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Doc Ref 02316669
Our Ref LS - 015747
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Ask for Claire Richardson
Direct Line 0161 342 x3064
Date 23 February 2026

By Email Only

Secretary of State for Transport:

transportinfrastructure@dft.gov.uk

Applicant's Parliamentary Agent:
jamesoconnor@eversheds-sutherland.com

Dear Sirs

Re: Statement of Case pursuant to The Transport and Works (Inquiries Procedure) Rules 2004 rule 7(3)

Order: Network Rail (Stalybridge to Diggle (Saddleworth) Enhancements) Order 20[xx]

We understand that an application has been made by Network Rail to the Secretary of State in accordance with the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006(a) for an Order under sections 1 and 5 of the Transport and Works Act 1992(b) ("the 1992 Act"), known as the Stalybridge to Diggle (Saddleworth) Enhancements) Order 20[xx] "the Order".

This letter contains the Statement of Case of Tameside Metropolitan Borough Council ("the Council") in respect of the Order, for consideration by you as part of the public inquiry.

Firstly, it should be noted that the Council strongly supports the objectives of the Order as part of the TransPennine Route Upgrade (TRU). The scheme represents a significant opportunity to deliver high-frequency, fully electrified, faster rail services across the Pennines, which will drive decarbonisation, economic growth, and regeneration.

The Council recognise the strategic importance of this investment for improving connectivity, supporting freight efficiency, and enabling sustainable travel choices for residents and businesses. The Council welcomes Network Rail's engagement with elected members and its commitment to delivering transformational change for Tameside and Greater Manchester.

Notwithstanding this, there are a number of outstanding concerns:

Safety Concerns on Diverted Footpath (Stockport Road Level Crossing / MOS/69)

While supportive of the proposed diversion in principle, the Council has serious concerns regarding public safety. The interaction between walkers—particularly those accompanied by dogs—and livestock, including cows with calves, presents a clear risk. The Council requires detailed proposals for mitigation measures, including fencing or barriers, signage, and surfacing/drainage

specifications. Furthermore, clarity is needed on land agreements or acquisition to ensure the diversion is legally and practically deliverable.

Order Powers and Article 19 Concerns

The Council objects to the inclusion of deemed consent provisions under Article 19(4), which impose an onerous 28-day timescale for consent. The Council requests that these provisions be removed or amended to reflect a more reasonable timeframe. The Council supports the use of Article 19(8) to secure safety measures such as barriers and signage, and we urge Network Rail to provide commitments on these points.

Traffic Regulation Orders (Schedule 15)

The proposed 24-hour restrictions on waiting, loading, and parking, as well as bus stop suspensions and pedestrian crossing closures, will have significant impacts on residents and businesses. These measures must be time-sensitive, allowing flexibility during evenings and weekends, and alternative safe pedestrian crossing points must be provided at all times. The Council also requests that exemptions for construction vehicles – especially Heavy Goods Vehicles - be limited to off-peak periods to minimise disruption, particularly for those living off Mill Lane, Archer Street and Brookfields.

Temporary Stopping Up of Streets (Schedule 6)

The Council has grave concerns regarding Schedule 6, as no prior consultation was undertaken on these proposals. The lack of clarity on duration, mitigation for residents and businesses is a cause for concern particularly with regards to established resident permit zone such as Old Brow Court; streets with limited on-street parking such as Abney Road; and where road safety concerns regard young people, such as Milton St. John's Primary School. The Council objects to the inclusion of onerous deemed consent provisions under Article 14(6) and (7) is unacceptable. The Council strongly objects to these clauses and request their removal or amendment to align with model clauses.

In summary, whilst the Council supports the overarching aims of the TRU and recognises its potential to deliver transformational benefits, the Council has identified several areas requiring amendment or clarification to protect public safety, ensure legal compliance, and minimise disruption to all residents and businesses within the extents of the proposals.

The Council has attempted to address these concerns with Network Rail, as set out in the attached documents:

- Letter from Network Rail to the Council dated 19 February 2026;
- Council's letter to Network Rail dated 23 February 2026

The Council will continue to engage with Network Rail to resolve these issues. Until then we respectfully request that these concerns be addressed as part of the inquiry process.

Yours faithfully

Tameside Metropolitan Borough Council



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Our ref.: 167037-NWR-W2B-MVL3-LTR-W-LP-003283

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19th February 2026

Dear Janet Witkowski,

**Re: The Network Rail: (Stalybridge to Diggle (Saddleworth) Enhancements) Order
REP 05 – Tameside Metropolitan Borough Council**

Network Rail is now in receipt of Tameside Council's ("the Council") letter dated 18 December 2025 which contained representations from the Council in respect of Network Rail's application for the Network Rail (Stalybridge to Diggle (Saddleworth) Enhancements) Order ("the Order"). We recognise, as stated in your letter, that the Council strongly supports the objectives of the Stalybridge to Diggle (Saddleworth) Enhancements Scheme ("the Scheme") as part of the TransPennine Route Upgrade ("TRU") and the Council's acknowledgment that the Scheme represents a significant opportunity to deliver improved rail services across the Pennines which will improve connectivity and drive decarbonisation, economic growth and regeneration.

As noted in your letter we wish to continue our engagement with the Council and elected members on our construction of the Scheme so as to deliver this transformational change for Tameside and Greater Manchester.

We do also recognise that, notwithstanding the Council's support for the objectives of the Order application, the Council does have some concerns about certain elements of the delivery of the proposed works to be authorised by the Order (NR02). This letter sets out our response to those concerns raised in your letter.

Safety Concerns on Diverted Footpath (Stockport Road Level Crossing / MOS/69)

We note that the Council is supportive in principle of the proposed diversion to replace the extinguished level crossing, but that the Council has concerns regarding public safety when using the proposed replacement section of Public Right of Way (PROW). Network Rail is committed to working closely with the Council (in conjunction with the relevant landowner) to identify and develop public safety mitigation measures such as fencing, barriers and/or signage that may be required for the operation of the replacement section of PROW and, where identified as required, the delivery of such mitigation measures. As you have identified Article 19(8) makes provision to enable Network Rail to erect barriers/fencing and signs within the Order limits in providing the replacement section of PROW subject to the agreement of the Council as highway authority. We will also keep the Council informed of ongoing discussions we are having with the relevant landowner, particularly on matters such as any fencing or barrier provision that the relevant landowner may wish to install on their retained land for the purpose of segregating that land from the replacement section of PROW. We will also engage with the Council on our design development of the specifications for any surface drainage works that may be required for the operation of the replacement section of PROW.

We can also confirm that article 19(10) of the Order (NR02) makes statutory provision for the replacement section of PROW as specified in Part 1 of Schedule 8 to the Order (and also shown on Sheet 10 of the Deposited Plans (NR09) to be a public footpath and applies, with modifications, section 28 of the Highways Act 1980 (compensation for loss caused by public path creation order) as if the replacement PROW had been created by a public path creation order. Whilst Network Rail is continuing to engage with the relevant landowner regarding the temporary use of land required to provide the replacement section of PROW, Network Rail has included in the Order the necessary powers to enable Network Rail to take temporary possession of the required land. Network Rail will though continue to update the Council on these discussions.

Order Powers and Article 19 Concern

We note that the Council objects to the inclusion of deemed consent provisions under Article 19(4) which provide, following Network Rail's completion of the replacement section of PROW, for a 28-day period for the Council to confirm that the replacement section of PROW has been provided to its reasonable satisfaction and can be open for use. It is Network Rail's position that this is not an unreasonable timeframe for the Council to confirm that the works to provide the replacement section of PROW (being a replacement PROW route which at that stage would have been approved by the Order) have been completed to its reasonable satisfaction and can be open for use. Moreover, this timeframe for providing such confirmation has precedent and was accepted as reasonable for the purposes of the Network Rail (East West Rail) (Bicester to Bedford Improvements) Order 2020 ("the 2020 Order"), please see article 9(4) of the 2023 Order. It should also be noted that in the case of the 2020 Order it made provision for the creation of substantially more replacement sections of PROWs than is proposed by this Order (see Part 1 of Schedule 6 to the 2020 Order). Accordingly, Network Rail do not accept that a different approach should be adopted for the purposes of this Order. We would also note that Article 19(6) requires Network Rail when making a request for this confirmation to notify the Council of the timeframe for making a decision.

Notwithstanding this provision Network Rail would wish to continue to engage with the Council on the works to provide the replacement section of PROW prior to Network Rail commencing the delivery of those works.

Traffic Regulation Orders (Schedule 15)

We note your comments regarding the management of the introduction of the traffic regulation orders (TROs) identified in Schedule 15 of the Order (NR02) and the provision of measures to manage access by construction vehicles (especially heavy goods vehicles) at certain times particularly on Mill Lane and Archer Street.

In order to manage construction traffic, we will, as detailed in section 10.5.1 of the Environmental Report, Volume 1 Main Report (NR14), be preparing a Construction Traffic Management & Travel Plan (CTMP). This CTMP will need to be submitted to and approved by the Council in accordance with planning condition 7 which we have proposed is attached to our Request for Deemed Planning Permission (NR7) for the works to be authorised by the Order. Once the CTMP is approved by the Council, planning condition 7 requires us to carry out the construction of our works in accordance with the terms of the approved CTMP.

The CTMP is a crucial part in managing the effects of construction traffic on the local highway network. In particular the CTMP will be used to identify and detail specific mitigations and controls which we will employ. These mitigations and controls include, but are not limited to:

- Establishing mandatory construction traffic routes to and from construction worksites, including prohibited routes for construction traffic – For example, establishing the construction traffic routes to specified construction compounds, including identifying roads where such construction traffic access is prohibited.
- Imposing time restrictions on the use of any construction traffic routes – For example, establishing controls that would restrict the use of certain roads during specified times.
- Detailing the requirement for the use of temporary traffic control measures – For example, detailing the timing requirements for the introduction of Temporary TROs.

Network Rail would like to discuss further with the Council the potential for the creation and operation of a Highways Management Working Group with the Council for the purposes of creating a forum to oversee Network Rail's implementation of the mitigation measures included in the CTMP as approved by the Council under planning condition 7.

Temporary Stopping Up of Streets (Schedule 6)

We note the Council has concerns regarding the temporary stopping up of the streets listed in Schedule 6 of the Order (NR02) and the prior consultation that was undertaken on these proposals. We also note the Council's concerns regarding the effect that the implementation of such temporary stopping ups may have on matters such as existing on-street parking and general road safety.

As regards our consultation on these proposals, Network Rail can confirm that in June 2025, it presented to the Council its approach to TTROs in the Order, as well as a review on the drawings available at that time, and as a result of this meeting in June 2025, engagement has continued on the matter of TTROs, including feedback from the Council on the TTRO drawings which Network Rail has considered, and where possible, has taken into account.

In terms of the management of the temporary stopping up of streets, the CTMP is proposed to include details of temporary road closures and diversions which would, for example, include identifying the extent and duration of required temporary closures and the phasing of temporary traffic management with the other required temporary traffic management requirements. As noted above we would like to discuss with the Council the creation and operation of a Highways Management Working Group with the Council for the purposes of creating a forum to oversee Network Rail's implementation of such measures as included in the CTMP approved by the Council under planning condition 7.

We note your comments regarding the deemed consent provision provided by Article 14(7) should Network Rail seek your consent under Article 14(5)(b) to temporarily stop up streets that are not specified in Schedule 6 of the Order. This deemed consent provision is now a well-established and accepted approach which has been deemed reasonable for the purposes of numerous TWA Orders including TWA Orders that have authorised other sections of the TRU project. For example, see as article 9 of the Network Rail (Hope Valley Capacity) Order 2018, article 14 of the Network Rail (East West Rail) (Bicester to Bedford Improvements) Order 2020, article 16 of the Network Rail (Huddersfield to Westtown (Dewsbury) Improvements) Order 2022, article 11 of the Network Rail (Church Fenton Level Crossing Reduction) Order 2024 and article 12 of the Network Rail (Leeds to Micklefield Enhancements) Order 2024. Accordingly, Network Rail do not accept that a different approach should be adopted for the purposes of this Order.

We would like to thank the Council for its engagement to date in relation to the Scheme and we look forward to continuing the engagement as the Scheme develops. We would very much welcome a meeting to discuss the matters above and to explore with the Council the development and agreement of a Statement of Common Ground on the matters above.

Yours sincerely,



Penny Carter
Network Rail

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Date 23 February 2026

BY EMAIL ONLY

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Dear Sirs

Re: Network Rail (Stalybridge to Diggle (Saddleworth) Enhancements) Order 20[xx]

We write in reply to your letter dated 19 February 2026.

Safety Concerns on Diverted Footpath (Stockport Road Level Crossing / MOS/69)

We are pleased to note the applicant's commitment to work with us to develop and install any identified public safety mitigation measures, along with a promise to keep us informed of progress.

The applicant has confirmed that discussions with the Landowners are ongoing. It is important that the applicant continues their engagement with the landowner.

Provided the applicant continues as above, we are satisfied that our safety concerns on the above diverted footpath can be resolved.

Order Powers and Article 19 Concern

We note the applicant's suggestion that a 28-day period for Council consent has been acceptable in other Order's, however we remain of the view that the applicable timeframe should be council specific. We are concerned that this timeframe will place an unreasonably onerous burden on our officers. Further, given the consequences on non-compliance are significant (deemed consent) we suggest a 42-day period ought to apply.

Traffic Regulation Orders (Schedule 15)

The applicant has confirmed their intention to prepare a Construction Traffic Management and Travel Plan (CTMP) to be attached to their request for Deemed Planning Permission. We are

pleased to note that the CTMP will deal with matters to which our concerns relate, however without sight of a programme for the CTMP we are unable to say that this plan will be sufficient.

We welcome the applicant's suggestion of a Highways Management Working Group, however until such time as a CTMP plan is provided, our concerns remain unchanged.

Temporary Stopping Up of Streets (Schedule 6)

We remain of the view that consultation with regard to this matter has been inadequate, particularly given the significant impact this matter will have on residents and businesses. We welcome the applicant's suggestion of a Highways Management Working Group, however, without further timely information, the concerns set out in our letter of representation remain unchanged. Of particular concern remains the lack of mention of alternative facilities for pedestrians, in particular the junction at Manchester Road/ Stamford Road and the junction at Mill Lane/ Manchester Road/ Three Counties Road.

Our stance on deemed consent also remained unchanged for reasons set out earlier in this letter. We would suggest a 42 day response would be reasonable.

We look forward to hearing from you.

Yours faithfully

Tameside Metropolitan Borough Council