TRANSPORT AND WORKS ACT 1992

TRANSPORT AND WORKS (INQUIRIES PROCEDURE) RULES 2004

The PROPOSED NETWORK RAIL

(STALYBRIDGE TO DIGGLE (SADDLEWORTH) ENHANCEMENTS) ORDER

Proof of Evidence

-of-

Seán McGinley

Canal & River Trust

LIST OF APPENDICES

OBJ211/SM/3.1 – Part 1 Canal & River Trust Code of Practice

OBJ211/SM/3.2 – Part 2 Canal & River Trust Code of Practice

OBJ211/SM/3.3 – List of past and present Network Rail schemes

OBJ211/SM/3.4 - Photographs of Network Rail works across Canal & River Trust property

1. INTRODUCTION

1.1 My name is Seán McGinley. I am a Civil Engineer by qualification (BEng (hons) Civil & Structural Engineering) with 34 years' experience. My role with Canal & River Trust (the **Trust**) is Regional Director and, in this role, I am responsible for the operation of the Trust's network of waterways across Yorkshire and Northeast. I also have responsibility for the Trust's national Infrastructure Services Team who manage our interface with those seeking to work on or adjacent to our property, such as the works in question, through the application of the Code of Practice for Works Affecting the Canal & River Trust (**Code of Practice**).

1.2 The Infrastructure Services team, who report to me, have attended meetings and generally corresponded and engaged with Network Rail and its contractors on this Order scheme. I have not personally attended meetings with Network Rail or its contractors on this matter, but have spoken with members of my team who have, and I draw on information from those conversations.

1.3 My evidence is of particular reference to the Statement of Matters section 5 and I will provide evidence on the following topics:

- Network Rail works delivered under the Code of Practice
- Operational requirements of the canal infrastructure
- Heritage and environmental impacts
- The Code of Construction Practice submitted as part of the application for the proposed Network Rail (Stalybridge to Diggle (Saddleworth) Enhancements) Order

2. EVIDENCE SUMMARY

2.1 This evidence and its appendices describe how the Trust manages the work of other organisations on or near its property through compliance with its Code of Practice. The Code of Practice ensures that the work of others is carried out safely, with due regard to the complex infrastructure of our network, considering its unique heritage and environmental designations and by managing and minimising the impact on those who we have a statutory duty to provide it for.

2.2 Network Rail and its contractors have worked under our Code of Practice on numerous other occasions (see below), and the Trust is concerned that a failure to do so in respect of the works to be authorised by the draft Order could result in damage to our property, irreversible damage to our historic assets and material impacts on those who use our network of towpaths and navigations.

3. EVIDENCE

3.1 Code of Practice

3.1.1 The Code of Practice (most recent 2026 version included at Appendix (OBJ211/SM/3.1 and 3.2)) has been the Trust's interface with external bodies since the charity was formed in 2012. Before this British Waterways was using a similar

Code of Practice for over two decades. Application of and compliance with the Code of Practice ensures that the work of other organisations on or near Trust property is carried out safely, and with due regard to the complex infrastructure of our network, considering its unique heritage and environmental designations and by managing and minimising the impact on those who we have a duty to provide it for. It is updated on an annual basis with amendments that respond to current situations and comprises 3 parts:

Part 1 – General Information
Part 2 – Detailed information
Part 3 – Forms

3.2 Previous Network Rail works delivered under the Code of Practice

3.2.1 Over the years Network Rail has complied with the Code of Practice on a consistent basis when carrying out works which engage the Trust's assets either directly or through its approved contractors. A list of past and present Network Rail schemes is shown in Appendix (OBJ211/SM/3.3).

3.2.2 The majority of the schemes included on the schedule at Appendix OBJ211/SM/3.3 – being Network Rail works engaging Trust assets, have been bridge inspections, bridge replacements, bridge alterations and new bridge constructions. Some works directly affect the canal and associated infrastructure, this includes works within the water space, on the towpath, and over the canal, all of which would affect both the navigation and the towpath that is used by Trust customers. Other examples may include assets located away from the canal itself; but where the works still require access on, over, or under the canal in order to be implemented - for example directional drilling of cables underneath our property. The experience of the Trust in working on these schemes is that there has been a clear understanding with Network Rail and its contractors on how to implement the Code of Practice in relation to their schemes. The Code of Practice covers most of the works which Network Rail undertakes and the detail is specific to protect our unique 250-year-old infrastructure.

3.2.3 In addition to this, works are currently underway in relation to the Network Rail (Huddersfield to Westtown (Dewsbury)) Order 2022 No.1067. Where these works interface with the Trust's waterways, as far as I have been made aware, the contractors have not disputed or challenged any points or requirements made by the Trust's Engineer in relation to the Trust's Code of Practice, and compliance in this way with the Code of Practice has neither hindered nor frustrated Network Rail in the carrying out of authorised works. Similarly, the construction works for the other projects listed in Appendix OBJ211/SM/3.3 have been successfully delivered in compliance with our Code of Practice. Each site, of those listed in Appendix OBJ211/SM/3.3 has its own specific operational requirements, individual headroom requirements for boats, special environmental considerations which need to be adhered to, and a variety of different historic structures which need to be protected whilst works are undertaken by Network Rail.

3.2.4 The Trust's concern is that, if the Code of Practice is not adhered to, historic fabric could be damaged, there could be significant impacts on visitors and customers using both the towpath and the navigation, and the waterway itself could be placed at risk of substantial harm. One example is the proposal for a concrete relieving slab constructed over Standedge Tunnel, where the Trust would not accept the introduction of new or additional loading on the tunnel structure, given its sensitivity and heritage significance. (See evidence of Peter Simpson (OBJ211/PS/1) for specific detail on the relieving slab.) Further, application of the Code of Practice allows the Trust Engineers to liaise in good time with the third party, its internal and external stakeholders to ensure any works that could close the towpath or navigation are reconsidered or reduced to remove the impact or minimise the impact and giving time to carry out reasonable consultation.

3.2.5 On those occasions where the Trust requires permission to work near Network Rail property, an example being our works to Fishponds Weir on the Aire and Calder Navigation, where the Trust required access under and work to their Bullough Railway bridge WB30375, the Trust was willing to comply with Network Rail's requirements.

3.3 Operational requirements of the canal infrastructure

3.3.1 If the Order scheme proceeds on the basis of the Order as drafted, including the compulsory acquisition of Trust land and interests, there would be no requirement for Network Rail to follow the Code of Practice when undertaking its works. Consequently, there will be the potential for material adverse impacts on the waterways, such as the prevention of navigation if part of the canal has to be closed for the purpose of the work or as a consequence of the works. Boats using the navigation are able to moor in certain locations along its length, and mooring rings are provided in certain locations for this purpose and/ or to provide a holding point in advance of operating a lock – closure of the towpath in such locations would prevent mooring and the ability of a boater to operate the lock.

3.3.2 For example, at Uppermill viaduct, Network Rail have requested a closure of the towpath because of overhead working. These works would also affect the navigation and require its closure. Trust Engineers could work with Network Rail through application of the Code of Practice to find alternative ways of working such that the towpath could remain open.

3.3.3 The Trust is the guardian of a 2,000-mile canal network, much of which was constructed from the late 18th century onwards by numerous different companies. As a result, individual canals were built to different gauges and operate in slightly different ways, in a manner comparable to the early railway network. By way of example, the Huddersfield Broad Canal requires greater craft width, headroom, and water depth than the Ashton Canal, both of which connect to either side of the Huddersfield Narrow Canal. Under the Code of Practice, the Trust's engineer would advise any undertaker or contractor on standard navigation craft dimensions,

operational water levels, and the requirements necessary to safely maintain the canal network.

3.3.4 Further, any introduction of additional water to the system via surface water discharge has the potential to affect canal levels and navigation and must therefore be carefully managed by the Trust. See also Adam Comerford's evidence (OBJ211/AC/1) at section 3.3.

3.3.5 Further, the works will impact Brunclough Feeder which provides water to the canal and if these works are not delivered in a managed way, this could result in the introduction of silt into the canal, will reduce the water draught available for navigation and could therefore result in vessels grounding and could close the navigation.

3.3.6 If the network of navigations is closed at a particular point or points, the Trust will still need to maintain the network and maintain critical infrastructure, particularly managing water control along the navigation. Businesses related to our activities, such as hire boat companies or those providing facilities to users of the towpath will be affected and other third parties may be working on or near our network. Registering schemes and issuing permits helps the Trust to manage the activities of third parties in relation to our own work and their relationship with others. Through registration and subsequent management, the Trust is able to minimise closures of the navigations and towpaths through consultation with the third parties and issue advanced notices to businesses who can use this information to, for example, re-route boat hires to other navigations.

3.3.7 If the network of towpaths is closed at any one point, users of the towpath will be affected. In some cases there will be no diversion route. If there is a diversion route, this can mean a lengthy detour.

3.3.8 The Trust's Infrastructure Services Team play an important liaison role between third parties who wish to carry out works affecting Trust property, i.e. in accordance with the Code of Practice, and the Trust's other internal teams who will be specialists in their distinct areas and the needs of their customers e.g. angling or mooring. In this way, the Trust's Third-Party engineer acts as the main point of contact and can identify and help resolve issues that any proposed works may cause either to the party carrying out the works or the canal users.

3.3.9 Approved closures (stoppages) of our network of navigations and towpath are published to notify waterway and towpath users of a possible disruption to their use of the navigation and / or towpath. Save in exceptional circumstances, the Trust only approves such closures in winter when use of the network is at its lowest. The Trust seeks to carry out all works in an area in the same closure period to minimise disruption. By working with third parties through the Code of Practice, our engineers are able to coordinate closures for our own works and the works of others to minimise the impact on our customers and visitors.

3.4 Engagement on the Order scheme

3.4.1 The Trust's engineers and other internal stakeholders have attended meetings with Network Rail representatives regarding the Order scheme, particularly in relation to the level of site-specific detail required to ensure customer safety, maintain navigational operations, and protect the historic infrastructure. One example discussed (and referenced in the Trust's objection letter at Appendix A (OBJ211/TBS/3.1) was access at Standedge Tunnel for the Trust's support vehicle. The Trust requires unrestricted access to the canal towpath via Sam Road car park (where Network Rail proposes to have a construction compound) to enable the loading and unloading of safety equipment from the support vehicle required to navigate through Standedge Tunnel. This vehicle then follows boats as they pass through Standedge Tunnel via the adjacent disused (dead) bore tunnels and is essential to facilitating safe navigation through the canal tunnel. Without this access, boats would be unable to navigate the tunnel safely, and the Trust would be required to close the canal at this location. Closure of Standedge Tunnel would have a material impact on the wider network, as it would effectively sever the South Pennine Ring. This strategic cruising route incorporates the Calder & Hebble Navigation, the Huddersfield Broad and Narrow Canals, and the Ashton Canal, before returning via the Rochdale Canal.

3.4.2 A lack of certainty as to the requirements in terms of either acquisition or use of those plots in which the Trust has an interest of land needed for the Order scheme, prevents a clear understanding of how the works are to be delivered and therefore what the impact may be on our asset and infrastructure, customers and the environment. The potential impacts from this lack of certainty can be mitigated through the application of and adherence to the Code of Practice.

3.4.3 As noted, Network Rail has complied with the Code of Practice on a consistent basis, either directly or through its approved contractors, over many years. A number of these schemes are listed in Appendices OBJ211/SM/3.3 and two are described in more detail in the following paragraphs.

3.4.4 Fairburn Ings Railway Bridge – Photographs in Appendix (OBJ211/SM/3.4) show a previous Network Rail scheme delivered under the Code of Practice. The bridge over the Aire & Calder Navigation is subject to a high fluctuation in water levels so the design of the scaffold and pontoons had to account for this. The Trust's engineer was able to translate the 'red' river level (a red river level is the height of a river in flood at which it is no longer safe to navigate, shown as an indicator board alongside the navigation) from a nearby lock to give Network Rail a clear scaffolding height which would allow boats through whilst its scaffold was in place over the middle span. A sliding pontoon walkway method was adopted to ensure staff and equipment could be moved across the middle span safely when boats were not approaching. The works lasted 7 months and no disruption occurred to boaters.

3.4.5 Friars Gate Bridge – Photographs in Appendix (OBJ211/SM/3.4) show another Network Rail structure which was delivered in compliance with the Code of Practice.

The Trust's engineer calculated that the large freight boats would not be able to pass under the structure whilst the scaffolding was in place and therefore another option would have to be implemented. After the Trust provided bed levels of the river it was suggested the encapsulated scaffold would be split into two phases and dredging over the river on the shallower side would allow large boats to pass in both halves. Works were on site for six months and the 61-metre-long Exol Pride lubricants tanker shown in Appendix (OBJ211/SM/3.4) which passes underneath the bridge twice a week was able to pass safely giving a pre-warning to the staff working on the scaffold to leave the structure in case the boat struck the temporary works.

3.5 Heritage and Environmental Impacts

3.5.1 The Code of Practice has detailed sections concerning preservation of heritage assets and preventing harm to the environment on the Trust's waterways. Failure to comply with these measures could result in the Trust potentially finding itself liable, as landowner, if incidents were to occur on its property under legislative/regulatory regimes. Our 200-year-old infrastructure is unique in many ways, and the Code of Practice has been put together with this in mind.

3.5.2 As set out in Peter Simpson's evidence (OBJ211/PS/1) during discussions regarding the proposed concrete relieving slab to be installed directly over Standedge Tunnel—to facilitate access for the compound, large crane, and associated plant and materials—the Trust specifically requested that an independent CAT III check be undertaken. This was to provide assurance that the design calculations and imposed loadings would not cause damage to the tunnel infrastructure as it would require being reviewed by an independent third party. However, when the *Canal & River Trust – NR Standedge Canal Tunnel Confirmation of Works* order dated 22 July 2025 was issued by Network Rail, this requirement was amended to a CAT II check, (see OBJ211/TBS/3.5) meaning that the checks would be undertaken by parties associated with their own works rather than an independent assessor. This change is a significant concern. It introduces an increased risk that historic fabric could be removed, damaged, or reinstated incorrectly without appropriate independent oversight. Given the sensitivity and heritage significance of the structure, this further reinforces the critical importance of having the Trust's Code of Practice document formally agreed and in place. The Code of Practice is essential to ensure that all required procedures are followed correctly and that any risk of damage to the historic tunnel infrastructure is properly managed and avoided.

3.6 Network Rail Code of Construction Practice (CoCP)

3.6.1 The Network Rail CoCP (NR17) is split into two parts and acts as an environmental management framework for construction. Part A sets out principles for the Project Team and Part B will provide detail of the delivery of management controls on site including areas such as Pollution Prevention, Waste Management Plan, Materials Management Plan, Nuisance and Noise/Vibration Management Plans, Demolition

Methodology and Environmental Design Plan. Whilst these areas may be specific to working near the rail network, they do not cover in detail the specific areas which the Trust is concerned with having regard to its statutory duties and the detailed measures contained in the Code of Practice.

3.6.2 Whilst the CoCP covers a great number of topics in a certain amount of detail there is no specific section to cover operation of a navigation. The Trust's Code of Practice however has been written to ensure works can be undertaken whilst still ensuring navigation and use of the towpath and it is imperative that this document is in place for the Order scheme to ensure either no impact or at least a managed impact on our users and visitors. To ensure the waterways are available for all and safe to use, the Trust needs to work with organisations such as Network Rail within the framework and governance of our Code of Practice to ensure that their works are carried out with due regard to the Trust's statutory duties and in full compliance with the detailed measures contained in the Trust's Code of Practice.

4. CONCLUSIONS

4.1 In conclusion, the Trust is clear that the only way to ensure the protection of our unique infrastructure, the safety of those who use the Trust's property and to minimise the impact on those for whom the Trust has a statutory duty to provide the network, is full compliance with the Trust's Code of Practice, which Network Rail and its contractors have signed up to on many occasions before.

Declaration: The evidence that I have prepared and provide for this inquiry in this proof of evidence is true and I confirm that the opinions expressed are my true and professional opinions.

Signed:

Seán McGinley Dated: 12 May 2026

SUMMARY PROOF OF EVIDENCE

Of SEÁN MCGINLEY

Canal & River Trust

1. My evidence and its appendices describe how the Trust manages the work of other organisations on or near its property through compliance with its Code of Practice.

2. The Code of Practice has been in place for many years and is updated annually, continuing to evolve to adapt to current circumstances. It ensures that the work of others is carried out safely, with due regard to the complex infrastructure of our network, considering its unique heritage and environmental designations and by managing and minimising the impact on those who we have a statutory duty to provide it for.

3. Network Rail and its contractors have worked under the Trust's Code of Practice on numerous previous occasions. The Trust is concerned that a failure to do so in relation to the works to be authorised by the draft Order, could result in damage to our property, irreversible damage to our historic assets and material impacts on those who use our network of towpaths and navigations.

4. On those occasions where the Trust requires permission to work near Network Rail property, the Trust was willing to comply with Network Rail's requirements.

5. If the Order scheme proceeds on the basis of the Order as drafted, including the compulsory acquisition and use of Trust land and interests, there would be no requirement for Network Rail to follow the Code of Practice when undertaking the proposed works. Consequently, there will be the potential for material adverse impacts on the waterways, including the prevention of navigation and locks left inoperable.

6. The Trust is the guardian of a 2,000-mile canal network, much of which was constructed from the late 18th century onwards by numerous different companies. As a result, individual canals were built to different gauges and operate in slightly different ways, in a manner comparable to the early railway network. By way of example, the Huddersfield Broad Canal requires greater craft width, headroom, and water depth than the Ashton Canal, both of which connect to either side of the Huddersfield Narrow Canal. Under the Code of Practice, the Trust's engineer would advise any undertaker or contractor on standard navigation craft dimensions, operational water levels, and the requirements necessary to safely maintain the canal network.

7. If the network of navigations is closed at a particular point or points, the Trust will still need to maintain the network and maintain critical infrastructure, particularly managing water control along the navigation. Businesses related to our activities, such as hire boat companies or those providing facilities to users of the towpath will be affected and other third parties may be working on or near our network. Registering schemes and issuing permits helps the Trust to manage the activities of third parties in relation to our own work and their relationship with others.

8. The Trust's Infrastructure Services Team play an important liaison role between third parties who wish to carry out works affecting Trust property, i.e. in accordance with the Code of Practice, the Trust's other internal teams who are specialists in their distinct areas and the needs of their customers e.g. in terms of angling or mooring. In this way, the Trust's Third-Party engineer acts as the main point of contact and can identify and help resolve issues that any proposed works may cause either to the party carrying out the works or the canal users.

9. A lack of certainty as to the requirements in terms of either acquisition or use of those plots in which the Trust has an interest of land needed for the Order scheme prevents a clear understanding of how the works are to be delivered and therefore what the impact may be on our asset and infrastructure, customers and the environment and how it may be most effectively managed.

10. Whilst the Code of Construction Practice relating to the Order scheme covers a great number of topics in a certain amount of detail there is no specific section to cover operation of a navigation. The Trust's Code of Practice however has been written to ensure works can be undertaken whilst still ensuring navigation and use of the towpath and it is imperative that this document is in place for the Order scheme to ensure either no impact or at least a managed impact on our users and visitors.

11. To ensure the waterways are available for all and safe to use, we need to work with organisations such as Network Rail within the framework and governance of our Code of Practice to ensure that their works are carried out with due regard to the Trust's statutory duties and in full compliance with the detailed measures contained in the Trust's Code of Practice.

12. In conclusion, the Trust is clear that the only way to ensure the protection of our unique infrastructure, the safety of those who use our property and to minimise the impact on those for whom we have a statutory duty to provide our network, is full compliance with our Code of Practice, which Network Rail and its contractors have signed up to on many occasions before.