THE NETWORK RAIL STALYBRIDGE AND DIGGLE (SADDLEWORTH)

TRANSPORT WORKS ORDER ACT (REF DPI/G4240/25/18)

Property Issues relating to Temporary and Permanent Occupation of Various Plots of Council Owned Land

Proof of Evidence

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1.0 Qualifications and Experience

1.1 I am Ashley Mark Draper, Senior Estates Manager at Oldham Borough Council. I have a Honours Degree in Construction from Sheffield Polytechnic and Qualified as a General Practice Surveyor via a correspondence course from the College of Estate Management. I have 35 years relevant experience in Property Acquisitions, Property Development and Estate Management.

1.2 I have worked at Oldham Borough Council for 5 years. Prior to that I worked at various companies including Bass Plc, Greenall's Plc and the Co Operative Group.

2.0 Summary.

2.1 The Council does not object to the Trans Pennine Route Upgrade.

2.2 The Council requires further information and assurances from Network Rail before removing its objections to the temporary or permanent use of several plots of Council Land.

2.3 The Council's Property related concerns relate to –

- 2.3.1 Impact on high profile areas of landscaped land.
- 2.3.2 Reinstatement of land and replacement of trees.
- 2.3.3 Retaining rights of access for the Council, Council tenants or the public while Network Rail is in temporary occupation or where Network Rail takes permanent possession.
- 2.3.4 Protecting the Council's and tenants' rights under occupational leases and Network Rail indemnifying the Council for any breaches to such rights due to Network Rail's occupation.
- 2.3.5 Temporary loss of Public Car Parks.
- 2.3.6 Impact on Land identified for residential development

3.0 Use of High-Profile Landscaped Land

3.1 The Council's objection relates to land identified as 12-003, 12-007, 16-049 (plans and photos at Appendix 1)

3.2 The Council requires further information from Network Rail before agreeing to its use of the land. Information required includes –

- 3.2.1 The exact use of the land.
- 3.2.2 Anticipated timescales for Network Rail's occupation.
- 3.2.3 What alternative options have been considered that would reduce impact / disruption to local residents and adjacent highways.
- 3.2.4 How impact / disruption to local residents / adjacent highways can be mitigated.

3.3 Network Rail has stated that no trees at 12-003 / 12-007 would be affected (Appendix 2). These plots have nearly 100% tree cover, as shown by street view photos in Appendix 1, so it appears unlikely the land can be used without affecting the trees. Network Rail need to review this to assess whether this changes proposals around the use of the land.

4.0 Reinstatement of Land / Replacement of Trees.

4.1 The Council's objection relates to land identified as 12-003,12-007,16-049 (plans at Appendix 1) and 18-022 (plan at Appendix 3)

4.2 These plots of land include mature trees which cannot be adequately reinstated as it will take a significant number of years for replacement trees to reach maturity.

4.3 The Council requires further details / information from Network Rail around what has been considered / can be done to mitigate loss / damage to mature trees.

4.4 Where any trees are removed or damaged the Council requires Network Rail to agree to the following –

4.4.1 Trees will be replaced in line with the Council's proposed new tree replacement policy. The number of new trees to be planted to be based on the size of the existing tree. (Details at Appendix 3)

4.4.2 Where the required number of trees cannot be planted on the subject site Network Rail will pay the Council to plant the additional trees on other Council land.

4.5 The Statement of Case referred to 'Memorial Trees' having been planted on plot 18-022. Although an agreement for this is in place, it has come to light since the Statement of Case was submitted that the planting has not commenced. For the avoidance of doubt, it is confirmed that 'Memorial Trees' are no longer a matter of concern.

5.0 Rights of Access to be retained by the Council / Tenants / Public.

5.1 Network Rail are proposing to permanently acquire plots 18-005, 18-012, 18-013 and 18-017. (Network Rail statement at Appendix 5, plans at Appendix 6) Network Rail have verbally stated the permanent acquisition will not be for the entire area of all these plots. The Council require further information to assess what land is being permanently acquired, what is being constructed on the acquired land, and how that affects access for the Council / tenants / public to adjacent Council land.

5.2 Plot 18-005, 18-012, 18-013 are sections of the Ward Lane Bridge. The Council's land runs underneath the bridge. The Council needs to retain a right of pedestrian and vehicular access under this bridge as this is the only access the Council has to the land to the left (south) of the bridge. Whether or not the land is acquired permanently or there is just temporary possession by Network Rail, the Council require that the existing access under the bridge is not materially altered and that the Council retains rights of access under the bridge.

5.3 Plot 18-017 is the access from the public highway to the Council's land identified on the 2nd plan at Appendix 7 as 18-019 and 18-022. It is also the accessway to the car park at Grandpa Green's Cafe. This is the only vehicle access to this land and the only pedestrian access from a public highway. The Council's land at 18-019 is used for car parking by visitors accessing the adjacent public open space (plot 18-022) and the canal towpath. A permanent right of vehicle and pedestrian access across 18-017 is required to allow the Council and members of the public to access the Council's land.

5.4 Network Rail are proposing to take temporary possession of plots 17-002, 17-003, 18-007, 18-019, 18-020 18-021A, 18-021B,18,022, 19-002,19-006 (Plans at Appendix 7). It is understood that parts of 18-005, 18-012, 18-013, 18-017 (Plans at Appendix 6) will also only require temporary not permanent rights of access

5.4.1 Rights of access are required for the Council in case it is required as the landowner or as the Local Authority to deal with any issues relating to the land.

5.4.2 The Council has particular concern about retaining access to plot 19-006 (3rd Plan at Appendix 7) as this is the rendezvous point / emergency access to Standedge Rail and Canal Tunnels and the Council is involved in co ordination of any emergency response.

5.4.3 If Network Rail undertook to agree to covenants like those usually imposed on a Tenant under a ground lease, including maintenance of boundary features, dealing with invasive plants etc the Council would reconsider its position over access rights to all above plots except plot 19-006.

6.0 Protection of Council Tenants' Rights

6.1 Network Rail are proposing to take temporary possession of Plots 19-002 and 19-006 and the unreferenced plot around 19-002 (plan at Appendix 8). 19-002 is the location of an EE Telecoms mast occupied under a lease from the Council. The lease grants EE rights of occupation of plot 19-002 and rights of access/ rights to instal cables across 19-006 and the unreferenced plot around 19-002. The Council requires assurances that Network Rail will not interfere with the Tenant's rights and that Network rail will indemnify the Council for any costs/claims or damages resulting from Network Rail's occupation of the land.

7.0 Loss of Public Car Parks.

7.1 Network Rail are taking temporary occupation of Public Car Parks at Well-i-Hole Road (Plot 12-005) and Sam Road (Plot 19-003A). Plans at Appendix 9.

7.2 The Council require further information about the proposed use for these car parks, and the time frame of occupation to assess the impact on adjacent residents / users of the car park, and to assess possible highway concerns.

7.3 The Sam Road car park is of particular concern due the proximity of Diggle School and the additional traffic generated by construction vehicles accessing Network Rail's main compound for the upgrade works (Plots 19-006, 19-002 and the unreferenced land surrounding Plot 19-002 plan at Appendix 9)

8.0 Impact on Development Land

8.1 The Council owns land between the railway line and canal (Plan attached at Appendix 10, p20). Outline Planning permission was granted for residential development in 2013 (Appendix 10). Although the outline planning consent has now expired the land is identified as suitable for residential development in the Council's Housing Land Supply, SHLAA, ref No HLA3147 (Borough Map of Housing Land Supply at Appendix 11) The land therefore does have development value above its existing use value, whether or not a planning permission is in place.

8.2 Network Rail have stated the bridge construction will not affect sight lines, (Appendix 12) implying that development value is not affected.

8.3 The plans for the bridge show that the height of the highway will increase by a maximum of 0.745m (Appendix 13) The Council believes this will impact sight lines as the increased height is likely to create a blind spot on the opposite side of the bridge

8.4 Network Rail is requested to review the bridge design to ensure sight lines are not affected.

8.5 If the bridge design cannot be amended to ensure sight lines are retained Network Rail should agree to pay compensation to the Council for the loss of development value.