



Secretary of State for Transport
C/O Transport Infrastructure Planning Unit
Department for Transport
Great Minster House
33 Horseferry Road
London
SW1P 4DR

Our Ref:

LOC.CP0489

19th December 2025

By Email only (transportinfrastructure@dft.gov.uk)

Dear Sirs,

**The Network Rail (Stalybridge to Diggle (Saddleworth) Enhancements) Order.
Owner: P. Casey (Developments) Limited**

**Property: Land at Printworks Road, Stalybridge and Land off Spring Bank Lane
Plot Numbers: plots 2-016, 2-017, 2-018A, 2-018B, 2-026, 2-028A, 2-028B and 4-004**

We act on behalf of P. Casey Developments Ltd, in respect to their land parcels affected by the above Order being promoted by Network Rail under the Transport and Works Act 1992.

P. Casey Developments Ltd are the owner/interested party in respect of the land identified in the First Schedule to the Rule 15 notice served on 7 November 2025. The plots affected include:

2-016, 2-017, 2-018A, 2-018B – Grassland, trees and vegetation to the east of Wakefield Road, Stalybridge

2-026 – Grass verge, trees, buildings and stone wall to the east of Wakefield Road

2-028A & 2-028B – Grassland, shrubs, fences and gates at Souracre Farm (SK15 3DA)

4-004 – Woodland to the east of Spring Bank Lane, Heyrod

We can confirm that our clients wish to **make representations** relating to the Network Rail (Stalybridge to Diggle (Saddleworth) Enhancements) Order ('The Order') as currently proposed. We would be grateful if you would accept this letter as a representation in response to the submission of the application.

Whilst P. Casey Developments Ltd do not oppose the purpose or principle of The Order. Our clients do wish to make representations relating to the design of the scheme and proposed land take. Insufficient engagement with our clients has been undertaken on the justification and reasoning for why plots 2-016, 2-017, 2-018A, 2-018B, 2-026, 2-028A, 2-028B and 4-004 are required for the purpose of the scheme, nor have alternative considerations been made.

In preparing our Representation we have been mindful of the Statement of Aims and the other Application Documents, set out by Network Rail as their justification for the making of the proposed Order.

In summary, our representations are as follows:

1. No Attempt has been Made to Acquire by Agreement

No meaningful attempt has been made by Network Rail Infrastructure Limited to acquire the land or rights affecting P. Casey (Developments) Limited by agreement prior to seeking compulsory powers.

The use of compulsory acquisition is intended to be a measure of last resort. Promoters are expected to demonstrate that they have taken all reasonable steps to negotiate voluntarily, including early engagement, disclosure of justification for land requirements, exploration of alternatives, and genuine efforts to minimise land take.

In this case, Network Rail has proceeded directly to seeking compulsory powers without first engaging constructively with the landowner or providing a reasoned explanation as to why agreement could not be reached.

The absence of any documented attempt to acquire by agreement is a material deficiency in the application. It undermines the justification for compulsory powers and indicates that Network Rail has not complied with established compulsory purchase principles or the Secretary of State's guidance, which requires promoters to minimise interference with private property rights and pursue negotiated solutions wherever possible.

2. Purpose of the Acquisition

In the Application Documents, Network Rail Infrastructure Limited has failed to justify why the land falling within the ownership of P. Casey (Developments) Limited is required for the purposes of the proposed Order.

While the Application describes the scheme in broad terms, namely electrification works, bridge reconstruction, track enhancements and associated infrastructure, it does not explain, on a plot-by-plot basis, why the specific land parcels within our client's ownership are necessary to deliver those works. The supporting documents do not demonstrate a clear and direct relationship between the scheme objectives and the extent of land proposed to be acquired or used temporarily.

3. Consideration of Alternatives

Network Rail has failed to demonstrate that it has properly considered reasonable alternatives to the compulsory acquisition and temporary use of land within the ownership of P. Casey (Developments) Limited.

The compulsory purchase regime requires a promoter to show that there are no reasonable, less intrusive alternatives to the land acquisition proposed. This includes consideration of alternative access arrangements, alternative construction methodologies, reduced working areas, and use of land already within the promoter's control. The Application Documents do not evidence that such an assessment has been undertaken.

No alternatives appraisal has been provided, and there is no technical, engineering or cost evidence demonstrating that the acquisition of our client's land represents the only viable solution. The absence of such analysis strongly suggests that the proposed land take has been driven by convenience rather than necessity.

4. Impact on Development Proposals for the Land

The proposed Order would have a material and prejudicial impact on the future development potential of land owned by P. Casey (Developments) Limited on the north and south side of Printworks Road, both during the prolonged period of temporary possession and as a result of permanent acquisition.

Based on the high-level programme information provided by Network Rail, the scheme would involve temporary possession of substantial areas of the land between approximately 2028 and 2034. This represents an extended period during which the land would be sterilised for development purposes, preventing progression of planning, infrastructure delivery or site preparation works. The Application Documents do not assess or acknowledge the development consequences of such long-term temporary possession.

In addition, the permanent acquisition of Plot 2-016 would give rise to a fundamental and unresolved constraint on the development of the retained land. Plot 2-016 currently accommodates the natural drainage route serving the wider landholding. The existing drainage ditch runs southwards, discharging away from residential development to the west. The loss of this plot would deprive P. Casey (Developments) Limited of the only viable gravity-fed drainage solution for any future development of the land.

Given the topography of the site, there is no realistic alternative drainage route available. Any attempt to re-route drainage away from Plot 2-016 would require flows to run against gravity, which would be technically unviable and inconsistent with accepted drainage and flood-risk principles. No alternative drainage strategy has been identified or assessed by Network Rail in the Application Documents.

Furthermore, in the absence of a binding agreement with Network Rail, P. Casey (Developments) Limited would be unable to connect into, modify or undertake works to drainage infrastructure located within or adjacent to the acquired land as part of any future development. This would place the retained land at a permanent disadvantage and could render it undevelopable in practice, notwithstanding that only a relatively small area is proposed for permanent acquisition.

The Application fails to acknowledge or address these impacts. The effect of the Order would be to sterilise development potential well beyond the land actually acquired, which is disproportionate and inconsistent with the requirement to minimise interference with landowners' reasonable future use of their property. In these circumstances, the compulsory acquisition and temporary possession powers sought are neither justified nor proportionate and should not be confirmed unless these impacts are avoided or satisfactorily resolved.

5. Physical Impacts and Reinstatement of Temporary Possession Areas

The Application fails to adequately address the physical impacts of the proposed temporary possession of land owned by P. Casey (Developments) Limited, nor does it provide any certainty as to the scope, standard or enforceability of reinstatement following completion of the works.

Land to the South of Printworks Road

On the land to the south of Printworks Road, the site is traversed by an existing drainage course running broadly from the north-west to the south-west of the landholding. This drainage feature performs a critical function in conveying surface water across the site in accordance with the natural fall of the land.

The Application Documents indicate that this area may be used as a construction compound, which would likely require significant regrading, levelling and compaction of the site. Such works carry a clear risk of disrupting or severing the existing drainage course, altering flow paths, and changing ground levels in a manner that could not be readily reversed.

No assessment has been provided of:

- how the drainage course would be protected, diverted or reinstated;
- whether post-construction levels would reflect the pre-existing topography; or
- how long-term drainage functionality would be safeguarded following reinstatement.

In the absence of detailed proposals and binding commitments, there is a real risk that reinstatement would be inferior to the pre-existing condition, with long-term implications for drainage, land stability and future development potential.

Land to the North of Printworks Road

On the land to the north of Printworks Road, the temporary possession area includes existing buildings and structures. The Application does not clarify whether these buildings would be retained, altered or demolished as part of the temporary works.

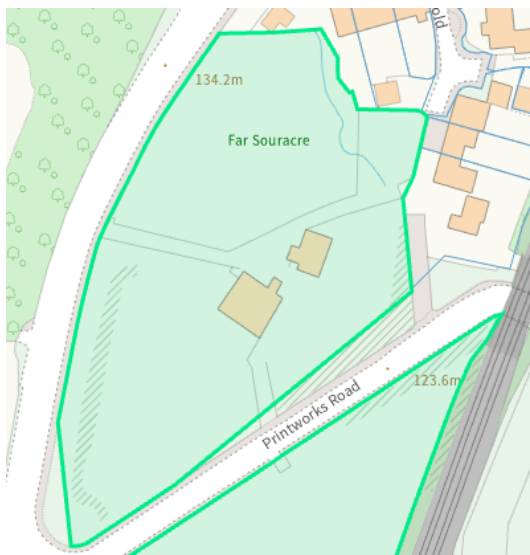
Critically, no agreement has been reached with P. Casey (Developments) Limited regarding:

- whether demolition is proposed or permitted;
- the standard of reinstatement if buildings are removed;
- how reinstatement would reflect the lawful and beneficial use of the land prior to entry.
- The potential loss of buildings, represents a serious and irreversible impact.
- Absence of Reinstatement Commitments

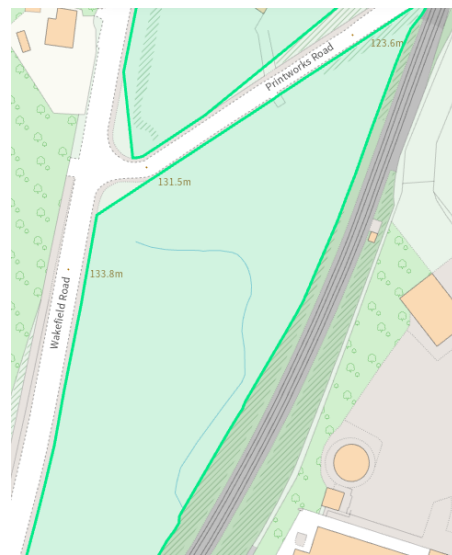
Across both areas, the Application relies on broad and unenforceable assurances rather than clear, plot-specific reinstatement proposals. There is no draft reinstatement scheme, no commitment to restore landform, drainage or built structures, and no mechanism proposed to resolve disputes should reinstatement be inadequate.

Without a binding agreement in place, which Network Rail has not started to discuss, P. Casey (Developments) Limited would be exposed to significant risk that land subject to temporary possession is returned in a condition that is materially worse than its original state, contrary to established compulsory purchase principles.

In these circumstances, the temporary possession powers sought are premature and unjustified. The Order should not be confirmed unless and until Network Rail can demonstrate through enforceable commitments, that all land will be fully and properly reinstated, and that no lasting physical harm will arise from the exercise of those powers.



Buildings Located on Land to the North of Printworks Road



Drainage Course Running northwest to southeast across Land to the South

6. Interface with Spring Bank Lane Ecology Enhancement Zone

The proposed Order would give Network Rail temporary possession of Plot 4-004, which forms part of an approved Ecology Enhancement Zone secured under planning permission 21/00987/FUL relating to land at the former Hartshead Power Station and Millbrook Sidings, Millbrook, Stalybridge.

That planning permission authorises a comprehensive redevelopment including the demolition of existing structures, land remediation, change of use to form an ecological enhancement area, delivery of 162 new residential dwellings, creation of new access roads, landscaping, pedestrian and cycle routes, and associated public and private parking. The Ecology Enhancement Zone forms an integral part of the planning balance and mitigation strategy for the permitted development.



P. Casey (Developments) Limited is concerned that the temporary possession of Plot 4-004, and its proposed use in connection with the rail scheme, would require vegetation removal and site disturbance that conflicts directly with the ecological commitments secured by the planning permission. No assessment has been provided of how Network Rail's activities would avoid undermining the approved ecological enhancements or the delivery of planning obligations associated with that permission.

In addition, there is a known badger sett located in close proximity to the land proposed for temporary possession. The Application Documents do not address this constraint, nor do they explain how protected species would be safeguarded during the period of occupation and subsequent reinstatement.

In the absence of a clear and enforceable strategy to protect existing ecological features, comply with planning commitments and avoid harm to protected species, the temporary possession powers sought over Plot 4-004 are unjustified. The Order should not be confirmed unless Network Rail can demonstrate that its proposals will fully respect the approved Ecology Enhancement Zone and secure appropriate ecological protection and reinstatement.

7. Public Interest

The compulsory acquisition and temporary possession powers sought in the Order are not shown to be in the public interest insofar as they affect land owned by P. Casey (Developments) Limited. While the wider objectives of the Transpennine Route Upgrade are acknowledged, the public interest test requires justification for the specific land and rights proposed to be acquired, not reliance on the general merits of the scheme.

Network Rail has failed to demonstrate that the acquisition and possession of this land is necessary or proportionate. No attempt has been made to acquire the land or rights by agreement, reasonable alternatives have not been properly assessed, and the extent of land affected goes beyond what appears reasonably required. The Application also fails to address the serious consequences for drainage, reinstatement and future development potential, all of which represent avoidable harm.

The public interest is not served by the exercise of compulsory powers where the resulting impacts could be avoided through better design, alternative access arrangements or negotiated solutions. Authorising such powers would

unnecessarily transfer risk and long-term constraints from the promoter to the landowner without any corresponding public benefit.

In these circumstances, the Secretary of State cannot be satisfied that the balance of public benefit and private harm weighs in favour of the compulsory powers sought, and those powers should therefore be refused or modified to remove their effect on P. Casey (Developments) Limited's land.

8. Human Rights

The proposed Order is also an infringement of our client's human rights under the Human Rights Act 1998. The Secretary of State must consider whether, on balance, the case for compulsory purchase justifies interfering with the human rights of the owners and occupiers of the Order land. The Secretary of State has to be satisfied that the proposed Order's infringement on human rights is proportionate and otherwise justified. The purpose of the scheme can be achieved without the compulsory acquisition of our client's land and as such, there is inadequate justification for interfering with the human rights of the owner. A balance has not been struck between the individual rights and the wider public interest.

9. Conclusion

In conclusion, P Casey Developments Ltd are supportive of the delivery of the proposed The Network Rail (Stalybridge to Diggle (Saddleworth) Enhancements) Order but they are concerned that the proposed temporary land take and the permanent acquisition of land and access right, which affects their interests, has not been fully thought through.

Network Rail have demonstrated a lack of consideration for the requirement of the temporary land take whilst also failing to consider alternative options. They have not demonstrated that there is a compelling case in the public interest which justifies the compulsory acquisition of the P Casey Developments Ltd land.

On this basis, it is our view that the Order in its current state should not be confirmed by the Secretary of State.

Yours faithfully,



Liam O'Connor BSc (Hons) MRICS
Associate Director
For and on behalf of
ROGER HANNAH

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Summary

Introduction	Whilst P Casey Developments Ltd do not oppose the purpose or principle of The Order. Our clients do wish to make representations relating to the design of the scheme and proposed land take.
Representations	<ol style="list-style-type: none"> 1. No Attempt to Acquire by Agreement No meaningful attempt has been made by Network Rail to acquire land or rights by agreement prior to seeking compulsory powers. This is contrary to established compulsory purchase principles, which require compulsory acquisition to be used only as a last resort following genuine engagement and negotiation. 2. Purpose of the Acquisition Network Rail has failed to justify, on a plot-by-plot basis, why land within the ownership of P. Casey (Developments) Limited is required for the scheme. The extent of land proposed to be acquired or used temporarily is not shown to be necessary or proportionate to the stated scheme objectives. 3. Consideration of Alternatives Network Rail has failed to demonstrate that reasonable alternatives have been properly considered, including the use of its own land, alternative access arrangements, reduced working areas, or alternative construction methodologies. No alternatives appraisal has been provided to justify the compulsory acquisition of the client's land. 4. Impact on Development Proposals for the Land The proposed temporary possession (anticipated between 2028 and 2034) and permanent acquisition would materially prejudice the future development potential of the land. In particular, the permanent acquisition of Plot 2-016 would remove the only viable gravity-fed drainage route serving the wider site, rendering the retained land potentially undevelopable in the absence of an agreement with Network Rail. 5. Physical Impacts and Reinstatement of Temporary Possession Areas The Application fails to address the physical impacts of temporary possession or provide enforceable commitments regarding reinstatement. There is significant risk of permanent harm arising from disruption to drainage on land south of Printworks Road and potential demolition or loss of buildings on land to the north, with no agreed reinstatement strategy in place. 6. Interface with Spring Bank Lane Ecology Enhancement Zone Temporary possession of Plot 4-004 would interfere with an approved Ecology Enhancement Zone secured under planning permission 21/00987/FUL. The proposals risk vegetation loss and disturbance contrary to planning commitments, and the proximity of a known badger sett has not been addressed. No ecological protection or reinstatement strategy has been provided. 7. Public Interest Network Rail has not demonstrated that the compulsory acquisition and temporary possession of the client's land is in the public interest. The impacts identified could be avoided through alternative design or negotiated solutions, and the proposed approach transfers unnecessary risk and constraint to the landowner without corresponding public benefit. 8. Human Rights The compulsory powers sought would result in a disproportionate interference with the client's property rights under Article 1 of the First Protocol to the European Convention on Human Rights. The scheme can be delivered without the compulsory acquisition of

	the client's land, and a fair balance has not been struck between private rights and the public interest.
Conclusion	For the reasons set out above, it is P Casey Developments Ltd.'s position that the Order, as currently drafted, should not be confirmed. At the very least, the compulsory acquisition and temporary possession powers affecting land owned by P. Casey (Developments) Limited should be removed or materially modified.