



Affiliated to Peak and Northern
Footpaths Society

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

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

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

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1.0 Introduction

1.1 I have now seen all the Proofs of Evidence (PoE) submitted by Network Rail (NR) and need to submit this Rebuttal Proof to correct misleading and incorrect information.

1.2 The volume of documentation submitted by NR is now quite daunting for us as volunteer representatives and I suspect the cost of NR trying to retrospectively defend a decision made 3 years ago to abandon the proposal for a footbridge as a replacement for the Moorgate level crossing, which was based on an entirely different cost basis, and now incurring a separate week at the inquiry, must far outweigh the difference in cost being argued about.

1.3 There is a lot of duplication about the need to close the crossing on safety grounds, and I have no objection to the closure as part of the TRU and have agreed a Statement of Common Ground to that effect.

2.0 Comments of the PoE of NR's witnesses

2.1 Mark Ashton – Needs case and project benefits (NR/PoE/MA/1.2)

- Mark is not listed specifically to give evidence about Moorgate but there are two key pieces of information: 5.1.4 the project will be seeking funding in 2027 and in 7.5.4 that design work is not complete. This means that the costs of the scheme cannot yet be confirmed so the evidence of Jerry Greenwood that there is no funding for unplanned enhancement works including bridges at level crossings is not true as nothing is yet finalised.
- In 8.9.1 it is stated that 'dialogue has continued with interested parties'. This is absolutely not true as all our requests to have discussions through the Stakeholder Team and James Richardson, Managing Director, were not even answered. There have been no meetings because NR kept maintaining the view that they would not discuss the option of a footbridge. As in my evidence, I have had to resort to using FOI to get relevant information.
- The statement in 9.2 that 'NR has contacted all objectors and where relevant has offered to meet them' is telling, as we and other objectors were obviously considered as 'not relevant'.
- Section 10.2 deals with comments about inadequate consultation, including mine, and we are referred to NR07 Consultation Report, but that just repeats the information that a footbridge was abandoned due to cost. There is no acknowledgement that the public consultation events did not give the opportunity to comment on a footbridge. There was only the option of using path 244 as an alternative.
- In App 2 & 3 there are references to other TWAO decisions, but I draw different conclusions in my SoC.

2.2 Jerry Greenwood – Level crossings: Policy and Strategy (NR/PoE/JG/9.2)

- Much is made about the cost of a footbridge particularly in Section 7, but I would take issue with the statement in 7.4 that 'NR is not required to provide

at any cost (his italics), an alternative crossing solution'. The provision of a footbridge could be a requirement of the Secretary of State if the closure application is not approved.

- 8.9 I disagree with the suggestion that it would be necessary to 'divert money away from other more meritorious schemes to provide a footbridge at Moorgate'. As confirmed above, design work for all the projects is not yet complete, a footbridge was in the proposals originally and the cost of the proposed works to 244 would not be needed. Any additional cost is therefore marginal against a total cost of £225 million.
- Section 10 refers to other order decisions, but I would suggest that they are not all comparable as some are using different powers and in my SoC I included references to other order decisions relevant to Moorgate where crossing closures were not approved.
- 14.3 states that NR will appoint an independent Highway Consultant to review the objections that claim there is a transfer of rail safety to highway safety at the exit of path 244. This suggests that NR still has some uncertainty about its proposals and is not accepting the reports already done.
- Sections 15.10 – 15.14 attempt to diminish the impact of PSED on the use of path 244 and in 15.14 state that 'no previous user of 209 would be disadvantaged'. This is clearly not true as 244 has steps, is longer in length, utilises a shared driveway exit onto Oldham Road where there is an inadequate footway and uses part of Ladcastle Road with no footway. The existing route does not have any of these restrictions.

2.3 James Doodson – Level crossing Safety (NR/PoE/JD/10.2)

- I do not accept the premise that cost should over-ride the decision whether or not to provide a footbridge and note in 3.8.16 an acceptance that the alternative route via 244 needs to be 'improved significantly'.
- I am pleased to note in 3.4.3(c) the use of the crossing by 40 people a day and in (d) that there was a 'higher than usual number of vulnerable users'. This survey was carried out in March/April 2022 whereas two other NR witnesses have only referred to the lower figure from a survey in November/December (Autumn/Winter) 2024 (Mayer Brown Highway Statement – App D NR86) which even at that time of year showed 25 users per day. That later survey is just a basic count of pedestrians, and I would have expected consideration of 'vulnerability' as identified in the earlier survey.

2.4 Lee Barraclough – Moorgate Halt – Engineering and design of diversion (NR/PoE/LB/11.2)

- Section 3 deals with the upgrade to 244 but makes no mention of the need for landowner agreement to increase the width from 1.2m, nor is there any information about how equipment will get into the valley to carry out the work, or to address the concerns of Oldham Council in 4.6 about loading on the old culvert – presumably the bound surface of the path will need construction equipment and compaction.

- The Highways Statement (NR86) section 6.11 draws attention to the fact that due to the steep gradients and the likely amount of surface water that it 'cannot be guaranteed how long a loose surface would remain in serviceable condition'. Also, that 'consideration should be given to the amount of detritus (leaves etc) evident in this location'. In 6.13 they note that the extension of the 20mph limit may provide a safety benefit – my underline, so no guarantee. This is evidence that the risks are being passed to Oldham Council.
- 3.1.5 states that the new staircases on 244 would comply with the Design manual – 'Inclusive Design' (NR119) but this is at variance with the DfT guide 'Inclusive Mobility' in that single steps and risers of 180mm would not comply.
- Despite what is said in the descriptions of the two paths, Table 1 indicates that the existing width of both paths is more than the definitive width of 1.2 metres. 4.2.5 refers to a fallen tree across 209, but this does not actually block the route as suggested. However, NR will need to resolve this issue, and the condition of the surface, as they intend to use this section of 209 as a new pedestrian access point to the railway (NR 30: Table 7-7-2 and s7.2.3.5).
- I draw attention to several inconsistencies between the descriptions of the improvements to 244 in Section 3 and the general arrangement drawing in App 2: a) 3.1.3 states the width as 2 metres but the drawing shows it all at 1.8 metres, b) 3.1.4 states that the path from Oldham Road to the underbridge will be retained but the long section shows the improvements extending half way into this section which raises concerns about construction access, dealing with the filter drain outlet and agreeing with this landowner the additional width to be dedicated, c) 3.1.5 (& 4.2.7) states that the staircase will have non-slip surfaces, but it is to be granular infill so will erode away. The Safety Risk Assessment (NR 88) recommended concrete infill; GRP is specified as the edging and nosing of the steps, but this material is slippery when wet; the steel handrails are only shown on the lowest of the three flights of steps proposed.
- Reference is made in Section 4.3 to the DIA carried out for path 244 (actually an Equality Impact Assessment Form), included as App 4, but the date it was prepared is 6 May 2026, and that the consultation was in 2022 when the footbridge was proposed! So, this is a retrospective attempt to justify the decision to use 244 as the alternative route. It also only refers to the lower pedestrian usage in the November/December 2024 survey. App 4 refers in Q1 to a preceding DIA carried out for 244 in 2025, but as far as I am aware this has not been made public nor submitted by NR as part of its evidence. Is there anything relevant in it?
- Section 4.4 deals with the cost of a footbridge, but it is related to the estimate in February 2026, not the figures used in 2023 to justify the abandonment of the footbridge. Three different estimates have been provided and all remarkably come to £4.5m! 4.4.3, 4.4.4 and 4.4.15 refer to extra cost due to working on a live railway and constrained operational environment, but the evidence of Keith Gardner s4.67 is that the work could be done in a 16-week blockade. Extensive use of road/rail vehicles for schemes east of Leeds does not seem to have been a problem and they are proposed for use in all other bridge works on this section.

- App5 deals with the principles of cost estimating but doesn't actually confirm which of the three estimates is being referred to. I am assuming that it is the February 2026 figure (NR30 App4) but I would question why there is £296,600 included for works to existing infrastructure and £463,200 for access and land costs when access is via the railway and there is no land acquisition. This would indicate a potential saving of £759,800. Design costs should be less as a substantial amount of work has already been done and must have been 'written off' in proposing the use of 244. As the local community want a footbridge, is the NR Community Fund available to help with funding?
- I established from ORR and included in my PoE that risk is not part of TRU funding and is funded separately. There is therefore no allowance for risk in the total budget of £225m in this TWA0 (NR 06). Also, s2.7 of App 5 states that: 'The Moorgate Halt works are therefore not treated as a stand-alone scheme but as part of an integrated, multi-asset delivery programme'. So why is Moorgate being treated as a stand-alone scheme?
- I also draw comparison with the proposal to replace the footbridge at Lower Beestow (MVL3/10a) which is in this TWA0 (NR30). I understand that it has very little pedestrian use and there are difficult ground conditions to deal with which requires substantial deep piling, but the right of way is being retained at the request of Tameside Council. The same situation applies for the replacement of the Roughtown Road footbridge (MVL3/18). Why are the requests of Oldham Council to retain path 209 at Moorgate not being acceded to? Then it is stated that the optioneering for dealing with the Wrights Mill overbridge (MVL3/20) was done in consultation with the local authorities. In the case of Moorgate, NR has been trying to force a decision on Oldham Council.
- The comparison between Tameside and Oldham is even more stark when looking in more detail at the Roughtown Road footbridge replacement. The Roughtown Road bridge, which is being retained is just 70 metres from the footbridge and could be used as a diversion (see photo).



The distance between Moorgate and Wickens Bridge is 200 metres. Not only that but the proposal drawing in NR 30 – Planning Direction for Roughtown shows the existing stairs and balustrades top and bottom of the bridge to be retained, but they are incredibly steep and not compliant with current standards.

- App 6 shows the general arrangement for a footbridge at Moorgate, but my suggestion is that steps are not required on the west side as the deck can run into the ground at either 1 in 10 or 1 in 12, and there would then be 17 steps less. Having now seen that extensive piling, a crash protection structure and bespoke design is required just to keep within operational land, then I question whether this is now more expensive than acquiring a small strip of land on the rear edge of an extensive adjoining garden.

2.5 Chris Cary – Traffic and Transportation (NR/PoE/CC/5.2)

- Neither I nor Wednesday Walkers are listed as an objector in 3.1.1!
- 5.2.12 this is another witness only referring to the lower pedestrian usage survey in November/December 2024
- 5.2.13 whilst there is an acknowledgment that upgrades to 244 are needed, I dispute that it will then have ‘the same quality’ as 209.
- The suggestion in 5.2.44 in relation to the path exit at Oldham Road that ‘This narrow footway is just one element of amongst challenging topography’ is unbelievable given the highway safety risk.

2.6 Sean Wotherspoon – Moorgate: Road Safety (NR/PoE/SW/12.2)

- Reference is made in Section 2 to the Mayer Brown Highways Statement (NR86) June 2025 and Safety Risk Assessment (NR88), September 2025, but not to the fact that NR88 concludes that with the extension of the 20mph zone the risk of accidents will increase but the severity should be less. This is independent proof of the highway danger.
- 4.2.1 and section 4.3 do not refer to the section of the alternative route on Ladcastle Road which is a single-track road with passing places and does not have any footways. It is busy with Golf Club traffic.
- 4.5.2 lists key risks and 4.6 lists mitigation measures for 244 but in 4.6.2 the essential issues identified are only the replacement of the stone steps and resurfacing of 244, not work at Oldham Road.
- 5.7 deals with the role of mitigation including that improvements to 244 are essential and in 5.7.3 that ‘the comparison (between the two routes) must be made on the basis of the proposed route with mitigation’. 5.8.3 states ‘Whilst the proposed diversion is not equivalent in all respects, it provides a broadly comparable alternative in functional and user terms, subject to delivery of the identified mitigation measures’.
- 6.3.14 – 19 deals with the effectiveness of mitigation and residual risk and recognises in 6.3.17 ‘that a degree of residual risk will remain on the A670 section’.

- 7.1.1 is not correct that the only section of the alternative route which is adjacent to vehicular traffic is on A670. There is the section of 110 metres on Ladcastle Road.
- A Road Safety Audit (NR87) was carried out in February 2026 and in section 3.1 concludes that the recommendations for the junction of 244 and Oldham Road are 'based on only able-bodied pedestrians being able to utilise this section of the proposed alternative route'. Does this exclude the vulnerable users of 209?
- App 1 has the Designer's Response to the Road Safety Audit and is dated March 2026. I draw attention to the fact that the designer acknowledges that the risk level *may* increase and the introduction of the 20mph limit *may* reduce the severity of a potential collision. Both italics are in their report, and this proves that there is no guarantee for the safety of walkers on 244. The report also acknowledges problems in locating the proposed advance warning signs.

3.0 Conclusion

3.1 The witness statements are all supporting the use of path 244 as the alternative to the Moorgate level crossing but significantly the independent reports clearly indicate that safety risks will remain at the junction with Oldham Road. This together with the steps and extra distance means that path 244 cannot be considered as a 'suitable and convenient' alternative for the users of path 209, and the closure application should be refused.

3.2 Essential mitigation measures are proposed for 244 but the witnesses make it clear that there is no guarantee that these will prevent accidents.

3.2 There is clear evidence of a retrospective attempt by NR to try and justify the earlier decision to abandon the footbridge and use 244 as the alternative. This has involved Highway and Safety Reports, Road Safety Audit with Designer's Response and most recently the Equality Impact Assessment on 6 May 2026. All of this confirms that mitigation work is required on 244 but none of it provides a guaranteed safe solution and physical challenges are introduced that didn't exist on the existing path.

3.3 Finally, I wish to float a scenario on the cost of a footbridge at Moorgate, as this was the sole reason for abandoning it. I am disappointed that the Secretary of State has not agreed to my request to appoint an independent assessor for this issue as it is impossible for me to properly scrutinise the figures produced by NR. However, taking figures that are available, NR must have originally had a figure that was acceptable and I start with £1.8m, the figure which was in the 'Additional Information' para. 11.1 submitted by NR to Oldham's Highway Regulation Committee on 18 July 2024. The base cost estimate in NR30 App 4 is £2,797,100 so to find the additional cost I can deduct £1.8m, also the questionable costs of £759,800 in 2.4 above (8th bullet) and the costs of £176,000 for 244 not needed. This leaves a nett figure of just £97,300 extra!