

PROOF OF EVIDENCE

1st JULY 2026

MOORGATE FOOTBRIDGE CAMPAIGN GROUP

ANDREW FLETCHER

Objections 65 and 130

NETWORK RAIL STALYBRIDGE TO DIGGLE

TRANSPORT WORKS ACT ORDER

PROOF OF EVIDENCE

I have set out the broad thrust of my evidence in the Summary document. I will now explain in detail the economic, social and environmental impacts which I believe should be considered when assessing the proposals for the Moorgate Crossing. I have tried hard not to repeat evidence that you have heard earlier.

1 ECONOMIC IMPACTS

- 1.1 It is only in the last two decades that Uppermill and the surrounding area has become a thriving tourism destination. The process has been incremental but rapid. In the 1970s Uppermill was still a former industrial village. As wool textile manufacturing declined, and then disappeared, significant dereliction had been left behind. Uppermill and nearby villages were scarred by an abandoned canal, closed railway lines and waste tips. And the area remained largely treeless. The idea that the area might become a place to which **tourism** visitors could be attracted would have seemed far fetched.

Now visitors flock to Uppermill drawn by characterful buildings, excellent places to shop, eat and drink, great attractions and vibrant cultural events – all in a beautiful landscape setting.

- 1.2 Clearly tourism is not the only ingredient in our economy. New manufacturing activity has emerged in the area, and in Uppermill legal and financial services are notable growth sectors. However, it is obvious that the transformative change has been the growth of visitor numbers and the tourism economy. We are not aware of data relating to local business turnover or employment in the tourism sector but the visual evidence is hard to miss. In May 2026 a walk round the village centre revealed that, of 90 ground floor commercial units, 54 were being used by businesses which are likely to be to some degree dependent on expenditure by visitors to the area. 33 units were probably purely serving local needs and 3 were vacant. Uppermill is thriving. The facilities enjoyed by visitors are also a great asset for the local community.

We want to protect and enhance this success. **We have discussed these issues with local businesses and are representing their views as well as we are able.**

- 1.3 Overnight stays provide another boost to the local economy. We have not counted the number of places in Uppermill where overnight accommodation is available, but there are many. This can easily be assessed by online searches. For example, and ironically, there is a place to stay within a few metres of the bottom of the footpath Network Rail propose to close.

We have talked to businesses about many of Network Rail's proposals. We have been told that Network Rail has not done so.

Everything changes when you think about how Uppermill actually functions. We have not seen or heard anything about this from Network Rail either before the Inquiry or since 9th June.

- 1.4 Uppermill is designated as one of seven "centres" in addition to Oldham Town Centre in Oldham's Local Plan. The centres are subject to policies designed to enhance their economic and social role and their accessibility. Uppermill is unique amongst these centres in having tourism as a major element in its economy. To date Network Rail had not referred to this designation, the characteristics of this centre, or the planning policies which apply. **This remained the case until my Proof was rebutted. The rebuttal does not quote the most recent Policy. The most recent Policy is C3 of the Oldham Publication Plan, January 2026. (page 258 of our Documents and page 66 in the Publication Plan). This refers to the need for developments not to have a detrimental impact on footfall in the centre.**
- 1.5 The emergence of the tourism sector has not been a chance occurrence. It is a consequence of careful planning and investment. Major public investment was made in strategically selected environmental improvement schemes over a period of 30 years. Private business investment was stimulated, and on an even greater scale than had been hoped.

Response to Rebuttal made by Mr Gladwell

I have mentioned our attractions, but what are they? Network Rail's rebuttal seems to suggest that we have "numerous tourism assets – including the canal towpath – within the centre itself". (para 2.3.6 of the rebuttal). So let's think about the tourism "offer".

We don't have a stately home, we don't have botanical gardens or a zoo, we aren't a spa town, we don't have the Bronte sisters, we didn't have a tradition of tourism at all. It is a creation starting from very small beginnings about 45 years ago. And, over time, the number of visitors has grown enormously.

It isn't one thing. It's the combination of the landscape setting, the closeness to huge urban populations, numerous places to eat and drink which aren't the usual chains, interesting shops, crowd pulling events, and probably most of all easy access to the countryside. The planners realised from the start that the tourism strategy would have to be underpinned by an excellent footpath network. The network is one of our main attractions and it is enjoyed by people from far and wide. I can't think of a better one.

That network caters for the widest possible range of users. That is very important.

There need to be places for level strolls, access to the most challenging routes, and everything in between. We need to provide for local residents and our tourism visitors.

1.6 Tourism policy was developed in conjunction with the improvements to the physical environment.

1.7 Many millions of pounds of public money were invested in a wide variety of schemes. The reopening of the Huddersfield Narrow Canal and its towpath – a 20 year task. The transformation of abandoned railway lines into recreational routes. The extensive tree planting. New green spaces on land that had been derelict. Conservation schemes such as the enhancement of Uppermill Square. The reclamation of Moorgate Quarry to provide a major open space within easy walking distance of the village. All these new assets were connected by a greatly improved network of routes for walkers, and, in some locations, horse riders and cyclists. The village centre was at the heart of the system of routes. Dark Lane was a pre existing link, ideal for integration into the network.

I would add that we had a one off opportunity. Public sector grants were available if you competed hard. Oldham Council had the staff. Small businesses seized the opportunity.

TRU should be supporting what has been achieved. This is what “levelling up means.” It will not be possible again.

1.8 It might be asked why does Footpath 209 matter in this context?

It is a vital link in a carefully considered network.

1.8.1 At this point I need to respond to the rebuttals made by Mr Cary and Mr Gladwell. I will cover the issues which I would have raised with Mr Cary if I had cross examined him. I would rather have had an amiable discussion with him, any time in the last 12 months.

1.8.2 The map which Mr Cary presented didn't cover a wide enough area to describe the footpath network. It showed a scattering of Public Rights of Way and some new routes. But It didn't describe the footpath network as it has been designed to function. We could have explained all this.

1.8.3 For instance, I would have explained about the tourism economy. I would have explained that quiet lanes and public greenspaces provide some of the connections in the network. I could have mentioned how links have been obtained when new housing schemes were approved. We still have this sort of “planning gain” in mind, so that some further small improvements to the network can be made. It's in Policy 25 of our Neighbourhood Plan.

The concept of circular circuits is vital - long and short, easy and hard.

We need to bear in mind those who know their way, and those who don't. We need to bear in mind local users and tourists; walking groups and family groups. Families don't usually risk assess their walks in advance, or shepherd the group across busy roads, as walking groups do.

1.8.4 My point is that the footpath network is a well planned system. We can never claim it's perfect, but it is excellent. And Uppermill's future depends on it being excellent.

1.8.5 The network needs to be a visitor attraction in itself.

1.8.6 Let's have a look at the Uppermill Trail map which we submitted in February. We have many guides which take you along this circuit.

1.8.7 I say in my Proof that "Footpath 209 is the only suitable route from the village centre to the hilly countryside to the west". That is true. But it seemed to cause confusion earlier in the inquiry. So I will do my best to explain.

1.8.8 Dark Lane can be a starting point for easy and more difficult walks.

But we don't expect those who prefer easy paths to set off up Dryclough Lane. Just one look from Ladcastle Road will tell them it is not the path for them. That's the idea. We don't want to lead people into places that don't suit them.

1.8.9 But at the top of Dark Lane they still have an easy way of feeling they are elevated in the hills. By going on an easy path into Moorgate Quarry they can feel they are right in the outdoors amongst the heather, and see the dragonflies for which the quarry is now renowned. In how many places can you experience a wild upland landscape by taking an easy and constantly attractive 10 minute walk from the village centre? Objection 3 paints the picture well.

This is exactly why we spent a considerable amount of public money transforming the derelict quarry into a wonderful asset.

1.8.10 I don't know why people were asking in week 2 whether you could walk out of Moorgate Quarry and get back onto Dryclough Lane. You can. It involves a scramble. It's great fun. But it isn't part of an easy circuit. And that is obvious when you are there. We didn't design easy circuits which will lead people inadvertently into danger whether it is amongst the cliffs in the quarry or onto the A670.

- 1.8.11** That care is for local people, but also for our visitors who are attracted from across the country. Most of the visitors will not know the area well. They won't be aware of any dangers. They have a right to assume that they are being kept safe.
- 1.8.12** Having left the quarry, you return to Ladcastle Road and continue the trail north to enjoy the amazing views from above Ladcastle Quarry. The sort of views that you can only have when you have gained altitude – and it has been so easy to do so.
- 1.8.13** The Uppermill Trail then takes you to a formal picnic area and some interesting industrial archaeology, two sets of optional stepping stones for fun, views of the Uppermill Viaduct and the popular canal towpath before you return down Moorgate to the village centre.

In my opinion this circuit is the best easy walk near Uppermill. Although I live on the east side of the valley, almost in the National Park, I often choose it. This circuit was until August 2025 recommended on a Oldham Council online tourism leaflet. It is recommended in other guides.

- 1.8.14** The circuit is safe. I am not aware of there ever being an accident on the route (except on the level crossing). There is little car traffic on Ladcastle Road once you are north of the Golf Club. Using Footpath 244, even if it was at all suitable, would involve walking further on the busier section of Ladcastle Road.
- 1.8.15** The trail circuit is suitable for people wearing everyday shoes. It isn't muddy. It is a route suitable for people who know the area well or first time visitors. It is a route suitable for a family walk. It has a steady gradient with no sharp climbs. The footbridge steps will be much fewer than those on Footpath 244,. A footbridge will be easy to cross for most disabled people, as demonstrated in the planning application based on a DIA in 2022. The steps will be regular, predictable and very familiar to anyone who has used similar ones elsewhere on the rail system.
- 1.8.16** And please don't tell us that Moorgate Street is dangerous, or comparable to the A670. I have walked up and down this beautiful street in the conservation area a thousand times. Everyone walks in the centre of the road, just stepping to the side if an occasional car eases past.
- 1.8.17** The contrast with FP 244 is sharp but that has largely been covered by other witnesses such as Mr Lawton and Dr Taylor.
- 1.8.18** I will focus on connectivity.

Of course, this great circuit does not sit in isolation. Similarly accessible routes meet it from the north, south and east. You can reach it from the Delph Donkey. You can reach it from Delph, Dobcross, Diggle, Greenfield and Friezland to the north and south, via the canal towpath, without encountering any dangerous road crossings. I can reach it from where I live, quite high on the east side of the valley. I join via easy routes which connect to the circuit at Moorgate Street or the Limekiln Café. In both cases there are safe crossing points taking you across the A670.

This is why I say that Mr Cary's map was too small.

- 1.8.19** And perhaps the most vital connection of all is to Uppermill High Street. Dark Lane leads you to Moorgate Street where we all just walk down the centre of this lovely, quiet lane. And then you are back in the village centre for refreshments or to visit all the facilities we have listed in our Statement of Case. (Para. 31)

It has been used in this way for centuries without problem. And for 40 years it was our route to the railway station at Moorgate Halt Level Crossing. Easy enough to walk carrying luggage and shopping bags.

- 1.8.20** For local businesses the great benefit is that this trail starts and ends at the **Moorgate Street/High Street junction**. It brings people to the heart of the village centre. A small diversion of footfall can make a huge difference. From this perspective the termination of Footpath 244 on Oldham Road, outside even the boundary of the defined "centre" is damaging.

- 1.8.21** We want visitors to come to our village centre. We have many other paths which bypass the village centre. We need people to reach the High Street directly and naturally. And they want to. The notion that people who are diverted onto Footpath 244 will usually use the towpath is very unhelpful.

I think Mr Cary has recognised this (para 5.2.8 of his Proof), but in the Safety Risk Assessment.(NR88 para 5.3) Mr Wotherspoon has chosen not to. We think the latter evidence is misleading, and was included to shape the Safety Risk Assessment. People's safety should come before the formal definition of a footpath diversion.

- 1.8.22** A visitor descending onto Oldham Road by Footpath 244 may be completely
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1.9 unaware of what the village centre had to offer or think that it is too distant to bother visiting. There are the options of boarding a bus to go home at this point or walking to Greenfield Station. Both without visiting the village centre.

- 1.8.23** And there is the connection from the village to the Golf Club, the scene of 100 large social events per year. In summer Dark Lane is the perfect way to leave the car at home, or for those who don't have a car.

1.8.24 Earlier in the Inquiry It was suggested that walkers might use Den Lane to reach the Delph Donkey, or that we have the towpath anyway. This completely misses the point. The tourism dimension has not been understood. A walk along Den Lane has nothing like the same appeal as Ladcastle - as an experience. The towpath is excellent, but if we just expect people to walk backwards and forwards on the towpath they will have missed much of the circular path's attractions. And the towpath will be so crowded that it will be unpleasant.

1.9 Now at 1.8.22

1.10 Uppermill and the surrounding area are great asset to the cross Pennine Corridor. It is a place for recreation and an attractive place to make one's home. Conurbations which lack these assets cannot be competitive. The strength of Saddleworth's housing market has increased remarkably as the opportunity to access the transformed landscape has been improved. Within a lifetime properties that were once almost unsellable have become some of the most desirable in Greater Manchester.

1.11 The new economy has thrived but it is fragile. It is founded almost entirely upon small independent traders. This is a great attraction for our visitors but this type of business can go under if there is even a short term loss of customers.

1.12 The TWAO process is a difficult one for these businesses. We have had to be honest with them about that. Understanding the proposals and expressing your views is no easy task. Network Rail will pursue the matter to an Inquiry. Diverting your attention away from running the business may not be the wisest strategy. We will do our best to make the case on your behalf.

1.13 You can walk the Trail in the opposite direction I have described. An anti clockwise route.

We chose to take a fictional family from South Manchester this way when we wrote. *"A Walk in Uppermill – The Making of a Tragedy"*. Not everyone is capable of envisaging how tragedies can happen.

This story was mentioned in the Campaign Group objection and again in its Statement of Case (para. 30 in both cases). In the text of those documents we provided an idea of the outcome, and we offered the story to anyone who might be interested. So far as we know it has only been read by people in the local community. We felt that we could not submit it as formal evidence, because it is just a story.

2 SOCIAL IMPACTS

2.1 Health

2.1.1 Saddleworth has an elderly demographic profile. The proportion of residents aged over 65 increased by nearly 25% between 2011 and 2018. Younger people are significantly under represented. 17% of our adults have limiting long term illnesses, which is higher than the proportion for the Oldham borough as a whole, although this is likely to be related to the significantly higher proportion of elderly residents. People generally lead healthy lifestyles, and this is then reflected in good health outcomes. (all the above information is in the Profile section of the draft Saddleworth Neighbourhood Plan). We do not have similar information about the recreational visitors to our area.)

2.1.2 Walking is a very effective and popular form of exercise whether it is walking for leisure or a trip to the village's many facilities. We have challenging walking routes in Saddleworth, particularly in the Peak District National Park, but it is important that we also have a network of less difficult paths, particularly given our elderly age profile. But families with young children have similar needs.

Objections 8 and 46 provide good insights into the benefits of walking, both physical and mental. A wider analysis of the objections shows that nobody thought Footpath 209 was unsuitable for their walking needs. Most said that they had been using it for many years. On the other hand nobody expressed a view that Footpath 244 could be made suitable.

2.1.3 Dog walking provides frequent, regular healthy exercise and opportunities for social interaction. Network Rail's usage surveys showed that significant numbers of dog walkers used Footpath 209. The likely conflicts between walkers, cyclists and dog walkers on the steps proposed for Footpath 244 are obvious. The risk to animals and owners where Footpath 244 meets Oldham Road is stark.

2.1.4 Ill health has costs. Good health has a value, both financial and in terms of wellbeing. This issue should be included in the calculation of the sustainability of development.

2.1.5 Network Rail showed a good understanding of the health and other benefits of walking and cycling when it submitted a planning application for a footbridge in June 2022. This can be seen in sections of the Design and Access Statement submitted as part of the application. (The sections relating to "Planning Policy" and "Assessment Against Key Planning Considerations" on pages 5, 6 and 7 of this document) . It refers both to the importance of non motorised travel and to the importance of good access for exercise. Moorgate Quarry Recreation Area is an excellent place for exercise. It has trails for those with limited mobility and the fully mobile.

In the Design and Access Statement Network Rail concluded that a footbridge would be suitable for all walkers, and cyclists, but not, **of course**, for wheelchair users.

2.2 Inclusion

- 2.2.1** People of all ages with many different circumstances may be denied access to services and experiences that others enjoy if there is inconsiderate design of the outdoor environment.

As an example, Objector 46 shares her professional experience of supporting older people, particularly those living with Dementia, Frailty, Isolation and Loneliness. She explains how they may be affected if they miss out on the benefits that regular exercise brings. Without it the consequences can be “tragic” and can “involve massively escalating costs for the NHS.”

- 2.2.2** The recreation area at Moorgate Quarry, the social events at the Golf Club and the great views from Ladcastle Road should be available on foot to all those people who were able to reach them by Footpath 209 before its temporary closure. The Moorgate Quarry reclamation scheme retained the old access roads within the quarry. As a result most parts of the area have inclusive access. Nobody anticipated a closure of Footpath 209.

I believe that the failure to understand the tourism role of Uppermill has led to a very unsatisfactory exploration of the diversity and safety issues on FP 244. I say this because Network Rail’s reliance on a camera survey from November/December 2024 ignored the tourism season. Even the March/ April 2022 camera survey was in a pre Easter low season period. Further research, as we now see is recommended in NR 106 and NR121, was not carried out. The interests of visitors to the area were not considered.

A comparison between the risks to a family on their first visit to the area and the risks to our local walking groups illustrates the point.

A family will not have carried out their own risk assessment. They will not be taking special precautions as they come down Footpath 244 to Oldham Road. Older members of the family will probably be chatting, oblivious to the danger ahead. The children may run straight out into the road. No tourist destination should contemplate putting its visitors in such danger.

2.3 Anti social behaviour on and near the railway.

- 2.3.1** This is a new consideration for the Campaign Group. We have not mentioned it in the Group’s Statement of Case or in our Proofs written on behalf of the Campaign. However, now it has been brought to our attention by Network Rail during the Inquiry, it cannot be ignored.

- 2.3.2** Our attention has been drawn in three ways:-

- **Mr Greenwood’s Proof** at para 3.6 refers to “an objectionally high level of misuse” (of the level crossing) and he returns to the subject at para 9.19.

- Document NR86, Mayer Brown, Highway Safety, as referred to in Mr Wotherspoon's Proof. It is para 6.9, Recommendation 1, which concerns us. This could have been shared with us in June 2025, but it was not.
- By consulting us on NR149. This last minute change seems to ignore or override Mayer Brown's safety recommendation.

2.3.3 It can be seen that people are, despite the fencing, still climbing onto the railway from the east and the west. We do not know whether these people are walking across the rail line as a short cut or are entering it to damage the railway or behave recklessly.

2.3.4 An objector who lives very near to Dark Lane has raised concerns about anti social behaviour if FP 209 remains as a cul de sac, but the Council, and the Saddleworth Historical Society are of the view that a cul de sac must remain if a footbridge is not built.

2.3.5 Our view is that a well used path and footbridge, providing a good level of public supervision, with fences guiding people to the footbridge steps, is by far the safest way of resolving the problem. We do not think that the latest Network Rail proposals provide the 100% "safety benefit" at the crossing that is claimed (for instance in the tables in Mr Doodson's Proof. Para 3.7.1).

2.3.6 Bearing all these factors in mind just takes us to the position we have always taken.

We believe that the only way to provide an alternative that is

- safe, convenient and suitable;
- 100% safe at the level crossing, on the approach paths and at the intersection with the road network;
- meets the requirements of the Equality Act 2010;
- respects a heritage asset; and
- provides for private access rights

is to construct a footbridge.

3 ENVIRONMENTAL IMPACT

3.1 One of the objectives of the TRU is carbon reduction to help minimise climate change. If TRU acts to increase car use then this is clearly unhelpful.

3.2 It is evident from the objections that people use Footpath 209 for walking trips which are recreational but also functional. They walk from nearby villages to

Uppermill to use its many facilities whilst also exercising and enjoying the beauty of the scenery. If the level crossing is closed without a footbridge being built some may walk by a more circuitous alternative but many will travel by car instead.

3.3 For those who in the past walked up to Ladcastle Road for a celebration at the Golf Club, a picnic in the quarry or just to admire the views, the search to find a safe walking route will be difficult. The most obvious safe and reasonably quick way will be to use the car instead, if you have one. Objectors 159 and 160 explain their very personal reasons for walking to Ladcastle Road to visit a family memorial bench positioned at a favourite viewpoint. In the past they have walked. They intended to speak at the Inquiry but this may not be possible due to current family circumstances.

3.4 As I have said, Uppermill is designated as a “centre”. Policy C1 “Our centres” makes the point that each centre has a unique character. I would suggest that Uppermill is unique within Oldham because of the contribution made by tourism. Commercial viability is, in the case of some businesses, the result of a combination of visitor and local resident expenditure. This contributes to the objective described in Policy C1 of “providing a strong convenience retail function so that they can continue to minimise the need for residents to travel.” In other words the tourism role of Uppermill strengthens the convenience retail offer in the village and therefore reduces the residents need to travel as far. A strong village centre also provides employment opportunities close to where people live. There is likely to be a reduction in travel to work by car.

A strong village centre has social and environmental benefits as well as economic ones.

3.5 **Residential Amenity**

3.5.1 In paragraph 8.2.3.23 of Network Rail’s Statement of Case it is asserted that the use of Footpath 244 “does not adversely impact private land, agricultural businesses or residential properties that would otherwise be affected by the building of a new replacement footbridge.”

3.5.2 As far as we are aware the only impact of these types arising from the construction of a footbridge would be on a house on Moorgate Street. There **might** be the acquisition of a narrow strip of land at the furthest point from the dwelling in a long garden. Some overlooking of the garden from the footbridge would be possible, but the footbridge would be so remote from the dwelling and at such a higher elevation that walkers would be looking far over the house to the hills beyond. These issues would have been considered by the local planning authority in Summer 2022 before planning approval was granted for the footbridge proposed by Network Rail at that time.

3.5.3 Network Rail is saying that Footpath 244 as enhanced will not impact upon any residential properties. This is despite the facts that:-

- Footpath 244 passes through a narrow private garden area close to the door of 6 Oldham Road
- It would be carrying a higher volume of **users** than anyone can remember;
- That **users** would be of a type for which it has never been used before – a combination of walkers, vulnerable walkers, children with and without adults, dog walkers and cyclists.
- The part of the curtilage through which the footpath passes is enjoyed as a part of a relatively small garden and also used for car parking and manoeuvring – there being no alternative area within the curtilage for parking and no possibility of parking on Oldham Road

We believe that Network Rail was made aware of a “near miss” between a cyclist and a car which took place in the garden in February 2026 and that it was aware before its Statement of Case was completed.

The resident of 6 Oldham Road is very conscious of the dangers where Footpath 244 meets Oldham Road.

3.5.4 The resident is of the opinion that the proposals in NR150 make the effect on the garden even worse.

Recent information about the access arrangements needed to construct the proposals in NR150 seem to be completely unreasonable, but that was covered in some detail in Mr Lawton’s Proof. I will not repeat that.

The Campaign Group submitted an objection to NR150 on 26th June 2026, making the point about the impact on this resident.

3.5.5 It is difficult to understand how Network Rail could conclude that there will be no impact on a residential property from NR12 or NR150. In my view the much increased level of disturbance and the continuous consciousness of risk to footpath users, and oneself, would greatly impact on the resident.

3.5.6 Flood risk

The Campaign Group has always raised the issue of flash flooding on Footpath 244 as a point of concern. Paragraph 21 of our objection and our Statement of Case shows this. The drawing NR150 has elevated that concern. It has been revealed at the Inquiry that a Flood Risk Assessment has not been carried out.

This is a risk to residents. It also raises the likelihood that an increasingly expensive footpath improvement scheme will soon be destroyed. This is the very

opposite of sustainable development. The proposed development probably does not comply with policy set out in the NPPF, the Oldham Local Plan and the draft Saddleworth Neighbourhood Plan.

The national position is set out in Section 14 of the National Planning Policy Framework “Meeting the challenge of climate change and coastal change”

We believe that paragraph 181 is pertinent. We would draw attention to the first sentence of this paragraph and to sub paragraph b) which follows.

The first sentence reads:

“When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

“b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment”.

A Flood Risk Assessment would probably include consideration of the need for safe access and emergency escape routes in case of flood as required as part of an emergency plan “where appropriate” (see sub paragraph e)), but you may think it likely that users would probably have decided to leave this short path if the weather was so bad.

Policy CC2 of the Publication Plan of the Oldham Local Plan (January 2026) identifies the instances in which a site specific Flood Risk Assessment is required. These include sites that are :

6 Land identified as being at increased flood risk in the future.

9 Situated over a culverted watercourse or where the development will require controlling the flow of any river or stream or the development could potentially changes structures known to influence flood flow.

On page 24 of the draft Saddleworth Neighbourhood Plan the issue of flooding is address under Objective 3 and Policy 7.

The supporting text says *“Incidents of extremely heavy rainfall against a background of generally wetter ground conditions have led to increased flood damage and erosion in recent years.”*

Objective 3: To protect and enhance the environment, and ensure that development adequately addresses flood risk, and promotes sustainability.

To have clear information about watercourses for the purposes of risk assessment and response.

Policy 7: Developments will be supported which avoid exacerbating flood risk and make use of natural techniques to minimise and mitigate flood risk, such as Slow the Flow initiatives on tributary streams and catchment areas, or “wilding” initiatives to create natural sustainable drainage systems (SUDS). Development in flood risk areas will only be permitted in line with national and local planning policy requirements, subject to a satisfactory Flood Risk Assessment, which identifies appropriate mitigation for the site.

The flash floods wash eroded debris onto the A670. Just this weekend two objectors told me this caused a major road accident about 17 years ago, resulting in very serious injuries. I have no evidence of this at the moment, but I believe it can be found.

3.6 The Environmental Quality of Footpaths 209 and 244

3.6.1 Perhaps this is not a relevant test of a footpath diversion. Or perhaps, because there is an economic argument that we should be providing routes of high scenic value which will be enjoyed by tourism visitors and local residents, it is.

3.6.2 Network Rail has repeatedly referred to both the character and environmental quality of Footpath 209 and Footpath 244 in its Statement of Case. Mr Lawton has in paragraphs 2.7 and 2.9 of his Proof, pointed to these instances. Some of the descriptions are unrecognisable to us. They are not factual. They certainly do not accord with the opinions of objectors. In paragraph 53 of our Statement of Case we mention that a local poet, in the early twentieth century, described the route down Dark Lane as his idea of heaven. We have yet to find anyone who has a good word to say about the experience of walking down Footpath 244.

Footpath 209 featured in tourism promotion material up to August 2025. The rather grim route down Wickens Clough taken by Footpath 244 was never thought to have the potential to attract visitors.

3.6.3 **Since this Proof was submitted on 12th May further revisions of the scheme for Footpath 244 have added to its incongruity in Wickens Clough. It is quite out of keeping with the character of the footpath network we designed. It is very unsympathetic to the character of the area, in stark contrast to Dark Lane which is a treasured feature in the landscape and part of our cultural heritage.**

4 COSTS AND BENEFITS. A MUCH TOO NARROW VIEW AND THUS NOT A SUSTAINABLE DEVELOPMENT APPROACH

- 4.1 The lack of credibility of Network Rail's cost estimates for building a footbridge has been **raised** during Week 2 of the Inquiry
- 4.2 The point that Network Rail is proposing to "export" any costs of accidents by moving them from the level crossing to Footpath 244 where they will be the problem of the local authority and drivers on the A670 has also been **raised** during Week 2.
- 4.3 My point here is an additional one. In our opinion Network Rail has not made an assessment of costs and benefits in a way which determines whether a contribution to sustainable development is being made. It therefore cannot say that the project is in line with the principles which are meant to be driving the Route Upgrade.
- 4.3.1 **Previously we have based our understanding of Network Rail's commitment to sustainable development on Network Rail's document "*Our Guiding Compass*".**
- 4.3.2 **Since this Proof was drafted for submission on 12th May I have been able to examine Document NR115 which relates to Network Rail's Sustainability Minimum Requirements for Projects. For those who are committed to sustainable development there are encouraging signs, such as at page 7 of 34 where one of the benefits of a sustainable approach is described as "*increased social value created by maximising opportunities for inclusive design, improving the wellbeing of communities and supporting local economies.*"**
- 4.3.3 **I have no idea whether a sustainability appraisal was carried out at Moorgate (which Mark Ashton confirmed when questioned is a "project"). It has not been mentioned by any witness.**
- 4.4 Network Rail's focus has, in its TWAO Application for the Moorgate Level Crossing, been a narrow one. It has been a different approach to the one it took in its Design and Access Statement when seeking planning permission for a footbridge. Now, In proposing the use of Footpath 244, its focus is upon "What is the most economical method of making the level crossing safe". **From the evidence produced at the Inquiry there is no sign that it has ever looked at costs and benefits in any wider sense.** That makes it impossible for Network Rail to judge whether a footbridge represents value for money.

At Moorgate it hasn't asked "How can we both make the crossing safe and have great regard for the economic, social and environmental prospects of the corridor".

It would have had to include both the costs to the Upgrade and those borne by others.

- 4.5 To answer the second question Network Rail would have needed a much wider understanding of the area. One way of quickly adding to its understanding would have been to engage with the community before making its decision to reverse its

decision to build a footbridge. Rather than pursuing this any further now, please can I refer you to sections 58 to 60 of our Statement of Case.

4.6 Finally, on the subject of Cost Benefit Analysis we turn to the broad issues of the costs and the funding of a footbridge.

Having now heard Evidence from Network Rail witnesses we would ask the following questions of Network Rail :-

- We have heard that for some time the Moorgate Level Crossing has ranked high amongst the most dangerous level crossings. We have heard of "*historic underinvestment*" in this line. Should you have argued that addressing this historic level of risk should not be a charge against the TRU budget but from other Network Rail budgets, and that only the additional risk arising from matters such as the higher speed or length of trains, electrification, and new crossovers should be met from the TRU budget? This would lead to a lesser call on the TRU budget.
- We have been told that the closure of the level crossing will add to the operational efficiency of the rail route. Has any calculation been made of the financial value of this, either to Network Rail, train operators and/or passenger or freight users? This should be included as a benefit in a Cost Benefit Analysis.