



TRANSPORT AND WORKS ACT 1992
TRANSPORT AND WORKS (INQUIRIES PROCEDURES)
RULES 2004

**NETWORK RAIL (STALYBRIDGE TO DIGGLE
(SADDLEWORTH) ENHANCEMENTS) ORDER**

REBUTTAL PROOF
**RELATING TO PROOF OF EVIDENCE OF OLDHAM
COUNCIL (OBJ/185)**

Prepared by:

*Sean Wotherspoon: Moorgate Halt Level Crossing – Highway
Safety*

Chris Cary: Traffic & Transport

Keith Gardner: Construction

Nigel Bilingsley: Property

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1. INTRODUCTION

1.1 Introduction

1.1.1 This rebuttal proof is providing Network Rail's responses to the Proof of Evidence submitted by Oldham Council (OBJ/185) which comprises:

- Proof of Evidence (**PoE-OBJ-185-AS.1, PoE-OBJ-185-MD.1, PoE-OBJ-185-LK.1, PoE-OBJ-185-DM.1,) and**
- Appendix to Proof of Evidence (**PoE-OBJ-185-AS.2, PoE-OBJ-185-MD.2 PoE-OBJ-185-LK.2).**

1.1.2 The rebuttal is limited to points which it will assist to address in writing. The fact that any point is not responded to does not mean it is accepted.

2. NETWORK RAIL'S REBUTTAL EVIDENCE

2.1 Rebuttal Evidence of Sean Wotherspoon: Moorgate Halt Level Crossing – Highway Safety

Introduction and Scope

- 2.1.1 I have considered the matters raised by Mr Alister Storey in respect of highway safety on the A670 Oldham Rad, particularly in relation to the proposed use of Public Footpath 244 SADD as part of the alternative route following closure of Moorgate Halt level crossing.
- 2.1.2 My response is limited to highway safety matters. I do not address the wider merits of a replacement footbridge, the principle of level crossing closure, land ownership, amenity or rights of way matters, except where those issues directly overlap with highway safety.
- 2.1.3 The key highway safety issue remains the short section of A670 Oldham Road where users of the proposed alternative route would interact with the adopted public highway. That issue has already been identified in the Mayer Brown Highways Statement, assessed through the GG104 Safety Risk Assessment, and reviewed through the Road Safety Audit and Designer's Response process.
- 2.1.4 I recognise that the A670 Oldham Road is a classified A-road and forms part of the local highway network into Uppermill. It has frontage constraints, including a narrow footway section close to the FP244 SADD interface. However, the existence of those constraints does not automatically mean that the route is unacceptable in highway safety terms. The appropriate question is whether the risk has been identified, assessed and can be managed through proportionate mitigation.

Automatic Traffic Count Data

- 2.1.5 Mr Storey refers to Automatic Traffic Count data for the A670 Oldham Road, Uppermill. The report records data from 13:00 on 07/05/2026 to 13:59 on 11/05/2026. It therefore does not represent a full 7-day continuous ATC survey. It comprises part Thursday, full Friday, full Saturday, full Sunday and part Monday.
- 2.1.6 In a public inquiry context, where traffic flow and speed evidence is relied upon to support a highway safety conclusion, I would normally expect an ATC to comprise a minimum 7-day, 24-hour directional classified count, with speed data recorded. A 14-day survey can provide a more robust dataset where the issue is contentious. The survey should ideally be undertaken in a neutral period, avoiding school holidays, bank holidays, abnormal weather, roadworks, temporary traffic management and local events likely to affect traffic patterns.
- 2.1.7 The fact that this ATC is shorter than 7 days does not mean it is without value. It does, however, mean that it should be treated as indicative rather than definitive. It provides useful information on vehicle flows, vehicle speeds and traffic composition during the survey period, but it should not be over-relied upon as a complete representation of typical weekday and weekend conditions.
- 2.1.8 The incoming/northbound count recorded 26,283 vehicles, with an average speed of 27.33mph, an 85th percentile speed of 31mph and an AADT stated as 6,503 vehicles. The outgoing/southbound count recorded 25,001 vehicles, with an average speed of 27.19mph, an 85th percentile speed of 31mph and an AADT stated as 6,185 vehicles.
- 2.1.9 While those figures show the A670 volume of traffic, they do not indicate that the general operating speed is high. The 85th percentile speed of 31mph in both directions is the most useful indicator of typical higher-end traffic speed. It shows that the majority of drivers are travelling around the low 30mph range, with average speeds around 27mph.
- 2.1.10 The survey also shows that vehicle flows are materially higher in the daytime, with hourly flows commonly in the range of approximately 400 to 600 vehicles per hour per direction during busier periods. The data therefore supports the description of the A670 as a busy local classified road, but not as one where typical traffic speeds are excessive.

The Recorded 82mph Value

- 2.1.11 Mr Storey refers to a recorded maximum speed of 82mph. The ATC report records this in the incoming/northbound direction at 16:39:22 on 09/05/2026.
- 2.1.12 That figure should be treated with caution. It is a single isolated maximum value within a dataset of 26,283 incoming/northbound vehicles, where the average speed was 27.33mph and the 85th percentile speed was 31mph. It is therefore wholly unrepresentative of the normal recorded speed profile on the A670.
- 2.1.13 The relevant hourly period was 16:00 to 17:00 on 09/05/2026. During that hour, the incoming/northbound count recorded 452 vehicles. The outgoing/southbound count for the same hour recorded 362 vehicles, giving a two-way hourly volume of 814 vehicles. This equates to approximately 7.5 northbound vehicles per minute, 6.0 southbound vehicles per minute, or 13.6 vehicles per minute two-way.
- 2.1.14 The histogram for the incoming/northbound count shows that, during the hour in which the 82mph value was recorded, the overwhelming majority of vehicles were within ordinary speed bands, with one vehicle appearing in the 80 to 85mph band. That supports the view that the 82mph value is an outlier rather than representative of the traffic stream.
- 2.1.15 A single unexpected high speed in an ATC dataset can arise from a genuine isolated act of highly inappropriate driver behaviour. It can also arise from survey or equipment issues, including tube bounce, poor tube contact, tube movement, motorcycle detection issues, angled vehicle movements across the tubes, closely spaced vehicles being misread, incorrect tube spacing entered into the logger, or classification/data processing error.
- 2.1.16 I would not say that the 82mph value is impossible. However, in highway safety terms it is not reasonable to treat it as representative of normal vehicle speeds at this location. Unless the raw ATC record has been validated by the survey provider, the correct approach is to treat it as a single outlier or potential anomaly.
- 2.1.17 The proper speed evidence for assessment purposes is the overall speed profile, particularly the average speed, 85th percentile speed, speed distribution and observed behaviour. On that basis, the ATC data shows typical speeds around the high 20s to low 30s, not speeds remotely approaching 82mph.

Survey Duration and Representativeness

- 2.1.18 The ATC period is not a full 7-day survey. It starts at 13:00 on Thursday 07/05/2026 and ends at 13:59 on Monday 11/05/2026. The dataset therefore omits a full Monday afternoon and evening, all of Tuesday and Wednesday, and Thursday morning.
- 2.1.19 That limitation matters because a full week allows weekday commuter, school, servicing, bus, leisure and weekend traffic patterns to be captured. A shorter count may over-represent or under-represent certain types of movement depending on the days captured.
- 2.1.20 The dataset includes Saturday and Sunday, which is relevant in Uppermill because weekend leisure and visitor activity may influence both vehicle and pedestrian activity. However, the presence of weekend data does not remove the usual expectation for a complete 7-day 24-hour survey where the data is being used in a public inquiry context.
- 2.1.21 In my opinion, the ATC data is useful background information, but it should not displace the wider highway safety assessment. It should be read alongside site observations, collision history, physical highway constraints, the Road Safety Audit process and the GG104 Safety Risk Assessment.

Visibility when Exiting FP244 SADD onto the A670

- 2.1.22 I do not agree with any suggestion that visibility when exiting FP244 SADD onto the A670 and looking right is materially poor in highway safety terms. The location is constrained, but it is an existing public highway interface and pedestrians are able to pause, look and proceed with care.
- 2.1.23 The assessment must be made in the context of the actual highway environment. That includes the short length of constrained footway, vehicle speeds, the proposed relocation of the 20mph speed limit, warning signage, and the relatively low and dispersed nature of pedestrian movements.
- 2.1.24 The key point is that the constrained footway and A670 interface have not been ignored. They have been specifically identified and assessed. The issue is not whether the footway is ideal. The issue is whether the residual highway safety risk is acceptable once the proposed mitigation is taken into account.

Existing Public Highway and the Highway Authority Position

- 2.1.25 The narrow footway is an existing feature of the adopted highway network. It currently forms part of the public highway environment and provides access to properties and to FP244 SADD.

- 2.1.26 If the Highway Authority considered the existing arrangement to present an immediate or unacceptable highway safety hazard, it would have powers available to investigate and, where appropriate, promote remedial measures. I am not aware of evidence that the Highway Authority has previously considered the existing arrangement to require intervention on highway safety grounds.
- 2.1.27 That does not mean the proposed diversion can be assessed without further consideration. The diversion would increase pedestrian use at this point, and that incremental change is precisely why the risk has been assessed. However, the assessment should recognise that the physical highway feature already exists. The proposal does not create the narrow footway; it changes the level and pattern of pedestrian use associated with it.

Footway Width and Disability-Related Standards

- 2.1.28 Mr Storey refers to minimum footway widths for users with various disabilities. Those standards may be relevant when assessing new inclusive pedestrian infrastructure. However, they must be applied carefully in this context.
- 2.1.29 The proposed route and the existing route are both rural public rights of way with steep gradients, uneven surfaces and constrained sections. Neither FP209 SADD nor FP244 SADD is a fully accessible route for wheelchair users, mobility-impaired users or users requiring level gradients.
- 2.1.30 It would therefore be misleading to apply urban inclusive mobility footway widths as though the proposed route were intended to provide a fully accessible urban pedestrian facility. The proper comparison is between the existing FP209 SADD route and the proposed FP244 SADD route, both of which are constrained rural footpath environments.
- 2.1.31 That does not mean the narrow A670 footway is irrelevant. It is a recognised constraint and has been assessed as such. However, the fact that the footway does not achieve desirable inclusive mobility widths does not, of itself, demonstrate that the route is unacceptable in highway safety terms.

Whether Pedestrians are Forced into the Carriageway

- 2.1.32 I do not accept that users of FP244 SADD would be forced into the carriageway. The footway is narrow in places, but pedestrians are not required by the intended route to walk within the carriageway.
- 2.1.33 While there is no need to, some pedestrians may choose to step into the carriageway to pass another pedestrian, avoid an obstruction or negotiate

the narrowest section. That possibility is precisely why the issue has been identified and why mitigation is proposed.

- 2.1.34 The appropriate response is to manage that risk through proportionate measures. These include the proposed relocation of the 20mph speed limit and warning signage to alert drivers to the potential presence of pedestrians. The proposed warning signage is directed at the foreseeable possibility that pedestrians may stray from the narrow footway section.
- 2.1.35 In my opinion, this is a proportionate response to an existing constrained highway feature. The residual risk is not unusual in the context of older village highway environments with frontage constraints and low pedestrian flows.

Overall Conclusion

- 2.1.36 Mr Storey's comments identify matters that are relevant to the highway safety assessment, but they do not identify a new or unassessed highway safety hazard.
- 2.1.37 The ATC data confirms that the A670 is a busy classified route into Uppermill. However, it also shows average speeds of approximately 27mph and 85th percentile speeds of 31mph in both directions. The data does not support a conclusion that typical traffic speeds are excessive.
- 2.1.38 The recorded 82mph value is a single isolated maximum within a large dataset and is not representative of normal traffic conditions. It may represent an isolated act of exceptional driver behaviour, or it may be an ATC recording anomaly. In the absence of validation of the raw record, it should be treated with caution and should not be used as the basis for the highway safety conclusion.
- 2.1.39 The ATC survey period is shorter than the normal 7-day 24-hour survey period I would expect for a robust public inquiry dataset. It is therefore best treated as indicative evidence. It is useful context, but it should not override the broader assessment based on site conditions, collision history, Road Safety Audit, GG104 Risk Assessment and the physical highway environment.
- 2.1.40 The A670 footway constraint is real, but it is an existing public highway feature. It has been identified, assessed and audited. Physical widening is not reasonably practicable, and the proposed mitigation therefore focuses on speed management, warning signage and route management.

2.1.41 I therefore remain of the opinion that the proposed diversion route can operate safely in highway terms, subject to the implementation of the identified mitigation measures.

2.2 Rebuttal Evidence of Chris Cary: Traffic & Transport

Introduction

2.2.1 This section is providing Network Rail's responses to the following matters raised in Proof of Evidence (PoE-OBJ-185-LK.1)-.

- Highway interaction - diversion route and interface with highway network at Uppermill where at Paragraph 4.3 Mr Kennedy comments on Moorgate Street which has no segregated footway ("**Matter 1**");
- Highway interaction - Paragraph 4.8 Mr Kennedy comments in relation to safety, a concern being exacerbated by the requirement on walkers to travel north along Ladcastle Road where there is no segregated footway ("**Matter 2**");

Response to Matter 1

2.2.2 With the closure of Moorgate Halt level crossing, the diversion route would follow Moorgate Street to the Huddersfield Narrow Canal Towpath. This I acknowledged, however assumes that all journeys would start and finish at the corner of Moorgate Street/Den Lane and omits the point that people would need to travel on this section of highway to reach Footpath 209 SADD in the first place.

2.2.3 Indeed, I consider that whilst users need to travel on Moorgate Street to use 209 SADD, the majority of users are unlikely, as they can instead continue along High Street, in order to reach 244 SADD.

2.2.4 Whilst nothing particular is inferred in this point made by Mr Kennedy, it could overstate the impact of the diversion in terms of highway interaction as it is not unique to the diversion as I would consider the whole journey, most of which will interact with public highway within Uppermill in either instance

Response to Matter 2

2.2.5 It is my opinion that any consideration around footpath users' interaction with Ladcastle Road cannot be made in isolation, and it cannot be concluded as adding an additional 115m potential risk by means of Highway interaction than previous; as one would need to make assumptions here around the existing routes people will be taking and in that, they will continue west along Footpath 209 SADD.

- 2.2.6 Both 209 SADD and 244 SADD meet and interact with Ladcastle Road. I consider it reasonable to assume that existing users of 209 SADD not only route west along S09 SADD around Moorgate Quarry but also walk along sections of Ladcastle Road to reach Moorgate Quarry itself which can be entered to south in close to Footpath 244 SADD, 244 SADD itself or indeed travel north to Delph Donkey Line.
- 2.2.7 I therefore consider that interaction of uses with Ladcastle Road is not unique to the proposed diversion route and that whilst they may be some increase in footfall on Ladcastle Road, the extent of increased interaction is not likely to be significant.

2.3 Rebuttal Evidence of Keith Gardner: Construction

Introduction

- 2.3.1 This section is providing Network Rail's responses to the following matters raised in Proof of Evidence (PoE-OBJ-185-MD.1)-
- The Sam Road car park is of particular concern due the proximity of Diggle School and the additional traffic generated by construction vehicles accessing Network Rail's main compound for the upgrade works (Plots 19-006, 19-002 and the unreferenced land surrounding Plot 19-002 plan at Appendix 9) ("**Matter 1**")

Response to Matter 1

- 2.3.2 Sam Road Car park is to be used as a main access across the track by means of a designed access over the canal tunnel and across the track. Due to the requirements of the Construction of Station Road bridge the area will also be used for a welfare compound during the construction. It is envisaged to be used for 1.8 years.

2.4 Rebuttal Evidence of Nigel Bilingsley: Property

Introduction

- 2.4.1 This section is providing Network Rail's responses to the following matters raised in Proof of Evidence (PoE-OBJ-185-MD.1)-
- Impact on high profile areas of landscaped land. ('Matter 1')
 - Reinstatement of land and replacement of trees. ('Matter 2')

- Retaining rights of access for the Council, Council tenants or the public while Network Rail is in temporary occupation or where Network Rail takes permanent possession. ('Matter 3')
- Protecting the Council's and tenants' rights under occupational leases and Network Rail indemnifying the Council for any breaches to such rights due to Network Rail's occupation. ('Matter 4')
- Temporary loss of Public Car Parks. ('Matter 5')
- Impact on Land identified for residential development ('Matter 6')

Response to Matter 1

- 2.4.2 OMBC raise concerns about the use of plots 12-003, 12-007 and 16-049 and in particular the impact on trees existing on those plots. OMBC seek additional information on the use of land, timescales for use, alternatives considered and the impact on local highways.
- 2.4.3 Although this objection sits within the property section of the Proof of evidence, the matters of concern are related to environmental mitigation, highways planning and project design and implementation and are considered in the evidence of Mr Pearson, Mr Herbert and Ms Clarke.
- 2.4.4 However the powers ought are set out in the Order. Detailed programs and working methods are often clarified by the contractor who is not yet appointed to the Scheme therefore full details of the works are yet to be confirmed. With regard to the Highways concerns it is proposed that highways Management plan is put in place with OMBC having involvement in highways planning.

Response to Matter 2

- 2.4.5 OMBC raise concerns regarding the reinstatement of land and replacement tree planting. Network Rail have set out their environmental mitigation strategy and Mr Pearson further considers this in his evidence.

Response to Matter 3

- 2.4.6 OMBC seek to maintain access through land acquired for the Scheme for its own or its tenants' purposes.
- 2.4.7 Land is required to facilitate the Railway works and where land is acquired using order powers existing rights will be extinguished or paused until temporary land is handed back.

- 2.4.8 Where feasible access is maintained however where land is required to deliver the Scheme OMBC and their tenant have recourse to the compensation provisions within the Order.
- 2.4.9 Although OMBC refer to tenants the lawful tenants of land affected by the Scheme are served notices and have rights to compensation as land interest owners in their own right and therefore do not need to seek any recourse from OMBC.
- 2.4.10 In addition, OMBC raise concerns on behalf of Grandpa Greens Café, Network rail have been in discussion with the owners of the Grandpa Greens Café and have reached a satisfactory solution to their concerns such that they have not made an objection to the Order.
- 2.4.11 OMBC also raise concerns about emergency access to rail and canal tunnels at Standedge. Network Rail are aware of safety matters on the railway and therefore will ensure that proper regard is had to rail tunnel safety during works. Similarly, Network Rail have discussed this issue with canals and rivers Trust with regard to canal tunnel safety, it is envisaged that the traffic management plan will also consider emergency vehicle access.

Response to Matter 4

- 2.4.12 OMBC seek an undertaking that Network Rail will not interfere with tenants' rights with regard to a telecons lease to EE telecom. EE telecoms are an interested party in their own right and are able to claim compensation from Network Rail if they sustain a loss due the land take. However EE as a telecoms operator are also covered by the Protective provisions set out in Schedule 17 of the Order which further protect their apparatus. I note that there has been no objection to the Order from EE.
- 2.4.13 OMBC also seek an indemnity from Network Rail, it is unclear why this is sought as Network Rail are required to compensate OMBC for losses reusable incurred as a result of land acquisition under the provision of the compensation code and temporary possession payment compensation provisions within the Order.

Response to Matter 5

- 2.4.14 OMBC express concerns regarding the impact of the Scheme on public car parks owned by the Council. As noted above this will be considered as part of the traffic management plan.

Response to Matter 6

2.4.15 OMBC note that an area of land is noted in the Councils housing land supply schedule as SHLAA HLA3147. It is also noted that despite planning permission having been granted in 2013 for residential development there was no commencement of development and the planning permission has now lapsed. The land does not have the benefit of planning permission and therefore it does not have development value as such but may have hope value. OMBC are concerned that Scheme works would have a negative impact on sight lines to access and egress the development however Network Rail do not consider this to be true. If the Railway Scheme were to devalue OMBC land, then they would have recourse to claim compensation under the compensation code provisions within the Order.

3. WITNESS DECLARATION

3.1 Statement of declaration

Each named witness confirms that the declaration on their proof of evidence applies to the relevant parts of this rebuttal.