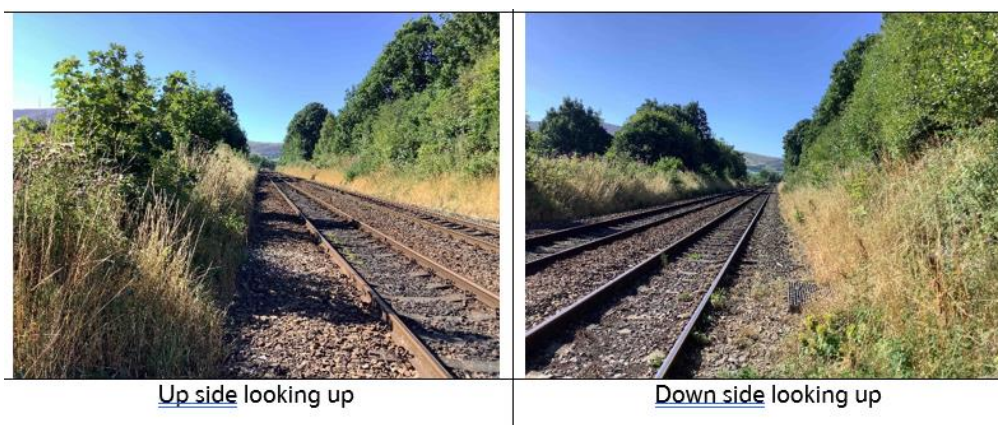
### 5.1. Crossing Environment

- 5.1.1. This crossing is located between Greenfield station and Marsden station. At this location the crossing spans two lines with a maximum line speed of 65 mph. Due to a sighting issue on the down side, a temporary speed restriction has been placed at 55mph. The railway is orientated from north to south.
- 5.1.2. Normal passenger services run between the hours of 06:00 and 22:00 with approximately 117 services per day. Freight services also traverse this line with approximately 10 services running through the full 24 hours. The number and frequency of services can fluctuate depending on operational requirements, engineering works or during times of disruption.

- 5.1.3. Train service improvements here include an increased train service to 192 passenger services per day and 15 freight services. The linespeed is also increased to 80mph with electrified overhead line equipment.
- 5.1.4. On approach to the Crossing from the east (i.e. from the town) the first track met is the 'Up' line with the direction of train travel thereon, on approach from the right. The 'Up' side approach is via a public footpath which leads from Moorgate Street. This approach is on a steep incline towards the crossing.
- 5.1.5. On approach to the Crossing from the west the first track met is the 'Down' line, with trains also approaching from the right. The 'down' side approach is via a steep decline down Dark Lane. At this location, , the path is unmade and may be difficult to navigate for some users.
- 5.1.6. The Crossing traverses the dual track railway at 90 degrees (perpendicular). The surface is of rubber construction known as a Holdfast unit; the surface has built in anti-slip properties. The Crossing surface is in a good state of repair, with all required signage in position. The decision point is identified by the CC03 'Stop, Look, Listen' signs.
- 5.1.7. There is no lighting at the Crossing so visibility of the approaches, deck and signage is ambient with surrounding conditions during night/dusk. This crossing is known to have users traversing during the hours of darkness, the most recent census captured 6 users traversing between the hours of midnight and 6am.
- 5.1.8. Both approaches to the Crossing within the railway boundary are corralled with wooden handrail which guides all pedestrians up to the decision point. This helps to keep crossing users to the correct crossing point and dissuade from trespass.

## **5.2. Sighting Distance of Approaching Trains**

- 5.2.1. The general principle of compliance at passive level crossings, where the user must make their own decision when to cross, is that the Crossing time must be less than the sighting time of the fastest train. The sighting time, measured in seconds, is the time from which the full front of the train is first visible to the user from the Decision Point to its arrival at the Crossing.
- 5.2.2. Based on the 65mph line speed, users of the Crossing require a minimum of 330m of sighting in order to cross in safety.
- 5.2.3. This was calculated against a traverse of 9m, being the distance between the decision points, at a walking speed of 1.189m/s for an unencumbered, able-bodied pedestrian. The traverse time was then increased by 50% owing to the high number of vulnerable users, resulting in a traverse time of 11.35 seconds.
- 5.2.4. The available sighting on the down side looking towards the train approach is significantly less than the required due to track curvature. As a result, a temporary speed restriction has been imposed at 55mph.



- 5.2.5. When stood on the down side looking towards train approach the sighting is deficient by 44 metres giving a user 1.51 seconds less than the required warning time to cross.
- 5.2.6. This level crossing is also a location at which there is the possibility for a second train to pass over the Crossing within 20 seconds of an earlier, first train. This creates a high risk from the 2<sup>nd</sup> train being hidden from view as the 1<sup>st</sup> train passes, and for several seconds after passing, the sound of the 1<sup>st</sup> train also masks the sound of the 2<sup>nd</sup> train approaching from the opposite direction.
- 5.2.7. The Transpennine Route Upgrade are increasing their linespeed as part of the railway improvement works and the full benefit of the project will not be achieved if a temporary speed restriction remains on the crossing
- 5.2.8. Based on the improved 80mph line speed, users of the Crossing require a minimum of 406m of sighting in order to cross in safety.
- 5.2.9. The available sighting on the down side looking towards the train approach will be significantly less than the required. When stood on the down side looking towards train approach the sighting is deficient by 120 metres giving a user 3.35 seconds less than the required warning time to cross.

|                                                                     | Minimum sighting distance required (m) | Available sighting distance (m) | Comments                 | Warning time provided by sighting distance (seconds) |
|---------------------------------------------------------------------|----------------------------------------|---------------------------------|--------------------------|------------------------------------------------------|
| <u>Up side</u> looking at trains travelling in the up direction     | 330                                    | 488                             | Measured to track curve. | 16.79                                                |
| <u>Up side</u> looking at trains travelling in the down direction   | 279                                    | 429                             | Measured to track curve. | 14.76                                                |
| <u>Down side</u> looking at trains travelling in the up direction   | 330                                    | 482                             | Measured to track curve. | 16.59                                                |
| <u>Down side</u> looking at trains travelling in the down direction | 279                                    | 286                             | Measured to track curve. | 11.63                                                |

## 6. ALCRM Scoring

- 6.1. The Qualitative risk assessment is based on data collected at the Crossing and entered into ALCRM. This is a computer-based application used by Network Rail to assist in the risk management of level crossings. The risk result consists of a 'letter' and 'number' classification of safety risk, giving the 'letter' (A-M for individual risk) or 'number' (1-13 for collective risk) band. These rankings represent the range of risk across all types of crossings where A and 1 are the highest and M and 13 are the lowest.
- 6.2. The Crossing is currently ranked as a C4, with an FWI of 0.00369509. This puts the crossing 42<sup>nd</sup> out of 457 crossings in terms of highest risk and 6<sup>th</sup> out of 93 in crossings of a similar type.
- 6.3. The Collective Risk is Measured in FWI/year and assigned a score from 1-13 (1 being the highest). It is specified for each user type, on-board staff and passengers for non-derailment events and on-board derailment.
- 6.4. The Risk Per Traverse is measured in FWI/traverse and assigned a score from A-M (A being the highest).
- 6.5. Following the Transpennine Route Upgrade improvements, the Crossing is ranked as a B3 with an FWI of 0.006663373. This equates to an 80% increase in risk.

## 7. Current Issues and Risks Recorded On Site:

### 7.1. Identify Hazards

| Hazard                                                                      | Potential impact           | Mitigations                                                                                                                                                                                                                          |
|-----------------------------------------------------------------------------|----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Trains                                                                      | Fatality or serious injury | <ul style="list-style-type: none"> <li>Level crossing signage.</li> <li>Rubber crossing surface with anti-slip properties.</li> <li>Vegetation checked during inspections</li> </ul>                                                 |
| Underfoot conditions                                                        | Fatality or serious injury | <ul style="list-style-type: none"> <li>Appropriate crossing decking for crossing type and location.</li> <li>Regular crossing inspections and maintenance regime in place.</li> <li>Vegetation checked during inspections</li> </ul> |
| Difficulty on hearing or seeing approaching trains due to inclement weather | Fatality or serious injury | <ul style="list-style-type: none"> <li>Level crossing signage.</li> <li>Vegetation checked during inspections.</li> <li>Rubber crossing surface with anti-slip properties.</li> </ul>                                                |
| Darkness                                                                    | Fatality or serious injury | <ul style="list-style-type: none"> <li>Review of night time usage completed midnight to 06:00 hours – 6 users during NTQP.</li> <li>LED solar deck lights provided.</li> </ul>                                                       |
| Vegetation growth between visits reducing                                   | Fatality or serious injury | <ul style="list-style-type: none"> <li>Vegetation checked during inspections.</li> <li>Regular inspection and maintenance regime in place.</li> </ul>                                                                                |

|                                                |                            |                                                                                                                                                                                                                                                                                                   |
|------------------------------------------------|----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| the ability to see trains approaching crossing |                            |                                                                                                                                                                                                                                                                                                   |
| Vulnerable users                               | Fatality or serious injury | <ul style="list-style-type: none"> <li>• Standard crossing layout, compliant with ORR (Office of Rail and Road) guidance.</li> <li>• Instructional signage at crossing.</li> <li>• Increased traverse time [by 50%]</li> <li>• Temporary speed restriction enforced.</li> </ul>                   |
| Unfamiliar users                               | Fatality or serious injury | <ul style="list-style-type: none"> <li>• Standard crossing layout, compliant with ORR (Office of Rail and Road) guidance.</li> <li>• Instructional signage at crossing</li> <li>• Rubber crossing surface with anti-slip properties.</li> <li>• Vegetation checked during inspections.</li> </ul> |
| Increased usage due to future developments     | Fatality or serious injury | <ul style="list-style-type: none"> <li>• Review and update this risk assessment appropriately – no nearby known developments at the time of assessment.</li> </ul>                                                                                                                                |

7.1.1. There are known issues with fog at certain times of the year that might impair visibility of trains approaching the Crossing. Foliage and vegetation had to be regularly cut back during inspections or works orders were issued when larger areas require cutting back.

7.1.2. The NRA previously did not identify sun glare as a risk, although it is a known issue which may further impair visibility of approaching trains for a short period at certain times of the day, particularly in the months of July and August.

## 7.2. Census Details

7.2.1. Network Rail uses a minimum of nine days when carrying out a census of use at level crossings. The most recent NRA used a census over 11 days (25/03/2022 – 04/04/2022) whereby a total of 434 pedestrian movements across the Crossing was recorded. High level data from the census counted:

- Adult pedestrians: 418;
- Accompanied children: 8;
- Unaccompanied children: 8;
- Dogs on a lead: 82;
- Dogs not on a lead: 2;
- Cyclists: 13.

7.2.2. The crossing is known to have usage from vulnerable users due to its close proximity to the centre of Uppermill village. These results therefore necessitated and supported the increase of traverse time for pedestrian by 50%. This has also been supported by the report of misuse at the crossing, shown below.

7.2.3. During the census collection exercise, 6 pedestrians were also observed crossing during the night time quiet period (between midnight and 06:00 hours). With no ambient lighting on the Crossing, users crossing during the hours of darkness would require a personal light source.

7.2.4. Network Rail's internal safety management information systems have been interrogated and the incident history is provided below:

| Event Date | Description                                                                                                                             |
|------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| 02/09/1994 | ALLEGED NEAR MISS WITH A MALE                                                                                                           |
| 24/12/1995 | ELDERLY MAN ON MOORGATE CROSSING                                                                                                        |
| 24/12/1995 | 2Z64 near miss with person on xing                                                                                                      |
| 17/01/2000 | Female struck and killed by 6M07 at Moor Gate Footpath LC                                                                               |
| 09/02/2000 | youths placed objects on the line                                                                                                       |
| 30/08/2002 | Youths placed debris on the line                                                                                                        |
| 13/04/2005 | Children placing ballast on the line                                                                                                    |
| 04/01/2006 | Youths trespassing on the line                                                                                                          |
| 06/03/2008 | Driver of 1K11 reported children placing ballast on the rail at Moorgate Foot crossing at Greenfield                                    |
| 22/03/2006 | Person placing objects on the line                                                                                                      |
| 27/06/2008 | Driver of 1P23 reported school children playing chicken at Stalybridge                                                                  |
| 05/06/2009 | 2M83 reported near miss with kids on foot crossing at Uppermill                                                                         |
| 29/05/2010 | Near Miss - 1P47 reported a near miss with a group of youths who were sitting on the crossing.                                          |
| 31/05/2011 | 1P46 reported a near miss with an elderly woman and her dog at Moor Gate crossing.                                                      |
| 21/08/2013 | Fatality/Suicide - TPE 1P59 17:02 Newcastle - Manchester Airport struck a young male at Moorgate Halt Foot Crossing. BTP ref 551 RIDDOR |

|            |                                                                                                                                                                                                                                                                            |
|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 19/06/2014 | Trespass - 2 girls aged approx 8-10 ran across the line at Moorgate Crossing in front of TPE 1E78 1812 Liverpool Lime Street-Newcastle. BTP Ref 582                                                                                                                        |
| 03/11/2016 | PA Fatality: TPE 1P29 0946 Middlesbrough - Manchester reported striking a person at Moorgate Halt FC.                                                                                                                                                                      |
| 03/12/2017 | LC Near Miss: TPE 1K17 13:40 Hull-Manchester Piccadilly had a near miss with 4 youths at Moorgate Halt FPW level crossing                                                                                                                                                  |
| 31/01/2018 | LC Misuse - the driver of 1P40 (1406 Manchester Airport - York) reported an elderly male on Moorgate Halt Foot Crossing                                                                                                                                                    |
| 16/03/2018 | LC Near miss: TPE 1E64 0812 Liverpool Lime Street to Newcastle Central reported a near miss with a male and two dogs at Moorgate foot crossing                                                                                                                             |
| 14/07/2018 | Trespass - MESCC report, the driver of 1K72 (1153 Leeds to Manchester Piccadilly) reported observing four youths (three females and one male) approximately 13 years of age trespassing in the vicinity of Moorgate foot crossing, just Diggle side of Greenfield station. |
| 22/11/2018 | LC Misuse: 1K78 (14:53 Leeds to Manchester Piccadilly) reported 2 youths wearing uniforms jumping in front of trains at Moorgate LC.                                                                                                                                       |
| 25/04/2019 | LC Misuse: 2M81 1617 Manchester Piccadilly to Huddersfield reported four school children playing chicken at Moorgate FP crossing                                                                                                                                           |
| 29/05/2019 | LC Near Miss / LC Misuse - 9M12 (14:03 Newcastle Central - Liverpool Lime Street) reported a near miss with a pedestrian at Moorgate Halt Level Crossing.                                                                                                                  |
| 21/10/2019 | LC Near Miss / LC Misuse - 9M12 (1403 Newcastle Central - Liverpool Lime Street) reported a near miss with two young females at Moorgate Halt LC.                                                                                                                          |
| 28/10/2019 | LC Misuse - 1P73 (1147 Manchester Airport to Middlesbrough) reported two girls loitering at Moorgate Halt foot crossing.                                                                                                                                                   |
| 11/12/2019 | LC Near Miss / LC Misuse - 1P75 (12:47 Manchester Airport - Middlesbrough) reported having to apply the emergency brake due to an elderly female crossing at Moorgate Halt LC.                                                                                             |
| 17/03/2020 | LC Near miss: 2M74 1353 Huddersfield to Manchester Piccadilly reported a near miss with four youths at Moorgate Halt Level Crossing                                                                                                                                        |

|            |                                                                                                                                                                             |
|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 08/07/2020 | Object / LC Misuse / Trespass - 1K26 (16:08 Hull - Manchester Piccadilly) reported youths placing ballast on the line at Moorgate Level Crossing.                           |
| 09/07/2020 | LC Misuse / Trespass - 1K27 (16:30 Manchester Piccadilly - Hull) reported two males taking photographs on the line at Moorgate Halt LC.                                     |
| 09/08/2020 | LC Near Miss / LC Misuse - 1K22 (14:06 Hull - Manchester Piccadilly) reported a near miss with an elderly couple at Moorgate Halt LC.                                       |
| 05/10/2020 | LC Near Miss / LC Misuse - 1K23 (14:35 Manchester Piccadilly - Hull) reported making an emergency brake application due to a person stepping out onto Moorgate Halt LC.     |
| 14/06/2021 | LC Misuse - 1K34 (20:08 Hull - Manchester Piccadilly) reported a person running across the crossing as the train approached Moorgate LC.                                    |
| 26/08/2021 | LC Near Miss / LC Misuse - 1P85 (1738 Manchester Airport - York) reported a near miss with four youths at Moorgate Halt LC.                                                 |
| 13/04/2022 | Near miss/LC Misuse: 1P78 (15:07 Redcar Central - Manchester Airport) made an emergency brake approaching Moorgate Halt LC due to two male youths                           |
| 11/08/2022 | LC Near Miss / LC Misuse: 1P17 (07:54 Liverpool Lime Street - Newcastle) reported having to apply the emergency brake due to a pedestrian strolling across Moorgate Halt LC |

## 8. Options Evaluated

8.1. Detailed below are the options that have been considered to reduce the risk at the crossing and whether this is sufficient to open the crossing for public use, balanced against gross disproportionality of the costs against the benefit achieved (see section 13).

| Option                                      | Original ALCRM score | New ALCRM score | New ALCRM FWI | Safety benefit % | Cost       | Remarks                                                            |
|---------------------------------------------|----------------------|-----------------|---------------|------------------|------------|--------------------------------------------------------------------|
| Closure by Diversion of Public Right of Way | C4                   | M13             | 0.000         | 100%             | £25,000    | This is the only option to achieve ALARP                           |
| Closure by Pedestrian Overbridge            | C4                   | M13             | 0.000         | 100%             | £1,200,000 | This option is not suitable due to signal sighting.                |
| Closure by Pedestrian Underpass             | C4                   | M13             | 0.000         | 100%             | £2,500,000 | This option is not suitable due to gradients.                      |
| Installation of VAMOS (Overlay MSL)         | C4                   | D5              | 0.000867134   | 76%              | £500,000   | This option is not technically feasible due to signal positioning. |

|                                                        |    |    |             |      |            |                                                      |
|--------------------------------------------------------|----|----|-------------|------|------------|------------------------------------------------------|
| Installation of integrated Miniature Stop Lights (MSL) | C4 | D5 | 0.000867134 | 76%  | £1,200,000 | Not suitable under Signalling principles.            |
| Maintain current crossing "as is"                      | C4 | B3 | 0.006663373 | -80% | £0         | This would leave the crossing unsafe for the public. |

8.2. The Optioneering concludes that the only practical option that removes the increased safety risk to users is the closure of the crossing by diverting the public right of way. All other options either not sufficiently reducing risk or the expense is not justifiable, being grossly disproportional to the benefit achieved.

## 9. Option Consideration

### 9.1. Technical Considerations

9.1.1. Technical considerations include new signalling and electrification at the crossing which will involve new signalling positions. This will affect any options that have an option integrated to the signalling system.

### 9.2. Options Considered

9.2.1. The following options have been further considered as risk solutions at the Crossing if it is to be reopened:

- i. Closure by Pedestrian Overbridge;
- ii. Closure by Pedestrian Underpass;
- iii. Installation of VAMOS (Overlay MSL);
- iv. Installation of integrated Miniature Stop Lights (MSL);
- v. Maintain current crossing "as is";
- vi. Closure by Diversion of Public Right of Way.

9.2.2. All but one of these scenarios have been discounted for the following reason:

#### i. Closure by Pedestrian Overbridge – Discounted

9.2.3. This option was the first choice of the Transpennine Route Upgrade and provides a 100% risk reduction as the crossing would be removed completely.

9.2.4. Due to new signal positions following the completion of this phase of the Transpennine Route Upgrade project, a pedestrian footbridge would not be suitable at this location. The erection of a footbridge here would block signal sighting for oncoming train drivers and would affect the running of the operational railway. These signals cannot be moved since the distance between these and other signals must give train drivers sufficient notice to start braking before a red signal.

9.2.5. The possible location of a proposed footbridge is also very limited. The geographical complexities of the area at the crossing and nearby, mean that it will still affect signal sighting even if moved slightly.

9.2.6. The erection of an overbridge would also have an impact on a lineside neighbour. Overhead line equipment is being constructed here in order to electrify the line. The

overbridge would need to be large enough to clear the overhead equipment. Due to this and the need to maintain sufficient sighting distances of the operational railway the location of any new footbridge would result in users being able to see into the properties of our lineside neighbours and thus reduce privacy.

ii. Closure by Pedestrian Underpass - Discounted;

- 9.2.7. This option would remove the risk at the crossing by constructing an underpass and give users the ability to reach either side of the railway without having to traverse the level crossing.
- 9.2.8. There are steep gradients on both sides of the crossing which impact the construction of this option. Due to the steep gradients on approach to the level crossing, the underpass would have to be constructed deeper into the ground which would mean additional earth works and would also create incredibly long and steep gradients on either side of the railway. Additionally, this option may introduce new risks such as anti-social behaviour or flooding (the latter is considered high-risk in this location due rural area and the steep gradients on either side of the railway).

iii. Installation of VAMOS (oMSL) – Discounted;

- 9.2.9. The VAMOS system provides a visual indication of a train approach via a red or green light; if the system displays a red indication, a train is approaching meaning it is not safe to cross, whereas if the system displays a green indication there are no trains in section meaning it is safe for a user to cross.
- 9.2.10. The system is similar to MSL, however it does not link into the signalling system. Instead, treadles are overlaid onto the track allowing a train to 'strike in' at a designated point. Once a train strikes in the system will display a red indication which shows a user it is not safe to cross. After the train has passed over the level crossing, it will 'strike out' changing the indication to green, showing a user it is safe to cross. As the option is not integrated to the signalling system, it comes with many more technical constraints.
- 9.2.11. This option provides a 76% risk reduction and would mitigate the sighting issue for vulnerable users by providing an active warning.
- 9.2.12. However, a VAMOS system is not technically feasible at this location. Due to the new signal position, the signal would be located within the 'strike in' point. This means that there is a possibility that a train could be held at a danger signal whilst the system is showing a red aspect. If this were to happen, the VAMOS system would fail and go into 'dark mode'. This would cut all aspects from the system and a colour aspect would not be shown.
- 9.2.13. This would leave pedestrians with a dilemma of whether to cross or not. A user may cross whilst the crossing is in dark mode and a train on approach. This increases the risk of a collision between a user and a train greatly.

iii. Miniature Stop Lights – Discounted;

- 9.2.14. Red and Green Miniature Stop Lights provide a visual indication of a train approach via a red or green light; if the system displays a red light, a train is approaching meaning it is not safe to cross, whereas if the system displays a green light there are no trains in section meaning it is safe for a user to cross.

- 9.2.15. The introduction of MSLs assumes that all users of the crossing pay attention to the warning given by the lights and that they are not ignored. Research from the RSSB states that: *"When in a group of people, individuals are prone to following the 'herd mentality', paying less attention to their surroundings and following the decision-making of the group as a whole. This may be particularly problematic at footpath and bridleway crossings on routes used often by ramblers. Young people in groups also exhibit more risky behaviour. A young person's attitude to risk tends to be one of a 'risk adopter'. Although most young people will not engage in extremely dangerous behaviour, peer group dynamics can encourage them to behave more dangerously than they would when on their own".*
- 9.2.16. In addition to the above, integrated MSLs are not suitable at this location under signalling and safety principles.

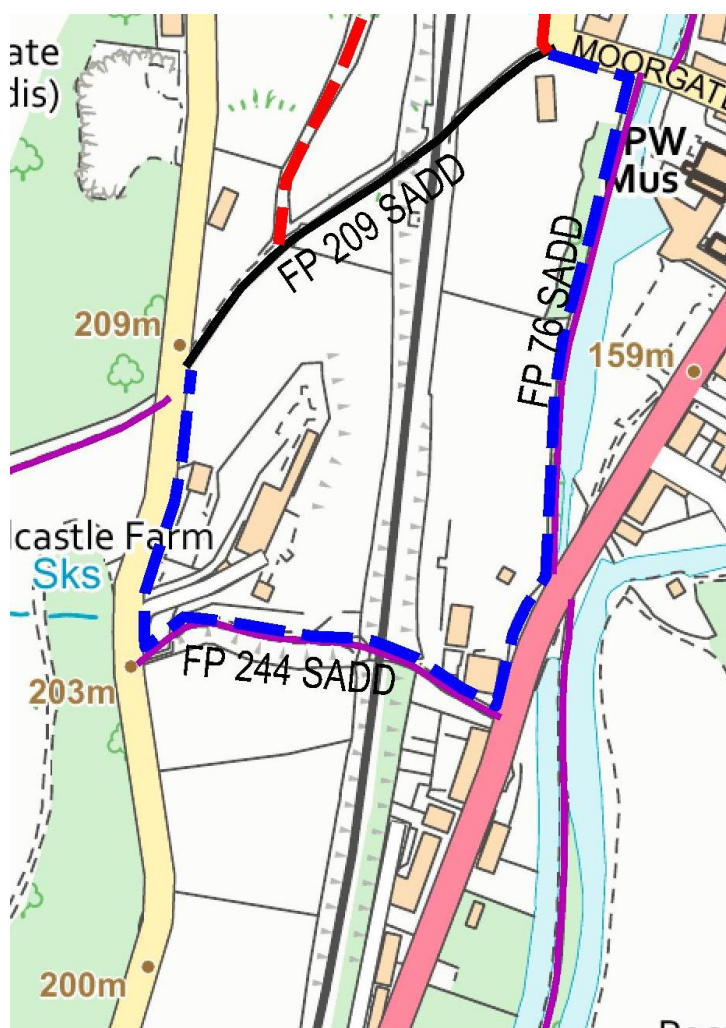
vi. Maintain current crossing "as is" – Discounted;

- 9.2.17. This option would be to simply leave the crossing in its current state following the improvements provided by the Transpennine Route Upgrade project.
- 9.2.18. The improvements made by the project would mean the crossing would be at a higher risk than ever, an increase of 80% from the current crossing risk. This would leave the crossing at a B3 with an FWI of 0.006663373.
- 9.2.19. An electrified line would mean overhead line stanchions would be erected in order to construct the electrified wire. The erection of these stanchions would impact a user's sighting and would decrease the view, increasing the risk to a pedestrian traversing the crossing.
- 9.2.20. A higher line-speed would mean the user has a less amount of time to cross and be in a position of safety, at present there is a speed restriction on the down side and this would need to be removed in order to experience the benefits of the project.
- 9.2.21. Also, due to a new signal location, there is potential for a train to be stopped at a danger signal whilst also straddling the crossing and blocking a user's path. A public right of way is not allowed to be blocked at any point and therefore this option would not be suitable.

**9.3. Taking into account the risks and costs associated with the above options the only remaining viable option is:**

viii. Closure by Diversion of Public Right of Way:

- 9.3.1. This option would completely remove the risk by eliminating the crossing altogether and allow users to reach either side of the railway without coming into contact with the running railway.
- 9.3.2. The diversionary length is very short at 440m and uses existing public footpath routes FP244 SADD and FP 76 SADD.
- 9.3.3. With the increased linespeed, electrified line and more trains, along with the new signalling installation and the current type/volume of use at the crossing, this is the only option that is suitable and safest for the local public.



## 10. Gross Disproportionality Test

### 10.1. Applying the Gross Disproportionality Test

- 10.1.1. The risk of death or injury to an existing highway user of the Crossing is an unacceptable risk. Thus, the Cost Benefit Analysis (CBA) and Gross Disproportionality Test is applied to calculate a value of works that would be justifiable for NR to fund, to mitigate the risk.
- 10.1.2. To support the understanding of whether the risk at the Crossing is managed SFAIRP, the CBA is undertaken to provide a Benefit Cost Ratio (BCR); the principle being, if the cost of implementing a control measure is grossly disproportionate to the reduction in the risk that might be achieved, then it is reasonable for NR not to implement that control measure.
- 10.1.3. Additionally, a Gross Disproportion Factor (GDF) is applied to the BCR using one of the following factors:
  - Medium =  $BCR \times 1.5$
  - High =  $BCR \times 2.5$
  - Exceptional =  $BCR \times 6$
- 10.1.4. The criteria for defining the correct multiplier is determined by considering the level crossing against the following criteria using a question bank [Ref. Appendix B]:
  - Culpability – weighting deliberate misuse against genuine mistakes.

- Vulnerability – to reflect a greater responsibility towards those less able to protect themselves.
- Societal aversion – addressing the absence of public appetite for credible mass casualty train accidents.
- Uncertainty – for the degrees of confidence in our knowledge of the pattern of apply, which encompasses elements such as who/how/with/what consequences.

10.1.5. **The highest level indicated across all questions determines the appropriate GDF level to use and Moorgate Halt has been deemed as a high rated crossing, so a 2.5 factor is applied** (See Appendix A).

10.1.6. The resultant GDF score informs and supports decision making based on the following criteria:

- a. Benefit to cost ratio is  $\geq 1$ : positive safety and business benefit established (GREEN).
- b. Benefit to cost ratio is between 0.99 and 0.5: reasonable safety and business benefit established where costs are not grossly disproportionate against the safety benefit (AMBER).
- c. Benefit to cost ratio is between 0.49 and 0.0: weak safety and business benefit established (RED).

10.1.7. The guidance provided to the level crossing / project teams is.

- **GREEN:** There would be a legal requirement to deliver the applicable intervention.
- **AMBER:** A record of the business decision / justification on the applicable intervention (or not where the decision is to not deliver any risk mitigation activity) is required.
- **RED:** No action would be proposed.

10.1.8. Section 12.3 of this Report considered all possible options for this crossing. Of those that remain viable, the key information is detailed below in Table 3.

**10.2. Table 3 – GDF Assessment:**

|                                                        | Updated ALCRM Score | FWI Rating          | Option Cost | Benefit Cost Ratio (BCR) | Equivalent Financial Benefit | BCR including Gross Disproportion Factor (GDF) |
|--------------------------------------------------------|---------------------|---------------------|-------------|--------------------------|------------------------------|------------------------------------------------|
| Closure by Diversion of Public Right of Way            | M13                 | 0                   | £25,000     | 7.21                     | £180,330                     | 18.025                                         |
| Closure by Pedestrian Over Bridge                      | M13                 | 0                   | £1,200,000  | 0.15                     | £180,330                     | 0.375                                          |
| Closure by Pedestrian Underpass                        | M13                 | 0                   | £2,500,000  | 0.07                     | £174,066                     | 0.175                                          |
| Installation of VAMOS (Overlay MSL)                    | D5                  | 0.000<br>8671<br>34 | £500,000    | 0.26                     | £131,363                     | 0.65                                           |
| Installation of Integrated Miniature Stop Lights (MSL) | D5                  | 0.000<br>8671<br>34 | £1,200,000  | 0.11                     | £131,363                     | 0.275                                          |
| Maintain Current Crossing "as is"                      | C4                  | 0.003<br>6950<br>9  | £0          | 0.00                     | £0                           | 0.00                                           |

10.2.1. Table 3 indicates that closure by a diversion of public right of way offers the strongest safety justification.

**10.3. Application of GDF on Remaining Option**

- Against each of the high cost options, closure by a diversion of public right of way is the most feasible, on safety and achieving risk reduction to ALARP, and on cost.
- The diversionary route will add approximately 440 metres to the distance required for a user to reach the other side of the railway.
- Table 3 summarises the information which is exclusively quantitative in nature, i.e. the data comes direct from the ALCRM and CBA tools managed and held by Network Rail.
- The qualitative element of this assessment clearly shows that closure by Extinguishment offers a positive Gross Disproportionate Factor which confirms the requirement to deliver the applicable intervention at this level crossing.

**11. Conclusion and Recommendation**

11.1. Both the qualitative and quantitative issues identified at this site can be proven as high risk, requiring to be mitigated to ALARP.

11.2. This report considers the qualitative data that calculated the qualitative assessment rating by ALCRM, supporting the information detailed within the existing NRA with what was found during the site survey. In conclusion;

- **The increased risk following the Transpennine Route Upgrade improvements at the crossing is unacceptable and the crossing should be closed.**

11.3. Closure provides the greatest risk reduction as it removes all risks associated. The short diversionary route gives the ability for users to reach either side of the railway without coming into contact with it.

11.4. **Recommendation:** To close the crossing via diverting the public right of way.

**Appendix A – Level Crossing GDF Level Determination Pro-forma**

Moorgate Halt Level Crossing assessment highlighted in yellow

| Culpability - weighing deliberate misuse against genuine mistakes                                                                    |                                                                                                          |                                                                                                    |                                                                                              |                                                                                 |
|--------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|
| What is the level crossing incident history since the last risk assessment?                                                          | Deliberate misuse events only                                                                            | 0 - 5 accidental misuse events                                                                     | 5 - 25 accidental misuse events                                                              | >25 accidental misuse events                                                    |
| GDF Level                                                                                                                            | medium                                                                                                   | medium                                                                                             | high                                                                                         | exceptional                                                                     |
| Vulnerability - carrying a greater responsibility for those less able to protect themselves                                          |                                                                                                          |                                                                                                    |                                                                                              |                                                                                 |
| Who uses the level crossing                                                                                                          | No vulnerable users identified                                                                           | Vulnerable User CAT 1 (cyclists, dog walkers)                                                      | Vulnerable User CAT 2 (children, elderly, encumbered, disabled, parents with young children) |                                                                                 |
| GDF Level                                                                                                                            | Medium                                                                                                   | Medium                                                                                             | high                                                                                         |                                                                                 |
| Societal Aversion - addressing the absence of public appetite for credible mass casualty events                                      |                                                                                                          |                                                                                                    |                                                                                              |                                                                                 |
| What is the most credible worst-case scenario for a train accident consequence in a single event                                     | Event with the potential of a single specified injury to 5 specified injuries (between 0.1 and 0.5 FWI). | Event with the potential of between 5 specified injuries and 2 fatalities (between 0.5 and 2 FWI). | Event with the potential of between 2 and 10 fatalities (between 2 and 10 FWI).              | Event with the potential of between 2 and 10 fatalities (between 2 and 10 FWI). |
| GDF Level                                                                                                                            | Medium                                                                                                   | Medium                                                                                             | High                                                                                         | Exceptional                                                                     |
| Uncertainty – how confident are we that we know the pattern of use? This encompasses elements such as who/how/with what consequences |                                                                                                          |                                                                                                    |                                                                                              |                                                                                 |
| Does the level crossing currently have a passive or active warning?                                                                  | Active                                                                                                   |                                                                                                    | Passive                                                                                      |                                                                                 |
| GDF Level                                                                                                                            | Medium                                                                                                   |                                                                                                    | High                                                                                         |                                                                                 |
| Does the local environment create uncertainty in the currently understood user demographic?                                          | No                                                                                                       |                                                                                                    | Yes                                                                                          |                                                                                 |
| GDF Level                                                                                                                            | Medium                                                                                                   |                                                                                                    | High                                                                                         |                                                                                 |
| Uncertainty – for private level crossings                                                                                            |                                                                                                          |                                                                                                    |                                                                                              |                                                                                 |
| Who uses the crossing?                                                                                                               | Authorised user or regular, controlled users only                                                        |                                                                                                    | Irregular users (delivery drivers etc.)                                                      |                                                                                 |
| GDF Level                                                                                                                            | Low                                                                                                      |                                                                                                    | Medium                                                                                       |                                                                                 |
| Can we be certain what sort of vehicles use the crossing?                                                                            | Confirmed by census                                                                                      | Described and confirmed by Authorised User                                                         |                                                                                              | Unknown due to irregular users                                                  |
| GDF Level                                                                                                                            | Low                                                                                                      | Medium                                                                                             |                                                                                              | high                                                                            |
| Uncertainty – for public road level crossings                                                                                        |                                                                                                          |                                                                                                    |                                                                                              |                                                                                 |
| How effective is the current mitigation at the crossing? (barrier type)                                                              | Full Barrier                                                                                             | Half Barrier                                                                                       | Open crossing (if line speed is greater than 25mph)                                          |                                                                                 |
| GDF Level                                                                                                                            | Low                                                                                                      | medium                                                                                             | High                                                                                         |                                                                                 |

## Appendix B – Glossary

|                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| ALARP            | As Low As Reasonably Practicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| ALCRM2           | All Level Crossing Risk Model                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| BCR              | Benefit Cost Ratio                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| CBA              | Cost Benefit Analysis                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| ELR              | Engineers Line Reference                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| FP               | Footpath                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| FPW              | Footpath with Wicket Gate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| FWI              | Fatalities and Weighted Injuries                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| GDF              | Gross Disproportion Factor                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| LCM              | Level Crossing Manager                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| MSL              | Miniature Stop Lights                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| NR               | Network Rail                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| ORR              | Office of Rail and Road                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| SFAIRP           | So Far As Is Reasonably Practicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Vulnerable users | Vulnerable level crossing users can be defined as people who, when compared with typical users: are likely to take an extended time to traverse due to disability or distraction; and/or might be at greater risk of harm due to their perception of risk. <b>Types of vulnerable users:</b> Vulnerable users can include but are not limited to: People with physical and/or mental disabilities or other impairments; incl. those using mobility scooters. Young children; unaccompanied or in groups. Elderly people. Dog walkers. Cyclists, e.g., where known not to dismount and considered 'at risk'. People carrying heavy bags or large objects, with pushchairs etc. Non-English language speakers, e.g., migrant workers |
| WB               | Whistle Boards                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| WG               | Wicket Gate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Decision Point   | Applies to user-worked crossings, footpath crossings and bridleway crossings. It is a point where guidance on crossing safely is visible and at which a decision to cross or wait can be made in safety. For footpath crossings this should be not less than 2m from the nearest running rails or 3m where the line speeds are higher than 160 km/h. For bridleway crossings and user-worked crossings this should not be less than 3m from the nearest running rail.                                                                                                                                                                                                                                                              |
| Encumbered       | Crossing with bags, pushchairs, cycles or dogs (consider if dogs are on or off a lead (including the use of extendable versions), and if owners are in charge of more than one dog; it becomes increasingly harder to control multiple animals)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

# NOTICE OF APPROVAL OF PLANNING PERMISSION

**Town and Country Planning Act 1990**  
**Town and Country Planning (Development Management Procedure) (England)**  
**Order 2015**

**Correspondence Address:**

Mr Michael Gradwell  
Network Rail  
1st Floor, Square One  
4 Travis Street  
Manchester  
M1 2NY  
United Kingdom

**Applicant:**

n/a  
One Eversholt St  
London  
NW1 2DN  
England

**Application Number:** FUL/349203/22

**Date of Application:** 10th June 2022

**Location:** Moorgate Level Crossing , Dark Lane, Uppermill, Oldham  
**Proposal:** Construction of footbridge, upgrades to footpath and associated works

## **Subject to the following conditions:-**

- 1 The development must be begun not later than the expiry of THREE years beginning with the date of this permission. REASON - To comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby approved shall be fully implemented in accordance with the Approved Details Schedule list on this decision notice. REASON - For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and specifications.
- 3 The development hereby approved shall be carried out in full accordance with the recommendations set out in the Ecological Impact Assessment Report which states that an Environmental and Social management Plan will be submitted prior to the development commencing. In addition, the ESMP shall include details of bat boxes

to be installed on or adjacent the application site. REASON - Prior approval of such details is necessary since they are fundamental to the initial site preparation works and form of the development and in order to ensure the protection and enhancement of features and species of ecological interest having regard to Policy 21 of the Oldham Local Plan.

- 4 No works to trees or shrubs shall take place between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the Local Planning Authority. REASON - To ensure the protection of bird habitats, which are protected species under the Wildlife and Countryside Act 1981 having regard to Policy 21 of the Oldham Local Plan.

## **APPROVED DETAILS SCHEDULE:**

| <b>Reference:</b>            | <b>Version:</b>          | <b>Description:</b>   |
|------------------------------|--------------------------|-----------------------|
| P03                          | 2-2                      | Elevations - Proposed |
| P03                          | 1-2                      | Elevations - Proposed |
| P02                          |                          | Site plans            |
| Ecological Impact Assessment | 151667-TSA-00-TRU-REP-W- | Other                 |

## **Statement and Informative Notes:**

1 Statement in accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)

The proposed development complies with the Local Development Framework which would improve and maintain the economic, social and environmental conditions of the area. It therefore comprises sustainable development which is conditioned accordingly to enhance the quality of development and where necessary the Local Planning Authority offered proactive and positive solutions during the decision making process. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the NPPF.

2 Please note that this decision does not imply or remove any requirement for approval under any separate legislation, nor does it override any covenants or private agreements, nor permit development on or access to land outside the developer's control, unless the consent of the relevant landowner has been obtained.

3 HOW TO APPEAL AGAINST A DECISION OF THE LOCAL PLANNING AUTHORITY

If an applicant is aggrieved by the decision of the Council as Local Planning Authority to refuse planning permission, or to impose conditions on the grant of planning permission, they may appeal to the Secretary of State within such time after the Council's decision as is set out below under the following statutory provisions:

Planning applications - Section 78 of the Town and Country Planning Act 1990. Within 6 months of the date of the decision.

The right of appeal is limited to the applicant only; and does not extend to any other party with an interest in the land, nor any other third party. Appeals must be made on a form obtainable from the address below: The Planning Inspectorate

Temple Quay House

2 The Square

Temple Quay

Bristol

BS1 6PN

Tel: 0303 444 5000

Further Information of the appeal process can be found on the following website:

[www.planning-inspectorate.gov.uk](http://www.planning-inspectorate.gov.uk)

4            There is an existing public right of way (Footpath 209 Saddleworth) which will require diversion from its existing route to the proposed route across the footbridge.

The applicant is required to apply to the Executive Director Neighbourhoods for a Statutory Footpath Diversion Order for Footpath 209 Saddleworth and no work shall be commenced on site which will affect this public footpath until such time as the Order has been confirmed (Contact -Traffic on 0161-770-4305).

**Signed on behalf of the Council**

**Dated:** 5th August 2022

*Emma Barton*

**MVL3 13m 26c Moorgate Halt LC:**

**Additional Information to support an  
application to extinguish or divert footpath**

**209SADD over Moorgate Level Crossing**

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## 1. **Introduction**

- 1.1. On the 4<sup>th</sup> of August 2023 an application under s.118A Highways Act 1980 was submitted to Oldham Council for the proposed extinguishment of footpath 209SADD between its junction with Moorgate Street and Ladcastle Road. The application proposed no replacement footbridge and footpath 244SADD was identified as an alternative route to safely cross beneath the operational railway. It was recognised that some improvement work may be required.
- 1.2. After confirming receipt of the application, the Public Rights of Way Officer asked for a meeting to discuss the application, and this was held on 14<sup>th</sup> August 2023 (via Teams with PROW and Liability Negotiations Adviser). The Officer stated there was not enough information within the application and supporting documents, to enable him to decide whether to make an Order.
- 1.3. The Officer had shared the application and supporting documents with representatives of local user groups including, The Ramblers, The Wednesday Walkers and the Peak and Northern Footpath Society. These groups expressed some concerns over the reasoning given by Network Rail on why they did not propose to replace the crossing with a footbridge. The provision of a footbridge had been previously proposed by NR in earlier consultations.
- 1.4. A further meeting was arranged on site for Friday the 25<sup>th</sup> of August and those in attendance included:
  - Liam Kennedy – Rights of Way Officer Oldham Council
  - Kevin Lawton – Representative of the Wednesday Walkers
  - John Walton – Representative of the Ramblers
  - Vicki Bentley – Liability Negotiations Adviser Network Rail
  - Stephen Sherlock – Senior Project Engineer Network Rail
  - Calum Gardner – Scheme Project Manager Network Rail
- 1.5. The result of this meeting was that Network Rail were asked to provide some further information to support their claims that a footbridge cannot be installed. This requirement revolves around the following areas of concern:
  - Why Network Rail have changed their minds about building a footbridge.
  - The matter of a bridge blocking new signalling arrangements – as expressed in the s.118A application.
  - The added requirement of platform to protect any structure and the escalation in costs associated with this design – as expressed in the s.118A application.

- Lack of exploration as to a possible diversionary route beneath underbridge 30 to the north of the crossing.
  - The details of geographical complexities that are referred to in the s.118A application.
- 1.6. The purpose of this report is to address the concerns raised and to provide the additional information that has been requested. The content has been collated from various individuals that have been and still are involved directly in the ongoing project and will explore the history of the investigations and decisions made in relation to the crossing.

## **2. National Level Crossing Risk Reduction Programme (NLCRRP)**

- 2.1 This programme pre-existed prior to the Transpennine Route Upgrade Project (the current project that will affect the crossing) and was an agreed programme with the Office of Rail and Road that sought to achieve a 25% risk reduction at level crossings. This was to be achieved by way of closures and replacements with either an Extinguishment/Diversion of the PROW or the installation of footbridges where appropriate.
- 2.1 In 2015 Moorgate Halt Level Crossing was identified as a high risk crossing that fell within the remit of the of the NLCRRP and feasibility study was undertaken to explore the options for closure at Moorgate Level Crossing. It incorporated a Diversity Impact Assessment and also explored the alternative routes through Bridge No.30 to the North and Bridge No.29 to the South.
- 2.1 The conclusions of the feasibility study were that the construction of a replacement footbridge at this location would be extremely complex. It concluded that the alternative routes should be explored further, but it is not known if the conclusion was followed through, but clearly the level crossing remained.

## **3. The Transpennine Route Upgrade (TRU)**

- 3.1. The TRU Project covers the railway between Manchester and York and aims to improve the service by upgrading the line, signalling, and stations. By 2017, the Project had been established and another feasibility study was conducted into the construction of a footbridge to replace Moorgate Level Crossing.
- 3.2. The conclusions of this feasibility study were that the TRU Project should pursue the installation of a stepped footbridge to replace Moorgate Level Crossing. The development of this option then took place, which explored the solution in greater detail.

#### **4. Diversity Impact Assessment (DIA)**

- 4.1. The Public Sector Equality Duty (PSED) is a legal duty under the Equality Act 2010 for any public sector organisation to consider the impact of any proposed work that would affect people, to ensure they don't discriminate against those people with the protected characteristics as defined in the Act. NR discharges this duty by the provision of a Diversity Impact Assessment (DIA).
- 4.2. In 2021, a DIA was undertaken by the TRU Project, and this was sent out to various groups for consultation including Oldham Ramblers, Oldham Council public rights of way team and their planning officers. Many groups did not respond, but Oldham Ramblers and Oldham Council both agreed that in the interests of public safety a replacement bridge would be the most appropriate solution. The Ramblers went further with their preference for a ramped structure.

#### **5. The Narrative Risk Assessment (NRA)**

- 5.1. In 2022, an NRA assessed various mitigation measures and whether they could be deployed at the crossing, to make the crossing safe. This document is produced by the Level Crossing Manager (LCM) who is the Safety Risk expert within Network Rail for managing the risk at level crossings. The NRA was used by the TRU Project team as part of their optioneering process at Moorgate LC.
- 5.2. NRAs are produced by the LCM to assess the risk at the level crossing, but they do not consider related factors such as adjacent land ownership, geographical or environmental complexities, ancillary costs for the construction of a bridge or the engineering difficulties that may hinder construction etc.
- 5.3. The LCM explored various mitigation measures which included the installation of Miniature Stop Lights, which would allow the crossing to remain whilst providing a visual indicator to users that it was safe to cross. These could reduce the risk by circa 76%, and they must either be integrated into the signalling system or overlayed onto the signalling system where permitted.
- 5.4. Integrated MSL's cost circa £1.2Million, but despite the obvious safety benefits, this option did not perform well in the cost-benefit analysis (CBA) conducted by the LCM. The cost incurred, significantly outweighed the realised benefit.
- 5.5. Overlay MSL's cost circa £250,000 and performed much better in the CBA and the LCM recommended that this option be considered as part of the larger TRU Project.

However, as the TRU Project developed and the proposal for bi-directional lines emerged, it became apparent this recommendation could not be delivered. Overlay MSL's cannot be used on bi-directional lines where there is a train turnback, or where a train may be signalled to stop over a level crossing.

- 5.6. The LCM also referred to the possibility of alternative diversionary routes, which again scored well in the CBA, but these would need to be explored further by the TRU Project team where they fall outside of the NRA remit.
- 5.7. Although the LCM also considered the installation of a footbridge to replace the crossing, this too did not score well on the CBA. Again, the LCM recommended the option be explored further by the TRU Project, where any alternative diversionary routes would not be feasible.
- 5.8. The TRU Project, in line with the DIA, decided that the most suitable option that could be delivered, would be a stepped footbridge. Planning permission for the proposed structure was granted in August 2022 (FUL/349203/22). Drawing 151667-TSA-26-MVL3-DRG-T-LP-040003 Revision P03 was submitted as part of the planning application and shows the arrangement of the proposed footbridge.
- 5.9. However, prior to the DIA being signed off and published, as they moved through the Design stage, the TRU Project identified some major difficulties in delivering the construction of a bridge. These difficulties could not be overcome and resulted in the option being discounted. These are now explored in the following sections.

## **6. Signalling**

- 6.1. Near Moorgate Halt, there are new crossovers being installed on the track which will allow trains to pass from one line to the other, so that both lines become bi-directional. This requires new signalling to be installed to protect the train crossovers.
- 6.2. Signal SL4701 on the downside and signal SL4703 on the upside will be situated approximately 20 metres from the crossing, meaning that when trains stop at either, they will straddle the crossing. This was one of the main drivers for the installation of a footbridge and formed part of the safety case that has been put forward for the closure of the crossing, where it is unacceptable to have a train straddling a level crossing.
- 6.3. The signals cannot be moved for the following engineering reasons:
  - They are required in these specific locations to protect the track crossovers.
  - The crossovers cannot be moved because of the curvature of the track.

- The line bends to the left on approach to signal SL4701, and if it was moved further towards Stalybridge, it will not be seen by the driver.
- Railway Signals need to be regularly spaced and moving them would make them non-compliant with Signalling Standards.
- Moving the signals would have an operational impact for trains changing direction and would delay junction times, impacting the proposed timetable and making it unworkable.

6.4. It was originally thought the construction of a footbridge would block the train drivers' view of the signals. This was one of the reasons that a footbridge had been discounted in the s.118A application. However, it has now been confirmed that this is no longer the case. The construction of a new footbridge would not have a detrimental effect on the new signalling at this location, but there are several other issues which are still relevant.

## **7. A unique design for the bridge**

- 7.1. There are some environmental constraints that make the design of this footbridge unique. The site footprint for the footbridge is limited and pushes the footbridge to sit within the required 4.5 metre collision protection zone. This means a more robust design is required to ensure that the bridge columns are sat outside of this zone, so the footbridge is protected in the case of a derailment.
- 7.2. To mitigate this a raised platform would need to be constructed, designed to resist robust kerb loading. The alternative to this is a mass concrete bridge structure which would be more expensive, more intrusive, and even more difficult to construct in the limited space available.
- 7.3. This issue was raised on the 25<sup>th</sup> of August meeting and was a point that the user groups asked for more detail on. It was suggested by them that this platform had not been discussed before and that it was not detailed on the design drawing that have seen. However, this platform can be seen on the Drawing 151667-TSA-26-MVL3-DRG-T-LP-040003 Revision P03 that was included in the application for planning permission. This leads us onto the issues that have since arisen since the first proposals were put forward.

## **8. Building Requirements**

- 8.1. In brief, the construction of a footbridge on the site of Moorgate LC consists of the following:

- The construction of a reinforced in-situ concrete ring beam along with a precast L-Wall robust kerb platform and precast concrete stairs (South Side) 32 no units between 2-9 tonnes each.
- The construction of a mass-fill in-situ foundation dug systematically to avoid possible collapse of the existing drystone retaining wall (North Side).
- The installation of 21no 13m deep 300mm diameter in-situ reinforced concrete bored piles (case).
- In-situ pile caps and a 12m steel footbridge structure and approach staircases.
- 3no GRP/ Steel Staircases, Hand railing (circa 30m).
- Stonework cladding of concrete L-Walls.
- Installation of GRP Palisade fencing.
- Infilling of the ring beam structure.
- Assumed cranage is AC55 Rail mounted Crane.
- Surfacing and drainage outlets.

## **9. Ground Conditions**

- 9.1. Ground investigations were conducted in the vicinity of where the proposed footbridge was to be constructed. The result of these complex investigations has shown that there would be a need for piled foundations for any bridge. As discussed under access, this is a difficult location to access with a piling rig, driving night-time working, and extending the construction programme.
- 9.2. In addition, to the Ladcastle Road side of the bridge, there are concerns over the stability of the existing stone walls which line the foot path. This drives the needs for temporary support to the walls and more complex construction sequencing to install the foundations.

## **10. Accessibility**

- 10.1. Moorgate footpath level crossing is in a remote location north of Uppermill Village. It is accessed via public footpaths from Den Lane and Ladcastle Road. Both of these roads are narrow with limited access for construction vehicles. The footpath is narrow and in poor condition, and the area of works is cut into an embankment, with limited access to where the structure would be.
- 10.2. The key aspect to this works is logistical planning in order to transport materials from the nearest access points onto Road-Rail-Vs and Trailers (1.8km West) with plant and equipment along the railway. Access is limited to rail due to the constraints on the road network, the topography, and the distance from the road networks. This drives all construction to be completed at night, during railway closures known as possessions, which incur additional costs.
- 10.3. The materials required for the construction of a footbridge include wet concrete, piles, precast concrete sections, and steel bridge sections. For wet concrete, there is no feasible location to deliver concrete other than by rail or by using a concrete pump under road closure sited on Ladcastle Road. This will require long pipelines to reach the foot crossing, plus the requirement to install pipes running under the railway. This creates risk due to the requirement of line blockages which makes the method undesirable.
- 10.4. To deliver concrete by rail, means we need to open concrete batching plants over night at additional costs, and use specialist plant to transport the concrete. This also requires additional time due to the limited working windows within possessions.

- 10.5. With regard to the required piles, the piling rig will also need to be delivered to site by rail. This is difficult due to the size of the required rig, and again it would only be able to work under possessions, driving the need for noisy piling works to be completed over night.
- 10.6. For precast concrete, – again deliveries must be made by rail and again this drives the need to work at night so that it is in line with line possessions and blockages. It is the same for the delivery of steel bridge sections, which will need to be carried on specialist trailers by track.
- 10.7. The methods described here for the delivery of materials to the site with limited accessibility has contributed towards the escalation in costs because it is more complex and prolongs the programme significantly.
- 10.8. In addition, the footprint of the footbridge takes up all of the available space and drives the need to remove the existing boundary between the adjacent house and the railway. Access to the garden will be required for construction, with the boundary wall reinstated on completion. Also, during construction, the footpath will need to be closed to the public for a minimum of 8 months.
- 10.9. Overall, access must be via track for all of the construction, resulting in a longer than normal programme, and a large amount of night working. Due to limited rail access points in the vicinity, access will need to be created off Oldham Road, near Greenfield Station and this will involve a prolonged road closure.

## **11. Construction Costs**

- 11.1. A footbridge to replace a foot crossing normally has a budget cost of circa £1.8Million. The additional constraints and design issues discussed above result in this footbridge being estimated to cost circa £3.5Million.
- 11.2. A breakdown of costs that was drafted during the detailed design stage for the proposed footbridge, estimated the costs for labour, plant, subcontractors, and materials at approximate total of circa £2.3M and estimated to rise to more. This can be broken down as follows.
- 11.3. The labour costs consist of the use of specialised persons such as machine banksman, lift supervisors, skilled operatives, and several other supporting functions, over approximately 80 shifts, at an estimated cost of £771K.

- 11.4. The works will involve a selection of specialist equipment as described previously as well as site cabins and associated facilities at a total estimated cost of £467K.
- 11.5. The site and works would also require the use of various subcontractors to supply items such as scaffolding, security and the removal of waste materials, which was calculated to cost approximately £930K. However, it was estimated that this was likely to rise significantly due to the added requirement of a specialist piling technique that allows for the process in restricted access sites and the location of the proposed bridge at Moorgate.
- 11.6. The materials required for the bridge include pre-cast concrete, steel, rebar and type 1 MOT, at a total estimated cost of £216K.
- 11.7. These estimated costs do not include the costs of the required temporary occupation of adjacent land or its possible permanent acquisition. Therefore, the total will be significantly higher and when these are costed in, the total costs will be circa £3.5M.

## **12. Managing Public Money**

- 12.1. As well as promoting safety, as the operator and owner of the national rail infrastructure, Network Rail as an 'arms'-length' Government body, has a statutory duty and a critical role to play in improving railway efficiency, whilst giving due consideration of spending public money in operating the railway. Under its operating licence Network Rail is required to act in accordance with the duties and responsibilities in running, maintaining, and developing railway infrastructure. This would include the provision of bridges to replace level crossings where enhancements affect the safety at a crossing. This licence is granted under Section 8 of the Railways Act 1993.
- 12.2. It incorporates a series of codes, protocols and guidelines under which Network Rail must operate, which in part relates to operational efficiency and public expenditure. Operational efficiency incorporates the justification of spending public money against the ongoing maintenance and enhancement of the railway. It is therefore reasonable for Network Rail to scrutinise the cost-efficiency of any proposals and have due regard for the need for railway operational efficiency.
- 12.3. At this location, the initial proposals for the construction of a pedestrian bridge, seemed perfectly plausible as a suitable solution and one that was concluded to be the most suitable option in the Diversity Impact Assessment. However, as the optioneering process has progressed and a more in-depth design has been sought, it

has become apparent, that the construction of a bridge at this location would be extremely complex, and unfortunately this has increased the costs significantly.

- 12.4. Disproportionate expenditure is contrary to Network Rail's financial and efficiency objectives under its Licence, and we are therefore strongly of the view that it is no longer feasible to construct a pedestrian bridge in place of Moorgate Level Crossing, and that other alternatives must be explored.

### **13. Sustainability and the Environment**

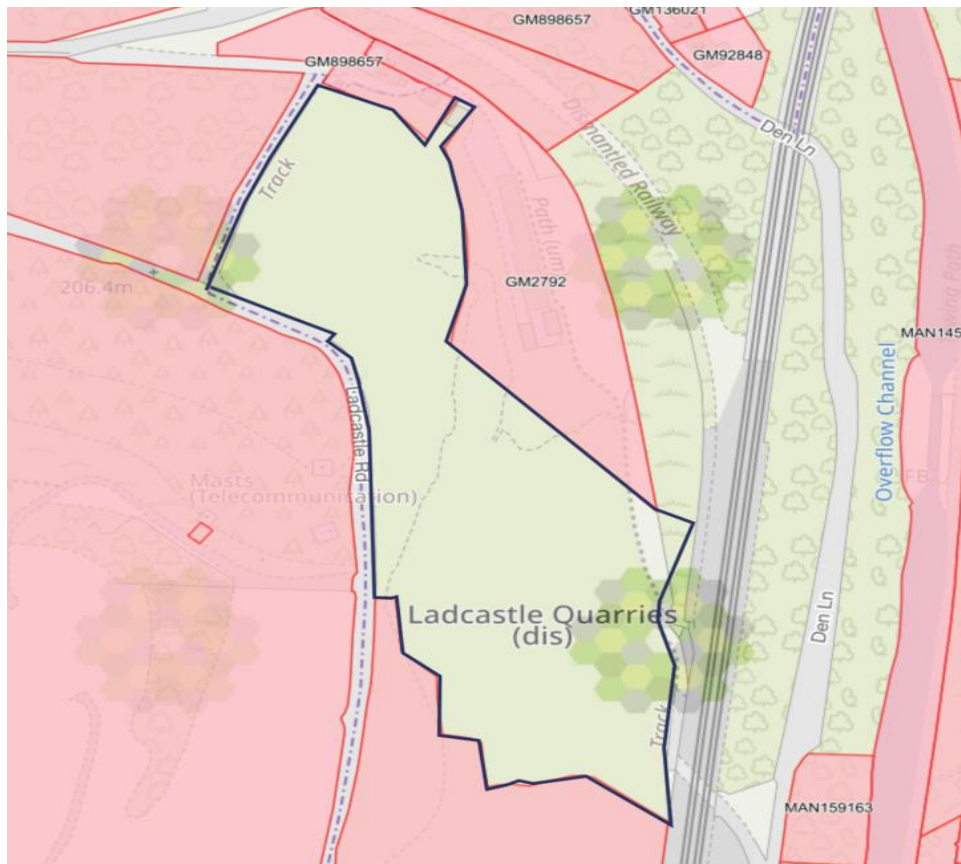
- 13.1. The site sits on the edge of a Special Area of Conservation on what is considered to be greenbelt land, and adjacent to Uppermill town which is also considered to be a Conservation Area. It is also just south of the Site of Special Scientific Interest (SSSI) of Ladcastle and Den Quarries, although the proposed works did not directly affect this area.
- 13.2. In 2022 an independent Arboricultural Impact Assessment (AIA) was commissioned which explored the impact of the proposed construction of a pedestrian footbridge on the immediate area around Moorgate Halt LC and the trees within it. It used the General Arrangement Drawing to assess the impact on the surrounding trees, the results of which were that four trees would need to be removed completely whilst a significant number of others would require extra protection during the proposed works.
- 13.3. The inclusion of Construction Exclusion Zones around some of the trees to be retained has an impact on the proposed works, where access by plant and machines is extremely limited. The assessment outlined how the smallest plant possible would need to be used in close proximity to any trees to avoid any damage to them or their canopies, with careful pre-planning required for any site operations.
- 13.4. Other precautions listed included the restrictions on the storing of materials beneath any trees, such as oil, cement or solvents that could be injurious to a tree, and that these should be stored at least 5m from the edge of the canopy of any tree. In addition, any permitted work carried out on any trees would have to be done at the appropriate times of year (outside of bird nesting season) and in line with any planning permission that would be required to fell trees.
- 13.5. All of these measures all have implications for the project and proposed works in terms of both time and the additional cost in fulfilling the recommendations as set out in the AIA.

### **14. Alternative Route through Bridge No.29 to the South of Moorgate Halt LC**

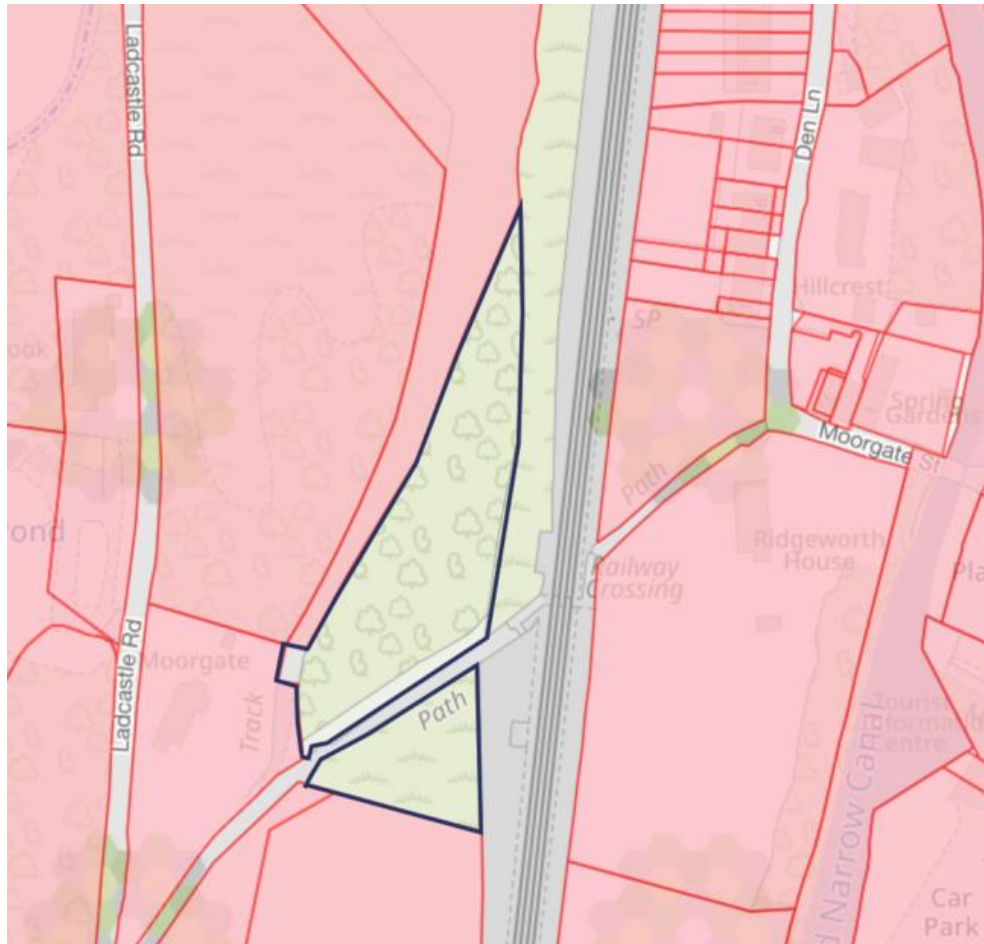
- 14.1. This option has been heavily explored previously but at the meeting on 25th of August 2023, this option was discounted as being unsuitable.

### **15. Alternative Route through Bridge No.30 to the North of Moorgate Halt LC**

- 15.1. At the on-site meeting held on 25th August, the PROW Officer stated that he wished Network Rail to re-visit the possible diversionary route through Bridge 30 to the north of Moorgate LC. This seems like a plausible alternative should the level crossing be closed, but it is not without its own difficulties.
- 15.2. Bridge 30 is an underbridge approximately 360m from the crossing (directly north up the track) and is owned and maintained by Network Rail. It currently does not accommodate a public right of way, although it is clearly used by members of the public as part of a wider network of both recorded and unrecorded footpaths in the vicinity. Upon closer investigation of this route, it has become apparent that it is not possible to create a public right of way entirely on land within Network Rail ownership, and therefore any path would have to traverse at least 3 different land ownerships, and we would require landowner consent to dedicate a way over their land to accommodate a public right of way.
- 15.3. One of the parcels of land that would be affected is registered with the Land Registry, as MAN181042. Network Rail have spoken to the owner, who is potentially open to the idea of the diversionary route traversing his land, although further negotiations would be required in terms of upgrading the route and potential compensation payable etc.
- 15.4. Network Rail have also identified three unregistered parcels of land that would be affected. The first is immediately south of GM2792 and adjacent to bridge 30. The owners of GM2792 are Petsville Cattery and Kennels have confirmed ownership of this parcel and are open to the idea of the current unrecorded path becoming a public right of way should Moorgate Level Crossing close permanently. This can be seen edged blue on the plan below.



- 15.5. Two parcels of unregistered land, one of which may be affected by any diversion, are further south immediately either side of the path from Moorgate LC up to Ladcastle Road. The owner of Ladcastle Cottage (MAN49385) has confirmed that he owns both of these parcels of land and has no objection to this proposal. These parcels can be seen in the plan below edge blue.



- 15.6. The owner of GM942754 (Moorgate Cottage) has replied to the letter that was sent by stating that she would not agree to this proposal. She owns the land to the left of the 2 parcels highlighted above, immediately adjacent to the current right of way. Some further clarification has been sent to this landowner on how the proposal would directly affect her land and Network Rail are awaiting a response.
- 15.7. It may be the case, that if they are insistent on the already used path over their land not becoming a recorded public right of way, then Network Rail will need to liaise with the adjacent landowner on the possibility of a new path being constructed over his land to avoid that included in Moorgate Cottage.
- 15.8. A site meeting is required with the affected landowners the project team and the Rights of Way Officer, so this can be discussed in further detail and issues that they may have can be addressed. This is now confirmed as being the 25<sup>th</sup> of October 2023. It is worth noting that in speaking with 2 of the landowners, none of them have expressed any objection to the closure of the crossing on a permanent basis.
- 15.9. In addition, the project would have to obtain permission from the Asset Owner – the North-West & Central Structures Team, as to whether they would be willing to permit

a public right of way beneath the bridge. On occasion, asset owners are reluctant to do this because ordinarily a private bridge such as this one, can be infilled when life expired, but where there is a public right of way, this is not possible, or very difficult. However, the Senior Asset Engineer has now confirmed that he is happy for the bridge to accommodate a public right of way.

- 15.10. Some comments were also made at the site meeting on 25<sup>th</sup> of August that Den Lane is not suitable due to there being no footway, and it may be the case that a Road Safety Audit should be carried out in order to identify any issues. This could then inform the project as to what works may be required.
- 15.11. Some of the previous feasibility reports also identified that there may be some works that are required to Den Lane to upgrade and improve the route for pedestrians where currently there is no footway. This may require some permanent works in the highway, and Oldham Council may require an agreement under s.278 of the Highways act 1980 for us to carry out those works.
- 15.12. Such an agreement enables the Highway Authority to adopt any permanent works in the highway so that they can thereafter maintain them at public expense. Network rail do enter into these agreements where appropriate, and this would not pose a major hurdle in this scenario, but it is an added layer of complexity and cost.

## **16. Conclusions.**

- 16.1. The terms 'geographical complexities' had been used in the application, and the Rights of Way Officer asked that this concept be more fully explained. This report has highlighted the restricted access to and from the site and is the narrow nature of the railway corridor at this location. Ground investigations have confirmed that specialist equipment and methods are required for the construction of any bridge, and because of the proximity to the running rails, a unique bridge design is required.
- 16.2. This issue of bespoke platforms was specifically raised by one of the user groups, who asked why this element was absolutely necessary and what it involved and suggested that it had not been discussed prior to these recent conversations. The cast concrete platform is required because of the proximity of the bridge to the running rails and is designed to protect the bridge from potential train derailment. The platform design is included on the GA drawing that has been readily available and has been considered by the user groups, it is not a new feature of the bridge design but is an essential part of its design.

- 16.3. With regards to signalling, one of the user groups referred to other locations nearby where bridges had been built next to signals with no issue, and asked why it can't be done at Moorgate. As mentioned previously, it has now been confirmed that the signalling is irrelevant to any footbridge construction at this location.
- 16.4. All concerned parties asked why it is that Network Rail had initially promoted the construction of a pedestrian footbridge but have since changed their minds and have sought extinguishment of the footpath without the provision of a bridge. This report has attempted to explain how these projects are pursued internally and how the development of a project from inception to full detailed design develops and the obstacles that it may come across on that journey.
- 16.5. For this project, it is a combination of factors that have resulted in a huge escalation of costs for the construction of a bridge at Moorgate. The geographical complexities coupled with the unique design of the bridge have only fairly recently come to light during the detailed design and costing stage of the project. The estimated costs do not include other costs such as those associated with access and temporary land occupation and environmental protection issues, so in fact would be upwards of what has been recently quoted.
- 16.6. The Rights of Way Officer and one of the user groups asked that Network Rail carry out some further investigations into a possible alternative route. A considerable amount of time has now been spent on identifying landowners and speaking with them to determine what issues they may have with a public right of way being recorded over their land. In all, the result has been positive, but they do have some queries over items specifically linked to their land such as fencing and concerns around trespass etc.
- 16.7. A meeting has now been arranged for the 25<sup>th</sup> of October 2023 with those affected and the Rights of Way Officer and the project team to discuss these issues and to try and resolve them in way that suites all parties should Network Rail be successful in obtaining a diversion Order for the footpath. In addition, the asset owners of bridge 30 have confirmed that they would accept a public right of way beneath bridge 30.
- 16.8. Another point on which the user groups asked for further information was the cost implications of a footbridge. At this location the physical works are extremely difficult to execute, and this has contributed massively to those costs. This unique set of circumstances has led to an escalation in the costs associated with the installation of a footbridge that was promoted previously, and this is likely to be more when all of the other costs are factored in – as mentioned above.

- 16.9. Network Rail are fully aware that the reasoning for not constructing a bridge doing cannot be based on cost alone, although it does play a significant factor in decision making process when managing public money. Project teams consistently question whether what they are proposing is an adequate use of public money and could that money be better used elsewhere. Network Rail are bound by this under their operating conditions, and it does play a huge part in the decision-making process, as it has for Moorgate Halt.
- 16.10. The aims of this report were to highlight the difficulties and complexities involved in providing a pedestrian footbridge as a replacement for the footpath over the railway at Moorgate level crossing. Some significant concerns were raised in relation to the s.118A application that had been submitted by Network Rail, in that it did not provide this information in enough detail, and also specific questions were raised by the user groups with regards to the construction requirements and signalling arrangements.
- 16.11. It is hoped that this document now provides all of the additional information as requested in sufficient detail, but Network Rail will endeavour to answer any further queries that may arise from this.



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## A Guide to Transport and Works Act Procedures 2006

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## Front Cover

### **A TWA Guide to Procedures**

**Guidance on the procedures for obtaining orders under the Transport and Works Act 1992, relating to transport systems, inland waterways and works interfering with rights of navigation**  
**Department for Transport**  
**June 2006**

## Introduction

### **Background and purpose**

1. This booklet provides guidance on the procedures for obtaining orders under Part 1 of the Transport and Works Act 1992 ("TWA"). It replaces the one issued by the Department for Transport in July 2004, and takes account of changes in the procedures for applying for and objecting to orders that take effect on 11 September 2006. This Guide can be found on the Department's web site at [www.dft.gov.uk/strategy/twa](http://www.dft.gov.uk/strategy/twa).
2. Part 1 of the TWA applies to England and Wales. It enables orders to be made authorising:-

- the construction or operation of railways, tramways, trolley vehicle systems and other prescribed modes of guided transport (section 1);
- the construction or operation of inland waterways (section 3(1)(a)); and
- the carrying out of works, of a prescribed description, which interfere with rights of navigation in waters within and adjacent to England and Wales, up to the seaward limits of the territorial sea (section 3(1)(b)).

Orders made under the TWA may authorise matters ancillary to the above, such as the compulsory acquisition of land, the creation or extinguishment of rights over land, and the charging of tolls and penalty fares. The other modes of guided transport, and types of works interfering with navigation rights, which can be the subject of a TWA order have been prescribed by way of statutory instruments made under sections 2 and 4 respectively <sup>1</sup>.

## Who decides TWA Order applications?

3. Applications for TWA orders, other than ones relating solely to Wales, are made to, and determined by, the relevant Secretary of State. This is normally the Secretary of State for Transport, except that:-

- applications relating to inland waterways are the responsibility of the Secretary of State for Environment, Food and Rural Affairs; and
- applications relating to schemes that are for an energy purpose (such as an off-shore wind farm) are the responsibility of the Secretary of State for Trade and Industry.

4. Applications for orders relating solely to Wales are made to, and determined by, the National Assembly for Wales (referred to below as "the Assembly"). This is by virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (SI 1999 No. 672). If, however, an application relates to both England and Wales (for example, a proposed new railway straddling the border) it would fall to be determined by the relevant Secretary of State.

5. As the same procedures apply to TWA applications in England and Wales, references throughout this booklet to the "Secretary of State" should be taken to mean the Assembly in respect of cases relating only to Wales, unless otherwise specified. Where reference is made to guidance issued by government departments, please note that, for cases in Wales, there may be an equivalent Assembly document which should be referred to.

## The Applications Rules

6. There are statutory rules of procedure for making applications and for objecting to them. Currently, (as at June 2006) these are the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2000 (SI 2000 No.2190), which are referred to below as "the 2000 Rules". However, as from 11 September 2006, these Rules will be replaced by the **Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006** (SI 2006 No. 1466), subject to transitional provisions which are designed to ensure continuity of handling. These new Rules are referred to in this Guide as "the Applications Rules".

7. Where an application is made before 11 September 2006 and has not been determined by that date, the 2000 Rules will continue to apply to it until a decision is taken. All applications made on or after 11 September 2006 will be subject to the new Applications Rules. However, if before then an applicant or the Secretary of State has carried out a pre-application action under the 2000 Rules which could have been done under a corresponding provision in the Applications Rules, this will have effect as if it had been done under the new Rules (see paragraph 1.62).

8. The Applications Rules include a number of changes designed to improve the efficiency and effectiveness of the TWA process, and to improve public participation in it. Compared with the 2000 Rules, the new Rules require fuller information to be provided by applicants before and with applications. This is to make the proposals more readily understandable to those affected so as to lessen the scope for misunderstandings, and to reduce the need for the Department to spend time later on in the process

seeking more information from applicants. There are also changes to reduce bureaucracy, such as by providing for electronic transmission of documents, and to tighten up the procedure for exchanging written representations on cases that do not go to a public inquiry.

9. Bearing in mind that the 2000 Rules will continue to apply to applications made before 11 September 2006, guidance on those Rules can be found in the July 2004 version of this Guide which is still available on the DfT web site or from the Department's **TWA Orders Unit**, at the address given in **Annex 1**.  
1SIs 1992/3230 and 3231; and SIs 1997/1951 and 2906.

## **The Inquiries Procedure Rules**

10. There are separate statutory rules of procedure relating to the holding of public local inquiries into TWA applications. These rules - which cover the procedures before, during and after an inquiry - are the **Transport and Works (Inquiries Procedure) Rules 2004** (SI 2004 No. 2018).

## **Available TWA guidance**

11. This Guide provides a full description of the TWA process from the preparation of an application through to its final determination by the Secretary of State or by the Assembly. Whilst it is intended primarily for the benefit of prospective applicants, it may also be of interest to those affected by proposed orders.

12. The Department for Transport has also issued a brief guide to TWA orders, which is mainly for the benefit of objectors and others who may simply require a quick overview of the TWA process. Copies of the brief guide can be obtained from the TWA Orders Unit, or it can be found on the Department's web site (paragraph 1 refers).

## **Model clauses**

13. As well as the imminent changes to the procedure rules, as mentioned above, prospective applicants should also be aware that the Department intends shortly to update the model clauses which are prescribed for use in drafting TWA orders (currently the Transport and Works (Model Clauses for Railways and Tramways) Order 1992 (SI 1992 No. 3270). The model clauses are advisory - that is, they do not have to be followed - as the provisions required in orders are likely to vary significantly from case to case. However, the Department is likely to look more critically at provisions which do not follow the model clauses and/or which are not well precedented. Moreover, the Department will expect applicants to explain any differences between the model clauses and the provisions included in a draft order in the "explanatory memorandum" which is required to be submitted with an application (see paragraph 3.5(b) in Part 3 of this Guide).

14. The Department is now at an advanced stage in finalising the new clauses, to take on board changes in law and policy since the model clauses were introduced. Once the new model clauses are ready, they will be prescribed by way of a statutory instrument. In the meantime, those preparing draft orders are advised to refer to the consultation paper which the Department issued in August 2004 (available on the DfT web site) and to consult the TWA Orders Unit if they are uncertain about the preferred drafting approach for particular model provisions.

15. Other secondary legislation made under the TWA will be relevant to certain applications: these are mentioned at appropriate points in the text with the appropriate SI number. The TWA and all of the SIs can be purchased from the Stationery Office or its accredited agents or may be accessed from its web site (<http://www.opsi.gov.uk>).

## The role of the TWA Orders Unit

16. The TWA Orders Unit in the Department for Transport (DfT) handles, from start to finish, all applications for TWA orders that require determination by the Secretary of State for Transport. Such applications should be addressed to the Secretary of State for Transport, c/o the TWA Orders Unit, and sent to the Unit's address at Annex 1 - which also gives relevant telephone enquiry numbers for the Unit.

17. As most applications for TWA orders require determination by the Secretary of State for Transport, the Unit oversees the operation of the TWA process generally, in liaison with other interested Departments and the Assembly. It therefore takes the lead role in advising on the procedures, working up proposed changes to the legislation and issuing relevant guidance.

18. Furthermore, the TWA Orders Unit carries out the **procedural** work on -

(a) transport applications in Wales and

(b) applications relating to inland waterways,

acting on behalf of the Assembly and Defra respectively. Therefore, whilst such applications should be made out to the National Assembly for Wales or the Secretary of State for Environment, Food and Rural Affairs, whichever is responsible for the decision, they should be marked for the attention of the TWA Orders Unit and sent to the address given in Annex 1.

19. In such cases, the Unit will liaise as necessary with the Assembly or Defra. It must be emphasised, however, that any decisions on these cases (including any key procedural decisions that may need to be taken, for example on whether an EIA is required or on whether a waiver should be given from any requirements of the Rules) are the responsibility of the Assembly or DEFRA. The Unit simply acts as their agent in carrying out the procedural work on these cases.

20. A different situation applies, though, to applications for works interfering with navigation rights which are for an **energy** purpose. Applications of this nature which relate to works within waters in or adjacent to England should be addressed to the Secretary of State for Trade and Industry, c/o the Offshore Renewables Consents Unit, DTI, 1 Victoria Street, London SW1H 0ET, who will process them from start to finish. If, however, an application relates to works for an energy purpose within waters in or adjacent to Wales, it should be addressed to the National Assembly for Wales, Planning Division, Cathays Park, Cardiff CF10 3NQ. (The Planning Division is the co-ordinating division in the Assembly for TWA issues, even though an application for an energy purpose may largely fall to be handled by the relevant energy branch OCTO).

21. A prospective applicant who is in doubt as to whom to apply in any particular case should consult the TWA Orders Unit.

**Note: Where this Guide refers to actions to be taken by the TWA Orders Unit, this should be taken to include the relevant teams in DTI and the Assembly in respect of applications for an energy purpose.**

## Scotland and Northern Ireland

22. The TWA does not apply in Scotland, where railway, tramway and other works may be authorised by way of a Private Bill introduced into the Scottish Parliament; or, in the case of a light railway project, by way of an order under the Light Railways Act 1896. The Scottish Executive intends, however, to establish, through a Transport and Works (Scotland) Bill, a similar ministerial order-making procedure in place of its Private Bill procedure. Anyone requiring up-to-date information on the proposed transport and

works legislation in Scotland should contact the Scottish Executive or access its web site.

23. Where a railway or other project straddles the border between Scotland and England, a Private Bill presented to the Westminster Parliament is likely to be a more appropriate means of obtaining the necessary authorisations than making separate applications for a TWA order (for that part of the scheme in England) and for a Scottish Bill or order (for that part in Scotland). Anyone proposing such a cross-border scheme is advised to make early contact with the TWA Orders Unit and with the Scottish Executive, in order to establish the most appropriate way of proceeding.

24. The TWA does not apply in Northern Ireland, where such works may be authorised by Private Bills, Orders in Council and subordinate orders.

## **Status of this booklet**

25. The guidance given in this booklet on the TWA procedures and on how they are intended to be applied is based on DfT's understanding of the statutory provisions and the principles underlying them, and on experience of best practice. It is intended to help applicants and others with an interest. However, no reliance should be placed on any legal interpretation given in this guidance, as only the courts can give an authoritative interpretation of the law. Applicants and other interested parties should seek their own independent legal advice where necessary. Should there be any inconsistency between the guidance in this booklet and the provisions in the TWA or relevant SIs (such as might arise from a subsequent change in the legislation) the latter must prevail.

26. Furthermore, as this booklet is essentially a procedural guide, it does not seek to discuss any particular central or local Government, or Assembly, policies that may be relevant to determining the merits of a TWA application. The relevant policies, and the weight to be attached to them, will vary from case to case. Each application must be looked at on its own merits in the light of the material circumstances and policies prevailing at the time. Any references in this booklet to policies are therefore either in general terms (such as likely sources) or relate to usual policy and practice in respect of matters of procedure.

27. The TWA Orders Unit will be glad to assist with any questions or requests for further information relating to the TWA and, where appropriate, to offer guidance on the associated rules and regulations (subject to the caveats mentioned above). The Unit will not, however, be able to discuss with enquirers the merits of any prospective or current TWA applications or give any indication as to the possible outcome. This is because of the need to protect the integrity and impartiality of the decision making process and to avoid prejudicing the Secretary of State's decision on any particular case. Moreover, it is for prospective applicants and their legal advisers to consider, in the first place, what statutory powers they may need to implement a scheme, and whether those powers can appropriately be given by way of a TWA order.

## **Part 1: General Principles**

### **Why seek a TWA order?**

1.1 Before the TWA came into force in January 1993, the guided transport and other schemes referred to in paragraph 2 of the Introduction were normally authorised by way of a Private or Local Act of Parliament. A TWA order can similarly grant rights and powers to the applicant of a private or local nature which are not available under the general law. As a consequence, it is very unlikely that Parliament would now entertain a Private Bill for matters that could be authorised by way of a TWA order.

1.2 The main distinguishing features of projects which require authorisation by a TWA order are, firstly, that they may involve the construction and/or use of works which affect public rights, such as a public

right of way over a highway or a right of navigation on a river or in the sea. An order can provide the statutory means by which such public rights may be extinguished or changed temporarily or permanently to accommodate the scheme - for example by diverting a public right of way or stopping up a street. Secondly, a TWA order can provide powers for the compulsory acquisition of land or rights in land, or for the extinguishment of or interference with private rights, such as a private right of way. Such powers may be essential where it is impracticable to acquire all of the land or rights needed for the scheme by agreement, or where statutory undertakers' equipment would be affected. Thirdly, a TWA order may be needed where the applicant wishes to transfer, alter or remove rights, powers or obligations which relate to the proposed scheme and which are contained in an existing Act or order.

1.3 Where works are to take place entirely on land owned by the scheme's promoters, statutory powers to undertake the works may not be necessary. However, even in these circumstances it may still be desirable to obtain a TWA order. The granting of statutory authority means that the works will enjoy the status of a statutory undertaking, for example in planning law, along with the privileges accorded by such status. An order also provides the applicant or undertaker (if different) with the defence of statutory authority against any actions for nuisance arising from the construction or operation (without negligence) of the works.

1.4 **The making of a TWA order does not itself confer planning permission for any development provided for in the order.** However, when applying for an order, the applicant can request the Secretary of State to deem the grant of planning permission by way of a direction under section 90(2A) of the Town and Country Planning Act 1990. Alternatively, planning permission, where required, can be sought separately from the local planning authority. Where an applicant applies for deemed planning permission at the same time as applying for an order, the Secretary of State would decide whether to issue a planning direction when determining whether or not to make the order. As a matter of policy, the Secretary of State would not make an order without issuing a planning direction where one has been sought, as consideration of the planning merits would be a part of the consideration of whether to authorise the scheme. Conditions may be attached to the planning direction. Similarly, if planning permission had been sought from the local planning authority for works contained in the draft order, the Secretary of State would wish to establish that such permission had been given before making the order. The advantages and disadvantages of the options of applying to the Secretary of State for deemed planning permission, or applying separately to the local planning authority, are considered in paragraphs 1.19-1.21 below.

1.5 With regard to any other statutory consents, permissions or licences that an applicant may require in connection with a proposed scheme, the TWA only disappplies the need to obtain consent under section 34 of the Coast Protection Act 1949, for any operations authorised by a TWA order. However, regulations have been made under section 15 of the TWA to assimilate procedures where the proposed works require listed building, conservation area or scheduled monument consent, or where the proposals in a draft TWA order would affect an inland waterway in certain ways covered by Part 7 of the Transport Act 1968. These regulations are explained in Part 7 of this Guide, which also gives guidance on the linkages with other consents and licences that may typically be required in connection with a TWA order application.

1.6 Whilst it may be possible, by virtue of section 5 of the TWA, for a TWA order to exclude (i.e. disapply) the statutory requirements for other related consents, licences etc., as a matter of policy the Secretary of State would only be prepared to agree to this in very exceptional circumstances (see paragraph 1.14). It would therefore be advisable to consult DfT's TWA Orders Unit (or other Department responsible for the decision) in advance about any such proposals. Orders which have been made and which include disapplication provisions should not be assumed to set precedents.

1.7 Schedule 1 to the TWA exemplifies those matters that may be included in an order made under section 1 or 3. A commentary on Schedule 1 is provided in Annex 2. If a prospective applicant is unsure whether a TWA order is required in respect of specific proposals, or whether certain matters might appropriately be included in an order, guidance may be sought on an informal basis from the TWA Orders Unit. It is,

however, ultimately the responsibility of promoters and their legal advisers to satisfy themselves that they have sought all the necessary statutory powers and approvals that are required in order to enable their proposals to be implemented lawfully. Whilst the TWA empowers the Secretary of State to make an order in respect of certain matters, it does not require a promoter to obtain an order, either for any particular matter, or at all. In other words, **the process of seeking and obtaining a TWA order is permissive, rather than obligatory**. Hence, the TWA does not include enforcement provisions in respect of failure to obtain a TWA order or to obtain certain powers under an order.

## What can be included in a TWA order?

1.8 The provisions of the TWA which relate to what may be included in an order are contained in sections 1 to 5 of, and Schedule 1 to, the Act. Section 7 relates to orders made on the Secretary of State's own volition, without an application, guidance on which is given at paragraphs 1.59 to 1.61 below.

1.9 The following is a list of the principal matters which may be contained in TWA orders made following an application to the Secretary of State:

- powers to construct and operate a railway, a tramway, a trolley vehicle system, or a guided transport system of a type which has been prescribed in an order made under section 2; or to carry out matters ancillary to the construction or operation of those transport systems;
- authority to construct and operate an inland waterway or to carry out matters ancillary to such construction or operation;
- authority to carry out and use works of a description prescribed by an order under section 4 which interfere with rights of navigation in the internal waters of England and Wales and up to the limits of territorial waters;
- the compulsory acquisition of land or rights in land required in connection with the proposed works;
- the creation, extinguishment, stopping up or diversion of rights of way, either temporarily or permanently. (In the case of permanent extinguishment of a public right of way, the Secretary of State must be satisfied under section 5(6) of the TWA that an alternative right of way will be provided or is not needed);
- the repeal or modification of agreements relating to land;
- the protection of the property or interests of any person - for example, a statutory undertaker;
- the introduction of a penalty fares scheme;
- a power to make byelaws;
- the transfer, leasing, discontinuance and revival of undertakings;
- the application, modification or exclusion of any statutory provision 2 which relates to any matter which could be included in an order made under section 1 or 3;
- the amendment, repeal or revocation of a statutory provision of *local* application, subject to the Secretary of State being satisfied that this is necessary or expedient in consequence of any provision of the order or otherwise in connection with the order.

1.10 The above is not an exhaustive list of matters which may be included in orders. Bearing in mind that Schedule 1 to the TWA only exemplifies such matters, the scope of orders is potentially very wide. For example, matters ancillary to the construction and operation of a guided transport scheme might include station car parks, park and ride sites and new or altered highways which are directly related to the scheme. Prospective applicants for proposals which involve interference with rights of navigation should note, however, that the TWA is more restrictive in respect of this type of works than for transport schemes and

7.24 Prospective applicants for a TWA order should therefore ensure that their environmental statement carefully addresses any potential impacts on a protected species and, as may be necessary, includes appropriate mitigation measures. In particular, applicants should establish whether there is, or is likely to be, a need for a licence to be obtained under the 1994 Regulations. If that is the case, it is very unlikely that the Secretary of State would agree to make a TWA order in advance of a licence application being made. It is the normal practice of DfT and DEFRA to ensure that decisions on related TWA order and licence applications are taken concurrently. This is because:-

- the Secretary of State needs to be satisfied, before making a TWA order, that he has full information about the significant environmental effects of a scheme, including the proposed measures to mitigate the adverse effects. If an applicant requires a licence from DEFRA but is not in a position to apply for one because insufficient survey information is available, or the mitigation measures have not been defined, then it is similarly very unlikely that the Secretary of State will have sufficient information to determine the TWA order application;
- if the Secretary of State were to make a TWA order in advance of determination of the related licence application, that decision could be seen as prejudicial to DEFRA's consideration of the licence;
- the Secretary of State would wish to be satisfied before making a TWA order that there is a reasonable prospect of the scheme going ahead. This means establishing that implementation of the scheme is unlikely to be blocked by any impediments such as the need for another consent or licence.

## **Annex 1: TWA orders unit**

The address of the TWA Orders Unit (as at the date of publication of this Guide) is:

The TWA Orders Unit  
Department for Transport  
9th Floor, Southside  
105 Victoria Street  
London SW1E 6DT

The Unit may be contacted on the following telephone numbers:

020 7944 3196

020 7944 6912

020 7944 2474

020 7944 4506

020 7944 3293

020 7944 2487

020 7944 2488

020 7944 2483

The Unit may be e-mailed at [transportandworksact@dft.gsi.gov.uk](mailto:transportandworksact@dft.gsi.gov.uk) or faxed on 020 7944 9637.

## **Annex 2: Commentary on Schedule 1 to the TWA**

Schedule 1 to the TWA gives examples of matters that may be included in orders made under section 1 or 3. These examples cover the range of provisions that are most likely to be required by applicants. The list is illustrative rather than exhaustive, but prospective applicants may wish to consult the TWA Orders Unit about any proposed provision that is not, or does not appear to be, included in Schedule 1 and which is notprecedented. Many of the matters exemplified are dealt with in the Model Clauses. A commentary on each

matter listed in Schedule 1 follows.

Paragraphs 1 and 2 exemplify the various types of works that may be authorised in a section 1 or 3 order. The descriptions are wide ranging and would encompass works that are ancillary to the primary purpose of the order (for example, an access road to a proposed railway station, or a park and ride site to be provided for a new tramway system). Most orders will contain powers to carry out works, but this is not necessarily the case.

*Paragraph 3* provides for orders to sanction the acquisition of land, whether by agreement or compulsorily. Where land is to be acquired compulsorily, the Secretary of State would wish to be satisfied that the public benefits outweighed any private disbenefits. This is especially important in view of provisions in the Human Rights Act 1998 which provide (amongst other things) that no one shall be deprived of his possessions except in the public interest.

*Paragraph 4* provides for orders to authorise the creation or extinguishment of rights over land, including rights of navigation over water, either compulsorily or by agreement. "Over" includes in or on land. This power is widely drawn because of the multitude of rights and interests in land that may be affected by a works proposal, especially one of a linear nature. Where, for example, a proposed railway crosses a public right of way, it may be necessary to stop up the right of way or to divert it (by the construction of a bridge or underpass). The power to extinguish a public right of way is however restricted by section 5(6). This provides that a section 1 or 3 order shall not extinguish a public right of way over land unless the Secretary of State is satisfied that an alternative right of way has been or will be provided, or that one is not required. If an alternative is to be provided, the Secretary of State would wish to be satisfied that it will be a convenient and suitable replacement for existing users.

*Paragraph 5* provides for orders to authorise the abrogation or modification of agreements relating to land. Works proposals will often have implications for private agreements about the use of land, such as the location and use of statutory undertakers' equipment or the use of private accommodation crossings over railways for access purposes.

*Paragraph 6* provides for orders to confer on persons providing transport services the right to use the systems belonging to others. This sort of provision appeared in local Acts prior to railway nationalisation in order to sanction through running rights in the public interest on competing railways. The regulatory provisions in the Railways Act 1993 probably render such a provision redundant for railways, but it may arise in other contexts.

*Paragraph 7* covers provisions in orders that protect the property or interests of any person (commonly known as "protective provisions"). These might relate to protection of the applicant's transport system or to the property or interests of persons affected by proposed works, such as statutory undertakers' equipment or the interests of the highway authority.

*Paragraph 8* provides for orders to impose and exclude obligations or liabilities in respect of any acts or omissions. An applicant may, for example, wish to impose or exclude duties or liabilities relating to the carrying out or use of authorised works.

*Paragraph 9* provides that orders may sanction the making of agreements to secure the provision of police services. Such matters would normally be dealt with other than by way of a TWA order, but might possibly be appropriate to a TWA order where a statutory body requires express authorisation to enter into such an agreement.

*Paragraph 10* covers the carrying out of surveys and the taking of soil samples. The order would be able to sanction such matters without requiring the prior agreement of the landowner, although compensation would be payable. However, the carrying out of surveys etc. before the order is made would have to be by agreement with the owner.

*Paragraph 11* covers provisions relating to the payment of compensation. Compensation provisions will typically be required where private rights or interests in land are intended to be acquired compulsorily, or

where the exercise of powers in the order would be liable to cause loss or damage to a person.

*Paragraph 12* provides for orders to sanction the charging of tolls, fares (including penalty fares) and other charges. It also enables orders to create summary offences in connection with non-payment of the toll, fare etc., or in connection with a person's failure to give his/her name and address where a penalty fare provision applies. Section 5(5) precludes the imposition on persons convicted of a summary offence of a term of imprisonment or of a fine exceeding level 3 on the standard Home Office scale.

*Paragraph 13* enables orders to provide for the making of byelaws and for their enforcement, including the creation of summary offences. This provision may, for example, be required to regulate the use of transport systems and the conduct of passengers. The order would normally provide a byelaw making power and for the actual byelaws to be confirmed by the Secretary of State.

*Paragraph 14* covers provisions as to the payment of rates. This is, however, seldom likely to be necessary.

*Paragraph 15* provides for orders to authorise the transfer, leasing, discontinuance and revival of undertakings. A provision in an order authorising a subsequent transfer or lease of an undertaking may be required where the applicant wants to be able to transfer or lease to another person the powers to construct and/or operate a transport system, and relevant property, after the order takes effect. In that situation, the Secretary of State may (and normally will) require such a transfer or lease to be subject to his prior consent, so that he can satisfy himself as to the suitability of the transferee to take on the relevant powers, rights and responsibilities. The discontinuance or revival of an undertaking may require an order to revoke or modify provisions relating to that undertaking in an Act or a previous TWA order.

*Paragraph 16* covers provisions in orders for disputes to be settled by arbitration. This would be needed for disputes that might arise from, or in connection with, the proposals authorised by the order, other than those relating to land compensation, which would be dealt with by the Lands Tribunal. It would be unusual for the Secretary of State to be the arbitrator (see note below). Such a person would normally be appointed by an appropriate professional body, such as the Institution of Civil Engineers.

**Note:** If a prospective applicant wishes to impose any obligation or responsibility on the Secretary of State in an order - whether as an arbitrator or as the person responsible for determining a particular type of appeal - this should (not least as a matter of courtesy) be discussed with the relevant Department in advance. **It should not be assumed that the Secretary of State would be able or willing to take on the role in question**, even if such a provision is precedented in earlier Acts or orders. The relevant Department (or Departments) may not have the expertise or the resources to take on the new responsibility in question. A critical view would also be taken of any provisions that sought to impose fresh obligations on magistrates courts.

*Paragraph 17* provides that orders may include the imposition of a requirement to obtain the Secretary of State's consent. As well as in regard to a transfer of powers as mentioned above, such a provision may be appropriate, for example, to regulate specified matters relating to the carrying out of the works authorised by the order.

## **Annex 3: General pointers on the drafting of TWA orders**

### **1. Modern style and general principles**

Applicants are advised to avoid the use of:





**NETWORK RAIL**

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

**HIGHWAYS STATEMENT**

**JUNE 2025**

**REV A – 3<sup>RD</sup> JULY 2025**



**the journey is the reward**

|                      |                                                                                                             |
|----------------------|-------------------------------------------------------------------------------------------------------------|
| <b>Report title:</b> | <b>Closure of Level Crossing, Off Moorgate Street / Dark Lane, Uppermill, Oldham<br/>Highways Statement</b> |
| <b>Date:</b>         | <b>Rev A – 3<sup>rd</sup> July 2025</b>                                                                     |
| <b>Project:</b>      | <b>NRMOORGATE.2</b>                                                                                         |
| <b>Prepared by:</b>  | <b>Steven Overton - Mayer Brown Ltd</b>                                                                     |
| <b>Approved by:</b>  | <b>Sean Wotherspoon - Mayer Brown Ltd</b>                                                                   |
| <b>On behalf of:</b> | <b>Network Rail</b>                                                                                         |
| <b>Status:</b>       | <b>FINAL</b>                                                                                                |

**Network Rail**  
**Closure of Level Crossing**  
**Off Moorgate Street / Dark Lane, Uppermill, Oldham**  
**Highways Statement**

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### Appendices

APPENDIX A: Location Plan

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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 25<sup>th</sup> 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 8<sup>th</sup> November 2024 and 3<sup>rd</sup> 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 gully is noted at the bottom of the un-made ground, before the bituminous material begins. Although this gully 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 gully 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 Footpath which typically does not have the same level of surface “finish” than an adopted Footway.
- 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. I.e. 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 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 gully 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

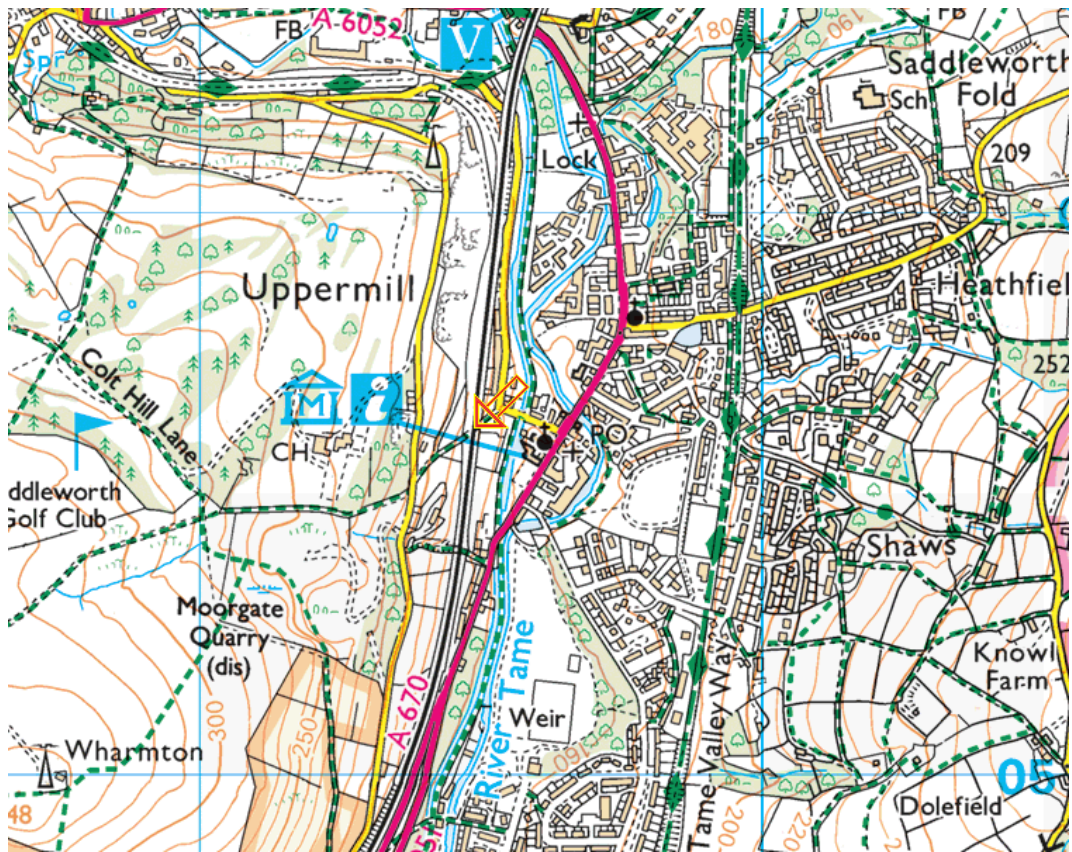
Refer to Appendix E. There exists a change in speed limit between 20mph and 30mph on the A670, to the east of the entry to the Public Footpath used by the alternative route.

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.

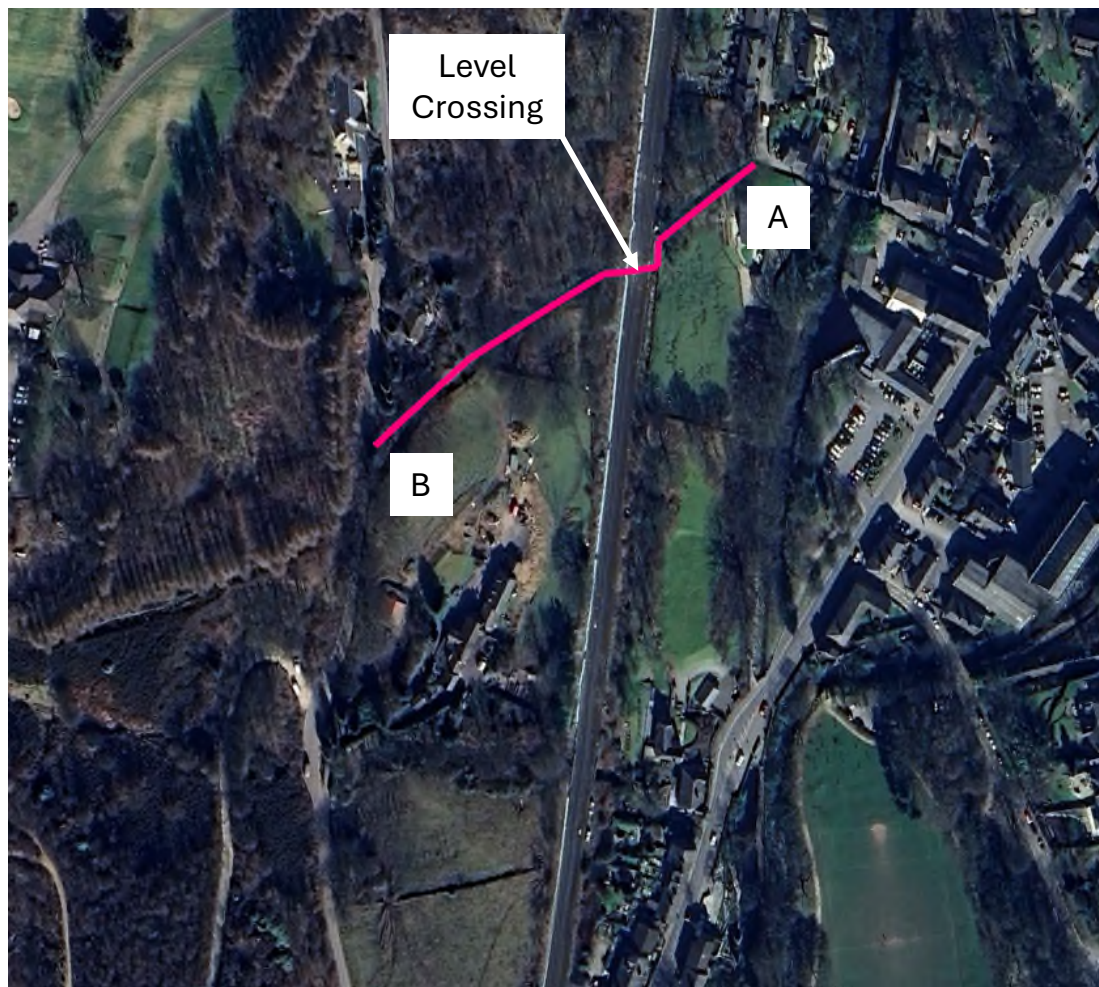
## 7 Summary

- 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**

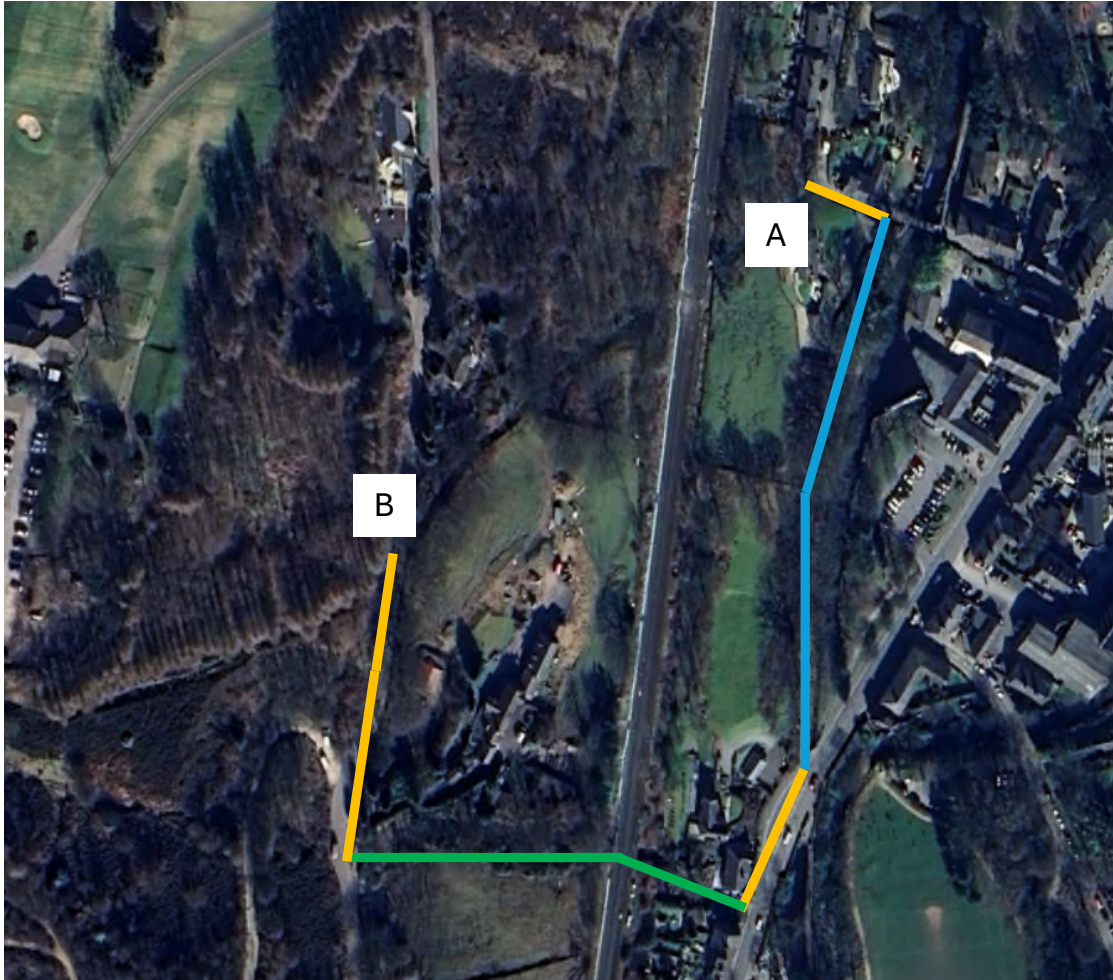


## **APPENDIX B: Existing Public Footpath to be Extinguished**



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

## **APPENDIX C: Proposed Alternative Pedestrian Route**



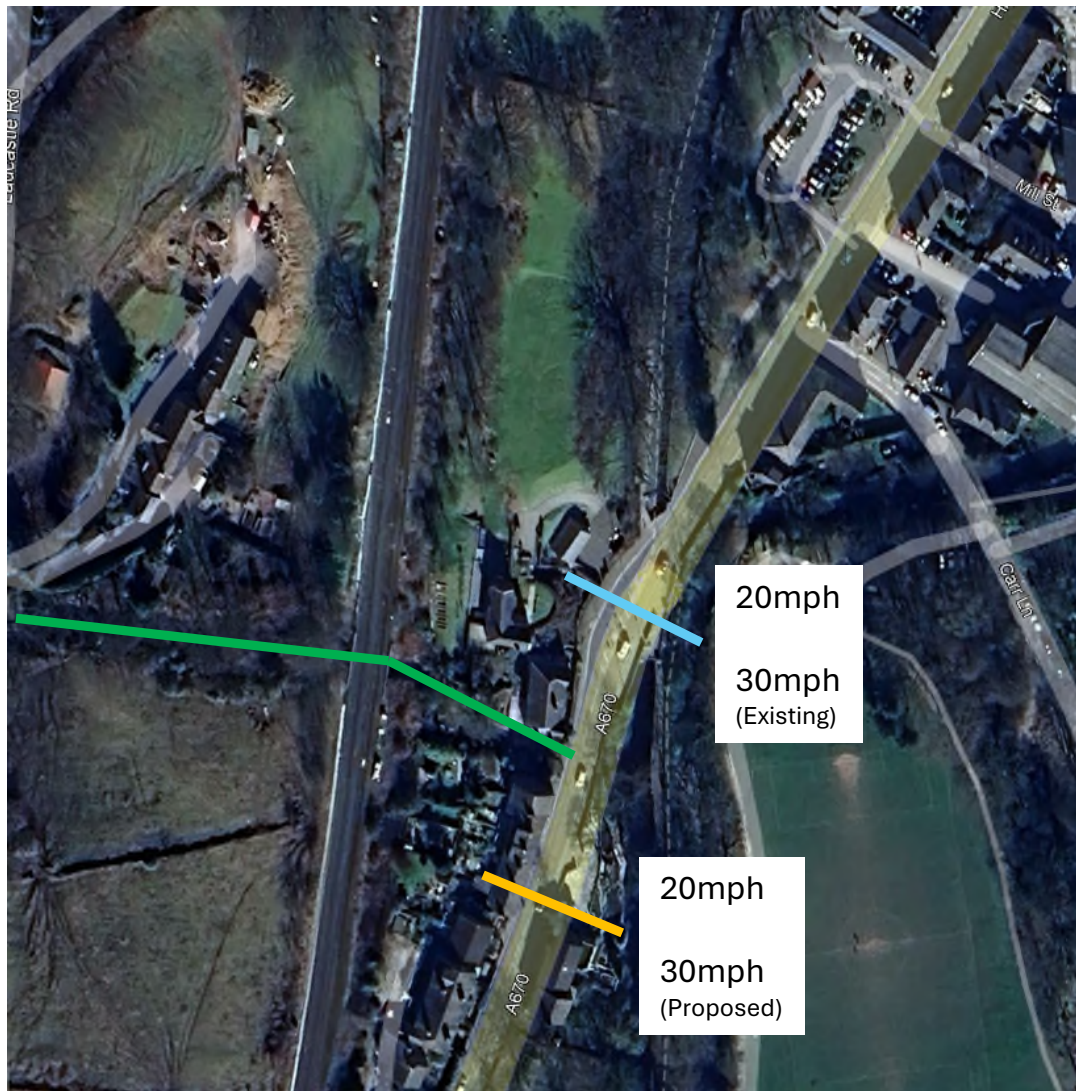
## Proposed Alternative Pedestrian Route

- Public Highway (Footway)
- Canal Towpath
- Public Footpath (244SADD)

## **APPENDIX D: Census Data**



## **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)

