



Affiliated to Peak and Northern
Footpaths Society

PROOF OF EVIDENCE SUMMARY RELATING TO THE CLOSURE OF MOORGATE LEVEL CROSSING ON BEHALF OF WEDNESDAY WALKERS (OLDHAM), PEAK AND NORTHERN FOOTPATHS SOCIETY AND SADDLEWORTH PEDESTRIANS

**THE NETWORK RAIL (STALYBRIDGE TO DIGGLE
(SADDLEWORTH) ENHANCEMENTS) TRANSPORT AND WORKS
ACT ORDER.**

Ref: TWA/25/APP/02/OBJ 117, 259, 193

Kevin Lawton BSc, CEng, MICE (Ret'd)
1 May 2026

1.0 Background

- 1.1 My name is Kevin Lawton, and I am an objector on behalf of three walking groups with a total of c.2,000 members to the use of path 244 as the alternative to the closure of the Moorgate Level Crossing. We are making a case for as footbridge. I am not acting as an expert witness.
- 1.2 I have noted that there were 126 objections and 5 representations made opposing the closure of the level crossing. There were no submissions supporting the closure of the crossing with 244 as an alternative and most want a footbridge.
- 1.3 We are not opposed to the upgrade of the railway or the eventual closure of the level crossing. We want the route of path 209 retained on its current alignment and not via a longer, unsafe and circuitous route. This can be achieved with a footbridge.
- 1.4 I have submitted detail of our reasons for objecting to the order in a Statement of Case (SoC) and a Proof of Evidence with an appendix commenting on NR's SoC. This is a summary as required by the TWA Procedures.

2.0 Summary

- 2.1 I believe that NR's SoC is a cynical attempt to try retrospectively to justify a decision made three years earlier to abandon the idea of a footbridge. They have introduced descriptions of paths 209 and 244 to try and equate the two which is not possible and have made attempts to try and show that the exit of 244 on to Oldham Road is safe. The Mayer Brown reports and recent issues have proved that it is not safe. There are then more subtle changes to the descriptions of the paths and the length of the diversion and time taken to walk it. They have failed on all these issues. Revised proposals for the works to 244 have been illustrated by CGI but no details are given, particularly how rainwater run-off is to be dealt with. There will be a significant impact for the landowner with the shared driveway on to Oldham Road and no arrangements have been made with other landowners to dedicate the additional land required for the footpath. The proposed use of 244 transfers a rail safety issue to the Highway Authority which is not acceptable. **The proposed use of 244 is therefore not suitable, safe or convenient and cannot be made so and should therefore be rejected by the Inspector.**
- 2.2 Even after three attempts, and over a period of 12 months, NR has been unable to properly justify the £4.5 million cost of a footbridge which was used as the sole reason for abandoning the idea of a footbridge. It is not valid to add an allowance for risk, which may not need to be spent, to the cost of a footbridge at Moorgate when no such addition is made to any of the other proposed works. Separate funding is available for risk. The estimated costs for work on 244 can be offset against the footbridge costs. As far as I am aware there are **no impediments to the availability of funding for the scheme as a whole if a footbridge is included.**
- 2.3 I believe that a footbridge at Moorgate could be constructed during rail closures for other bridge works, particularly those at Greenfield Station.

2.4 NR did not carry out a Diversity Impact Assessment (DIA) to check the suitability of using path 244 as an alternative to the closure of the level crossing before making a decision 3 years ago. There is an assumption that when the DIA is available in mid-May, it will justify the use of 244 as an alternative route. What will NR do if at that late stage it doesn't?! NR did carry out a DIA for path 209 and that recommended a footbridge. No consideration has been given to the use of 244 by children, older people, disabled persons and other vulnerable users.
PSED and NR's own requirements to carry out a DIA have not been complied with.

2.5 There are no construction details available for the proposed works to 244 and with the topography and access limitations from a compound on Ladcastle Road, I am sceptical that the works shown on the CGI could actually be built. There is no indication how surface water run-off will be dealt with at Wickens Bridge and there is no acknowledgement of the need to agree the permanent dedication of the extra width now proposed for 244 with the landowner

2.6 There are two TWAO tests to justify closure of a level crossing and whilst NR will demonstrate the 'necessity' of the closure of the level crossing, NR has not demonstrated that the alternative is a 'convenient and suitable replacement for existing users' as required in the TWAO Procedures. This ought to mean, as it did in other cases I referred to in my SoC, that the closure application for Moorgate is similarly refused.

2.7 There is a viable alternative to the TWAO proposal to permanently close path 209 and upgrade path 244, and that is a footbridge.

3.0 Conclusions

3.1 In conclusion therefore, I invite the Inspector to reject NR's TWAO application to close the Moorgate level crossing with path 244 as the alternative route on the basis that 244 is not a suitable and convenient alternative for the users of the crossing. The tests to be applied when considering this were agreed by the Secretary of State in the decision letter for the proposed level crossing closures in Essex. I believe that I have submitted compelling evidence in my Statement of Case to prove that the alternative route is not suitable and convenient, which in summary, is based on the following:

- Unsubstantiated and exorbitant costs to construct a footbridge as originally planned by NR – used as the sole reason to abandon a footbridge. No other project has been rejected on the basis of risk
- Retrospective reports have been commissioned to try and justify the decision made three years earlier to use path 244
- In relation to the exit of path 244 on to Oldham Road the road safety report actually limits the use to 'able bodied' and only suggests mitigation, not a solution. The route cannot be made safe and passes through a private garden and shared driveway
- PSED and NR's own policy requiring a DIA to be carried out were not complied with

- There are biased descriptions of the two paths affected, differing interpretations of usage and contradictory distances and times to walk the alternative route. No objectors have identified any problems in using the existing route over the crossing
- A footbridge would remove all possible rail safety concerns with the crossing
- Previous TWAO decisions confirmed by the Secretary of State in other areas have rejected the closure of level crossings due to the following various negative impacts, **all of which apply to the Moorgate crossing**:
 - Impacts on users
 - Number and type of user, whether utilitarian or leisure, whether mobility impaired including non-visible impairments
 - Whether usage affected by proposed surface materials, steps, gradients and length of route
 - Changed nature of the route and whether the diversion is straight forward and logical
 - Connectivity to remaining network of paths
 - Consideration of NR's DIA (one hasn't been done for 244)
 - Highway safety and lack of footways

3.2 Finally, I believe that it would be wholly wrong for the inspector to discount the formal views of Oldham Council as statutory authority for rights of way, that path 244 would be unsuitable and unsafe as an alternative to path 209.

3.3 My full PoE contains an appendix commenting on the many changes and contradictions in NR's SoC.

1,342 words