



**TRANSPORT AND WORKS ACT 1992
TRANSPORT AND WORKS (INQUIRIES PROCEDURES)
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**NETWORK RAIL (STALYBRIDGE TO DIGGLE
(SADDLEWORTH) ENHANCEMENTS) ORDER**

**REBUTTAL PROOF
RELATING TO PROOF OF EVIDENCE OF LESLIE
HARRISON (OBJ/54)**

Prepared by:

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

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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 Leslie Harrison (OBJ/54) which comprises:
- Proof of Evidence (**PoE-OBJ-54.1**);
 - Summary Proof of Evidence (**PoE-OBJ-54.2**).
- 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 This section is providing Network Rail's responses to the following matters raised in Proof of Evidence (PoE-OBJ-54.1).
- 2.1.2 I have reviewed the Proof of Evidence and Summary Proof of Evidence submitted by Mr Leslie Harrison on behalf of the Moorgate Footbridge Campaign Group. Mr Harrison's evidence is directly relevant to my Proof of Evidence because it addresses the proposed diversion of Public Footpath 209 SADD onto Public Footpath 244 SADD and focuses specifically on highway safety at the junction of FP244 SADD with Oldham Road (A670).
- 2.1.3 My response is limited to highway safety matters. I do not address the wider principle of closing the level crossing, the cost or desirability of a replacement footbridge, land ownership, residential amenity or the overall planning balance, except insofar as those matters overlap with highway safety.
- 2.1.4 I agree with Mr Harrison that the FP244 SADD / A670 interface is the principal highway safety issue associated with the proposed alternative route. However, I do not agree that his evidence demonstrates that the proposed diversion would have an unacceptable highway safety impact. In my opinion, his evidence identifies a constrained existing highway interface but does not demonstrate that the risk has been incorrectly assessed or that it cannot be managed through proportionate mitigation.

The Description of Increased Pedestrian Use

- 2.1.5 Mr Harrison refers to the Mayer Brown Safety Risk Assessment and takes issue with the description that pedestrian use at the narrow A670 footway

would increase “relatively significantly”. He suggests that this should instead be described as “highly significant”.

- 2.1.6 I do not consider that Mr Harrison provides a clear technical basis for changing that classification. His position appears to rely on historic pedestrian count data for FP209 SADD and the fact that FP209 SADD is a well-used route. I accept that FP209 SADD is used and that the proposed diversion would increase pedestrian movements at the FP244 SADD / A670 interface. That is not disputed. Indeed, the Mayer Brown Safety Risk Assessment expressly recognises that additional pedestrian movements would occur and that control measures are required.
- 2.1.7 However, the term “relatively significant” is important because the increase is relative to the existing low level of pedestrian movement at the FP244 SADD / A670 interface. A route may experience a relatively significant increase while the absolute number of users remains modest when spread across a day. Mr Harrison does not provide an alternative quantified threshold or methodology by which the increase should be reclassified as “highly significant”.
- 2.1.8 In highway safety terms, the terminology is not determinative. The relevant question is whether the additional pedestrian movement gives rise to an unacceptable risk. That requires consideration of the physical environment, collision history, traffic speeds, traffic flows, pedestrian demand, route layout and mitigation. My view remains that the increase has been recognised and assessed, and that the residual risk can be managed.

Description of the Location as “Very Dangerous”

- 2.1.9 Mr Harrison describes the FP244 SADD / A670 interface as a “very dangerous location”. I do not agree that his evidence establishes that conclusion.
- 2.1.10 The evidence relied upon by Mr Harrison appears to be the presence of a narrow footway, traffic on the A670, the expected increase in pedestrian movements and his professional judgement following a site visit. Those are relevant considerations, but they do not, in themselves, prove that the location is “very dangerous” in highway safety terms.
- 2.1.11 The location is constrained. That is accepted. However, a constrained footway or substandard local geometry does not automatically equate to an unacceptable highway safety risk. Such conditions are common in older village and rural highway environments. The appropriate technical response is to assess the risk in context and identify proportionate mitigation.
- 2.1.12 The existing situation is also relevant. FP244 SADD already joins the adopted public highway at Oldham Road (A670). If this existing interface were presently

considered by the Highway Authority to be inherently dangerous or to require urgent intervention, I would expect there to be evidence of Highway Authority action, such as recorded safety investigations, remedial works, restrictions, warning measures or other interventions. I am not aware of such evidence.

Existing Public Highway and Highway Authority Responsibilities

- 2.1.13 Mr Harrison's evidence should be considered in the context that FP244 SADD already joins the existing public highway network. The proposal would increase use of that interface, but it would not create a new junction with the A670.
- 2.1.14 The Highway Authority has an ongoing role in managing, maintaining and monitoring the safety of the public highway network. The Highways Act 1980 deals with maintenance of highways, and the Road Traffic Regulation Act 1984 provides powers to regulate or restrict traffic in the interests of safety.
- 2.1.15 In practical highway safety terms, if the existing FP244 SADD / A670 interface were already considered to represent an unacceptable hazard to highway users, then it would be reasonable to expect the Highway Authority to have considered what action, if any, was required. That may include monitoring, signing, maintenance, traffic regulation, or other localised measures.
- 2.1.16 This does not mean that the proposed diversion requires no assessment. It does, because pedestrian usage would increase. However, it does mean that the assessment should focus on the incremental effect of additional pedestrian movement at an existing highway interface, rather than treating the interface as a newly created highway danger.

The A670 and Existing Traffic Conditions

- 2.1.17 Mr Harrison describes the A670 as one of the more heavily trafficked roads in Saddleworth and notes that it is used by bus services. I accept that the A670 is an A-class adopted public highway and operates as a main local route into Uppermill.
- 2.1.18 That is consistent with the Mayer Brown assessment. The A670 was not treated as a minor or insignificant road. It was recognised as a highway environment requiring assessment. The issue is not whether the A670 carries traffic. The issue is whether the additional pedestrian activity associated with the proposed diversion would create an unacceptable highway safety risk.
- 2.1.19 In my opinion, it would not. The route is constrained and requires mitigation, but the existence of traffic on a classified road does not, of itself, make a pedestrian route unacceptable.

Vulnerable Users

- 2.1.20 Mr Harrison refers to “vulnerable users” and relies on Network Rail survey data which recorded adults, accompanied and unaccompanied children, dog walkers and cyclists. He also refers to the Network Rail Statement of Case definition of vulnerable level crossing users, including people who may take longer to traverse due to disability or distraction, or who may be at greater risk due to their perception of risk.
- 2.1.21 It is important to be clear what is meant by “vulnerable users” in this context. The term can include children, older people, people with physical or mental impairments, dog walkers, distracted users and others who may require more time or care when negotiating a route. However, not all of those categories have the same highway safety implications at the A670 interface.
- 2.1.22 My assessment does not ignore the presence of these users. The Mayer Brown Highways Statement and Safety Risk Assessment recognise that the proposed route is not a fully accessible urban pedestrian route and that the A670 footway constraint requires mitigation.
- 2.1.23 It is also relevant that neither FP209 SADD nor FP244 SADD is a fully accessible route. Both are rural public rights of way with gradients, uneven surfaces and physical constraints. The presence of vulnerable users therefore informs the mitigation and route management, but it does not by itself demonstrate that the proposed route is unacceptable in highway safety terms.

The Narrow Footway and Potential for Pedestrians to Step into the Carriageway

- 2.1.24 Mr Harrison refers to the absence of a footway to the south-west and the very narrow footway to the north-east, which he estimates to be approximately 0.4 metres wide. He suggests that pedestrians are likely to step into the carriageway.
- 2.1.25 I acknowledge that the footway is constrained. That is why the reason the issue was identified in the Mayer Brown Highways Statement, assessed in the GG104 SRA and considered through the Road Safety Audit process.
- 2.1.26 However, this is an existing highway condition. It is not created by the proposed Order. The question is whether the additional pedestrian movement associated with the proposed diversion would make the residual risk unacceptable.
- 2.1.27 I do not accept that pedestrians would be “forced” into the carriageway as part of the intended route. The footway is narrow and some pedestrians may choose to step into the carriageway to pass another user or negotiate the

narrowest point. That is a foreseeable behaviour, and it is why the proposed mitigation includes driver warning signage and speed management.

- 2.1.28 In my opinion, the narrow footway is a real constraint, but it is capable of being managed. It does not justify a conclusion that the diversion must be rejected on highway safety grounds.

Footway Widening

- 2.1.29 Mr Harrison relies on the point that footway widening would produce the greatest risk reduction but may not be achievable due to physical constraints. He concludes from this that the remaining mitigation is insufficient.
- 2.1.30 I agree that footway widening would be desirable. It would improve the pedestrian environment at the A670 interface. However, it is not the only possible mitigation and it is not a necessary precondition for the route to operate safely.
- 2.1.31 The Designer's Response to the Road Safety Audit explains that widening is constrained by available highway land, private land and carriageway width implications. It then identifies alternative mitigation, including warning signage and reliance on the relocation of the 20mph speed limit to reduce the severity of any potential collision.
- 2.1.32 Mr Harrison's approach appears to treat the inability to widen as determinative. I do not agree. The appropriate assessment is whether the residual risk, after reasonably practicable mitigation, is acceptable. My conclusion remains that it is.

Speed Limit Relocation and the Suggestion of "Marginal" Benefit

- 2.1.33 Mr Harrison suggests that extending or relocating the 20mph limit would have only marginal safety benefit and that the relevant Traffic Regulation Order would be outside Network Rail's direct control.
- 2.1.34 I accept that any change to the speed limit would need to be secured through the appropriate Highway Authority process. That is normal for highway mitigation. The need for Highway Authority involvement does not mean the measure is irrelevant or incapable of being secured.
- 2.1.35 I also do not agree that a measure should be discounted because its benefit is described as marginal. Even if the benefit were marginal, a marginal safety improvement is still a safety benefit. Highway safety mitigation commonly works through the accumulation of proportionate measures rather than a single intervention that removes all risk.

- 2.1.36 The purpose of the 20mph extension is principally to reduce the severity of any potential collision and to reinforce a lower-speed environment on the approach to Uppermill. Risk is a function of both likelihood and severity. A measure that reduces potential severity is therefore a legitimate risk control.
- 2.1.37 The speed limit measure should therefore be considered as part of the overall mitigation package, alongside warning signage, route definition, wayfinding and improvements to FP244 SADD.

Warning Signage

- 2.1.38 Mr Harrison considers that warning signage would not make the location safe and suggests that an appropriate sign may need to be located some distance from the FP244 SADD / A670 interface.
- 2.1.39 I agree that signage alone would not remove the highway safety issue. I do not rely on signage as a standalone solution. However, warning signage is a recognised and proportionate measure to improve driver awareness where pedestrians may be present close to the carriageway.
- 2.1.40 The value of signage is that it increases driver expectancy. At a constrained location, particularly where pedestrian activity may increase, that is a relevant and appropriate measure. It should be considered alongside the lower-speed environment and the physical route improvements, not in isolation.

Monitoring and the Role of the Highway Authority

- 2.1.41 Mr Harrison suggests that the Safety Risk Assessment leaves the Highway Authority to monitor and deal with the problem if collisions occur. I do not agree with that interpretation.
- 2.1.42 Monitoring is not proposed as a substitute for mitigation. It is a normal element of highway safety management. The Highway Authority already has an ongoing role in monitoring and managing safety on the adopted highway network. Where a change in pedestrian movement is introduced, post-implementation monitoring is a reasonable and proportionate means of confirming how the route operates in practice.
- 2.1.43 The primary mitigation remains the proposed package of control measures. Monitoring would supplement those measures and allow any operational issues to be identified and addressed if they arise.
- 2.1.44 It is also relevant that the existing constrained highway feature is already part of the public highway network. If the Highway Authority considers it to be problematic in its current form, it has the ability to consider intervention under its existing highway management functions.

Desire-line Crossing Movements

- 2.1.45 Mr Harrison states that the Safety Risk Assessment and Road Safety Audit do not properly consider pedestrians wishing to turn right from FP244 SADD and cross Oldham Road at or near the footpath exit. He suggests that “human nature” means some pedestrians may cross there rather than walk to the nearest crossing facility.
- 2.1.46 I accept that pedestrian desire-line behaviour is relevant. Some pedestrians may choose to cross the A670 at or near the FP244 SADD exit. That is not unusual in a village highway environment.
- 2.1.47 However, the proposed route does not require pedestrians to cross the A670 at that point. The intended route can be supported by clear wayfinding and route information directing users to the appropriate onward route and crossing opportunities.
- 2.1.48 The possibility of informal crossing does not demonstrate that the route is unsafe. Informal pedestrian crossing occurs across the highway network and must be considered in context, including traffic speeds, visibility, pedestrian demand and collision history.
- 2.1.49 In my view, desire-line crossing behaviour is a detailed design and route management issue. It does not alter my overall highway safety conclusion.

Alleged Detrimental Effect on Highway Safety

- 2.1.50 At paragraph 3.01, Mr Harrison concludes that the proposed diversion would have a detrimental effect on highway safety and that insufficient mitigation measures could be implemented.
- 2.1.51 I do not consider that this conclusion is adequately evidenced. Mr Harrison identifies a constrained footway and asserts that the mitigation is insufficient, but he does not provide a quantified safety assessment, a collision analysis demonstrating an existing pattern of injury collisions, a risk assessment demonstrating an unacceptable residual risk, or a technical appraisal showing that the proposed mitigation would fail.
- 2.1.52 The Mayer Brown assessment does not deny that the risk changes. It recognises that additional pedestrian movements require control measures. The key difference is that the Mayer Brown assessment concludes that the residual risk can be managed. Mr Harrison disagrees with that judgement, but disagreement is not the same as demonstrating that the assessment is wrong.
- 2.1.53 In my opinion, the evidence supports a more balanced conclusion: the diversion would increase pedestrian use at an existing constrained highway

interface, but that increase is capable of being managed through proportionate mitigation.

Overall Conclusion

- 2.1.54 Mr Harrison's evidence correctly identifies the main highway safety constraint, namely the FP244 SADD / Oldham Road (A670) interface. I agree that this location requires careful consideration and mitigation.
- 2.1.55 However, I do not agree that Mr Harrison has demonstrated that the location is "very dangerous", that the increase in pedestrian use should be treated as "highly significant" in a technical safety sense, or that the proposed mitigation would be insufficient.
- 2.1.56 The FP244 SADD / A670 interface is an existing public highway interface. If it were already considered unacceptable in highway safety terms, it would be reasonable to expect evidence of existing Highway Authority intervention or a recorded safety problem. The proposal changes the level of pedestrian use, and that change has been assessed.
- 2.1.57 The identified measures, including speed management, warning signage, wayfinding, route definition and detailed design at the FP244 SADD / A670 interface, are proportionate highway safety controls. Even where an individual measure provides a modest benefit, it remains relevant as part of the overall mitigation package.
- 2.1.58 I therefore do not consider that Mr Harrison's Proof of Evidence changes my highway safety conclusion. The proposed diversion via FP244 SADD can operate acceptably in highway safety terms, subject to the identified mitigation being secured and implemented.

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.