

The Network Rail (Stalybridge to Diggle (Saddleworth) Enhancements) Order

CLOSING SUBMISSIONS ON BEHALF OF NETWORK RAIL

Introduction and Network Rail's case in summary

1. The evidence before the Inquiry demonstrates a clear and compelling case for the Order Scheme. The Transpennine Route is in urgent need of improvement, and the Order Scheme is an integral and necessary component of delivering that improvement. The proposals before this Inquiry to realise that improvement are justified, proportionate and appropriately mitigated.
2. No objector has challenged the fundamental need for the Scheme, or its transformational benefits. As we set out in Opening,¹ the objections that remain relate principally to specific elements of the Scheme's design and implementation. Network Rail submits that those matters have been properly addressed through the evidence and mitigation measures comprised in the application.
3. The structure of these submissions adopts the Statement of Matters. In summary, and for the reasons we will address in detail, Network Rail's case is as follows:
 - a) The Transpennine Route has reached the practical limit of its capacity and is in urgent need of improvement for both passenger and freight services. The compelling need for the wider Transpennine Route Upgrade ("TRU") programme has already been recognised by the Secretary of State in previous decisions.

¹ INQ-01.

- b) The Order Scheme is an integral component of the TRU. It will deliver electrification of the Scheme Route, enabling increased capacity, improved journey times, greater reliability and resilience, and a significant contribution to decarbonisation objectives.
- c) The public benefits of the scheme are real and profound, and they demonstrably outweigh adverse short-term impacts that arise from the construction of the Scheme. Permanent impacts are limited, and similarly demonstrably outweighed by the benefits.
- d) There is a clear safety case for the closure of Moorgate Halt and Stockport Road level crossings. In respect to Moorgate Halt, the proposed diversionary route via FP244 SADD (which includes a scheme of enhancement and mitigation) will be suitable, safe and convenient, and the construction of a footbridge at a cost of up to £4.5 million is neither necessary nor proportionate when that suitable alternative is considered. In respect to Stockport Road, the proposed replacement route via an adjacent field is equally safe and convenient, and there is no outstanding objection to this part of the Order.
- e) The relocation of Mossley Station and the reconstruction of Oldham Road Overbridge are essential to enable electrification. The station works at Mossley and those enabled at Greenfield will deliver significant improvements to accessibility, safety and passenger facilities.
- f) The temporary impacts of the construction phase will be appropriately managed and mitigated through the Construction Traffic Management Plan and Code of Construction Practice, secured by planning condition. Neither local highway authority objects to this approach in principle or suggests that it is insufficient.
- g) The environmental effects of the Order Scheme have been comprehensively assessed. No significant residual adverse effects are anticipated post-mitigation. Furthermore, the Scheme will deliver a 10% biodiversity net gain.
- h) There is a compelling case in the public interest for the compulsory acquisition powers sought by the Order.² There are remarkably few outstanding, unresolvable objections to the CPO provisions. That alone is evidence of the attempts Network

² NR02, as amended by NR144 and NR144.1.

Rail has made to resolve matters by agreement, of the careful efforts to minimise the impacts on landowners, and of the proportionality of the powers proposed. All affected landowners will be entitled to claim compensation in accordance with the compensation code. There are no impediments to the delivery of the Scheme. Any interference with human rights is justified and proportionate.

- i) Network Rail has complied with all relevant statutory procedural requirements. Sufficient information has been made available to affected parties and stakeholders. No reconsultation was required in respect of the post-application amendments.
4. For these reasons, Network Rail invites the Inspector to recommend, and the Secretary of State to confirm, that the Order should be made.

1. MATTER 1: the aims and objectives of, and the need for the Scheme, including its effects on railway operations and whether all statutory procedural requirements have been complied with and whether sufficient information was available to parties about the scheme.

Introduction – the Scheme

5. The Stalybridge to Diggle (Saddleworth) Enhancements works (“the Scheme”) comprises a series of works with the essential aims of upgrading and electrifying the Scheme Route to make it fit for reliable and fast passenger journeys, and for freight movements. The Scheme is a component of the wider TRU, a multi-billion pound upgrade scheme of the line between Manchester, Huddersfield, Leeds and York.
6. The Scheme Route comprises 11km of track within the Transpennine Route, and two stations (Mossley and Greenfield). There are a number of constraints on the Scheme Route, including bridges, stations and other structures which prevent the safe installation and operation of overhead line equipment.
7. Network Rail has the power to carry out many of the works comprised in the Scheme under permitted development rights. But not all works comprised in the Scheme can be carried out under PD rights, nor do PD rights provide for necessary powers of compulsory acquisition, traffic management etc.

8. The Order before the Inquiry would give Network Rail the necessary additional powers to construct, operate and maintain the works in the Order Scheme. In particular, the Order would authorise the ten principal works described in schedule 2 (see article 8(1)). It would also authorise Network Rail to carry out various works which are ancillary to those principal works: see article 8(6). Together, these provisions would, among other things, authorise on the Scheme Route:
- a) The provision of new track, drainage and signalling infrastructure on the Scheme Route. This will lead to a more reliable and resilient railway; allow for increased capacity in the number of trains; and higher line speeds that will improve journey times.
 - b) Construction of a relocated station at Mossley. This will provide a fully accessible station, including modern passenger facilities, step-free access, longer and wider platforms, additional parking and improved drop-off arrangements. The station needs to be relocated since the current station sits in a rock cutting, and it is not feasible to carry out the necessary upgrade works within those physical constraints.
 - c) Installation of Overhead Line Equipment to fully electrify the Scheme Route. Electrification enables a switch from diesel power, and will support decarbonisation. Electrification also assists with journey time improvements and performance by allowing trains to accelerate faster, and brake more efficiently.
 - d) Reconstruction and modification of existing bridges to facilitate electrification. This will not only facilitate electrification of the Scheme Route and the associated benefits that brings, but also enables larger freight containerisation on the railway.
9. The Order would also authorise the permanent closure of Stockport Road level crossing (and creation of a new public right of way in substitution) and the closure of the Moorgate Halt level crossing (and works to enhance the existing FP244 SADD in consequence of its closure). This will result in a material improvement in the safety of the Scheme Route, and remove these existing constraints.
10. Further, the Order would provide Network Rail with the necessary powers to deliver the Order Scheme, including temporary and permanent acquisition of land (and/or rights

over land and imposition of restrictive covenants), the alteration of street layouts, traffic regulation powers, and the stopping up of highways.³ The Order also makes provision for the authorisation of temporary works (such as construction compounds) which are required to build out the works authorised in the Order.

11. We describe the scheme of works set out in the Order as “the Order Scheme” to distinguish it from the wider set of works comprised in the Scheme. A fuller description of the works in the Order and the Scheme is set out in Network Rail’s Statement of Case (NR30), and the Summary Scheme Description of the Application (NR118).
12. Pursuant to s. 90(2A) of the Town and Country Planning Act 1990, Network Rail seeks a direction that planning permission be deemed to be granted for the ten principal works in schedule 2, subject to proposed conditions prepared by Network Rail in consultation with Tameside Metropolitan Borough Council (“TMBC”) and Oldham Metropolitan Borough Council (“OMBC”).⁴ As set out later in these submissions, and as discussed at the Inquiry, these conditions will ensure that the development is carried out in an appropriate manner, and secure mitigation against any adverse effects.

Existing context

13. As we set out in opening, the Scheme is concerned with part of the Transpennine Route, which runs between York and Manchester, via Leeds and Huddersfield. The Transpennine Route comprises 76 miles of track, serves 23 stations, crosses over and dips under 285 bridges and viaducts, passes through six miles of tunnels, and crosses over 29 level crossings. It is the most direct existing rail link between Manchester and Leeds. It also forms a spine which links a wider set of economic centres such as Newcastle and Hull in the East, and Liverpool in the West. It serves both passengers and freight.
14. The Scheme Route comprises 11km of track and was built between 1846 and 1849 for the Huddersfield & Manchester Railway, following the route of the Huddersfield Narrow

³ See Network Rail SoC (NR30), para. 3.1.1 for a fuller description.

⁴ The request for deemed planning permission is NR11 and the conditions as originally proposed are in Appendix 1, with the amendments for the proposed conditions detailed in INQ-38.1, planning Direction Drawings NR12 have also been submitted in support of this request.

Canal through the challenging Pennine landscape. Its development required major engineering interventions in the landscape, including the construction of the Standedge Tunnel and Uppermill Viaduct, both of which are located within the Scheme and are still in daily use almost 200 years later.

15. The challenging Pennine landscape has meant that relatively few alterations to the Scheme Route have been carried out since it was built. Whilst other parts of the Transpennine Route were subject to significant alterations, in general terms the Scheme Route remains largely as it was built in the 19th century - a non-electrified, mostly two track railway.
16. The Transpennine Route has now reached the practical limit of its capacity.⁵ There is no room for additional passenger services. Because of the lack of capacity, performance on the Route is poor. The absence of passing sections and separate fast and slow lines prevents the regulation of a large mix of services (i.e. freight, local passenger trains, and express trains). The lack of capacity also prevents effective mitigation of delays. This means that when things go wrong, there are consequential effects across the railway network in the North.
17. This is apparent in the data. Prior to the pandemic, only 38% of trains were On Time (making station calls within a minute of the scheduled time). This compared with other major rail lines, such as East Coast Mainline and West Coast Mainline that had On Time performance scores of 57% & 65% pre-Covid (2018-2019).⁶ There have also been significant overcrowding problems. New rolling stock is mitigating peak-time overcrowding, but it is no substitute for capacity change. Without electrification, no change in rolling stock can overcome the slow line speed (less than 60mph on average for the fastest trains along the Transpennine route).⁷
18. Network Rail is addressing these issues. The TRU comprises a series of railway upgrade projects between Manchester, Huddersfield, Leeds and York, the purpose of which is to improve journey times and capacity between key destinations on the Route and to improve the overall reliability and resilience of the Route. By methodically addressing

⁵ Mark Ashton, Proof of Evidence (NR/PoE/MA/1.2), para. 3.5.1.

⁶ Mark Ashton, Proof of Evidence (NR/PoE/MA/1.2), para. 3.5.3.

⁷ Mark Ashton, Proof of Evidence (NR/PoE/MA/1.2), para. 3.5.5.

constraints over a sustained period of investment, the TRU will deliver transformational change.

Aims and objectives of the Scheme

19. Against that context, Mr Ashton explained to the Inquiry that the purpose of the Scheme, as a component part of the TRU, is to increase capacity, improve journey time and reliability performance of railway services on the Transpennine route both between Stalybridge and Diggle (Saddleworth) and between Manchester, Leeds and York. In addition, by closing two existing level crossings, the Order Scheme will also improve safety on the Transpennine route both between Stalybridge and Diggle (Saddleworth) and between Manchester, Leeds and York.
20. The Order Scheme, together with the wider Scheme works, is necessary to enable the delivery of the TRU programme aims, namely:
 - a) More trains to choose from and more seats.
 - b) Faster journeys.
 - c) More reliable journeys (better performance).
 - d) Better stations and improved passenger experience.
 - e) Greener travel (decarbonisation and air quality).
 - f) Increased freight capacity and capability (supporting a modal shift).
21. That will principally be achieved by the electrification of the Scheme Route and improvements to the signalling system, alongside changes to the alignment of the track to provide the clearance necessary for electrification and containerised freight movements. In short, the Order Scheme would allow more trains to travel on the line - because they can travel closer together, at higher speeds, and through a wider gauge. This will, among other things, increase overall capacity and resilience.
22. The Order Scheme is necessary in its own right, in order to enable much needed and essential improvements to passenger train and freight services serving the Scheme Route

itself, as well as local station improvements. However, as a part of the TRU, the delivery of the Order Scheme is integral to the delivery of the benefits of the TRU.

Need for the Scheme

23. Mr Ashton's evidence sets out the compelling need to realise those aims and objectives.
24. **First**, there is a demonstrable economic need to realise the aims of the Scheme. Overall productivity in the North trails behind the UK average. For the last 30 years, the North's economic value per person has been consistently below the average for the rest of the UK. Notably, low levels of transport investment have been a contributing factor to the lower levels of growth in the North.⁸ Historic underinvestment on the Transpennine route has resulted in reduced infrastructure capability with slow journey times and weaker punctuality. This has been recognised in recent Secretary of State decision letters for related TWA Orders relating to the TRU (including W3, E1 and E234).
25. Up to the outbreak of the COVID pandemic, demand for the Transpennine Route had doubled to 50 million journeys per year since the mid-1990s, but the historic reduction in the carrying capacity of the infrastructure meant the route had reached the practical limit of its capacity. Pre-COVID, the route performed poorly and would form a constraint, rather than an enabler, to building back the Northern economy.⁹
26. Further, punctuality on the Transpennine route was very poor, with only 38% of trains On Time (making station calls within a minute of the scheduled time). This compared with a national average for the same period of 65%. Poor performance has primarily been due to an absence of infrastructure capacity to regulate the large mix of service types on the wider route and mitigate delays. These often occur further afield and can quickly spread from the TRU route across the North.
27. In respect to journey times, across the country journey times have progressively been improving on major rail lines for decades, but the Scheme Route retains average "fast" train speeds below 60mph. The journey from York to Manchester takes, at best, 74

⁸ Mark Ashton, Proof of Evidence (NR/PoE/MA/1.2), para. 3.5.1.

⁹ Mark Ashton, Proof of Evidence (NR/PoE/MA/1.2).

minutes for 70 miles, whereas a journey over a similar distance from York to Durham (75 miles) can take 30 minutes or less.

28. Furthermore, the Transpennine Route has the potential to be a critical east-west artery for the movement of freight, and take HGVs off congested roads - but the Victorian infrastructure cannot accommodate modern freight movements with shipping containers.
29. This, as Mr Ashton explains, holds back economic growth in the region. The existing capacity and performance limitations restrict the ability to accommodate further passenger growth and to support efficient freight movements. This inhibits connectivity and the wider economic benefits associated with labour market access and agglomeration. Network Rail therefore submits that there is a compelling economic need to realise the aims and ambitions of the Scheme.
30. **Second**, there is a clear operational need for the Scheme. More people travel on the railway today than ever before. The Transpennine route is one of very few routes to have recovered in terms of passenger numbers to pre-COVID levels. Indeed, it is currently one of the busiest lengths of rail at peak times on the national rail network and is identified for significant passenger growth in the future. With a significant move to leisure travel, increased passenger demand is also being seen across the day and throughout weekends.¹⁰ But journeys are slow and unreliable given the dated infrastructure and lack of capacity.¹¹
31. That is in a context where it is highly likely passenger demand on the Transpennine route will *surpass* pre-COVID forecast levels before the TRU Programme, including W2B/C, is completed and operational in 2033.¹² Delivery of infrastructure improvements is therefore required to address the current capacity, capability and performance constraints.
32. Mr Ashton's evidence was that the need for the Scheme remained compelling in the post-COVID context. Although early forecasting highlighted uncertainty about longer-term demand, the Department for Transport's scenario analysis indicated that demand would recover materially even in a low-demand case.¹³ Early delivery of infrastructure

¹⁰ Mark Ashton, Proof of Evidence (NR/PoE/MA/1.2), para. 5.2.2.

¹¹ Mark Ashton, Proof of Evidence (NR/PoE/MA/1.2), para. 5.2.3.

¹² Mark Ashton, Proof of Evidence (NR/PoE/MA/1.2), para. 3.6.4.

¹³ Mark Ashton, Proof of Evidence (NR/PoE/MA/1.2), para. 3.6.5.

improvements of the kind set out in the Scheme is therefore required to address the existing capacity and performance constraints on the corridor, and to support the continued post-COVID economic recovery and the levelling-up objectives which the Scheme is intended to facilitate.

33. **Third**, there is a clear environmental need for the Scheme. Government policy commits to achieving net zero greenhouse gas emissions by 2050. The decarbonisation of transport is identified as a necessary component of that objective.¹⁴ The Transpennine route is presently operated using diesel traction, and TRU has been developed to deliver route electrification alongside service improvements that support modal shift to rail.
34. The Scheme will deliver electrification between Stalybridge and Diggle, the penultimate section to provide continuous electrification on the TRU route, thereby reducing diesel operation on the corridor and contributing to national and local climate objectives, as well as improving local air quality through reduced emissions of nitrogen oxides and particulates. Alongside modal shift, encouraged by more reliable and frequent passenger trains, the TRU aims to make a strong contribution to the Net Zero Target, as the largest rail enhancement in the current portfolio.¹⁵
35. Further, as we set out in Opening, the compelling need for the TRU programme has already been recognised by the Secretary of State. In approving the Huddersfield to Westtown (Dewsbury) Improvements Order in 2022, the Secretary of State agreed with the Inspector's view that the Transpennine Route "does not currently meet the needs of passengers" and is "in urgent need of improvement" for both passenger and freight services.
36. **Finally**, there is a clear safety need to realise the aims of the Order Scheme. Safety is paramount in all that Network Rail does. There are two level crossings on the Order Route. All level crossings carry risk and they are the largest single contributors to train accidents and risks on the railway network. There is a clear safety need for the Scheme in relation to the closure of Stockport Road and Moorgate Halt level crossings. In the absence of intervention, the planned intensification of rail operations associated with the wider TRU programme (including higher line speeds, more frequent services and the

¹⁴ Mark Ashton, Proof of Evidence (NR/PoE/MA/1.2), para. 3.7.1.

¹⁵ Mark Ashton, Proof of Evidence (NR/PoE/MA/1.2), para. 3.7.2.

introduction of overhead line equipment) would increase the potential consequences and exposure at these interfaces. The Scheme addresses that risk directly by closing the level crossings and providing alternative routes for users, thereby removing the train-public conflict at source and delivering a permanent reduction in risk, alongside associated operational benefits through reduced scope for incidents that can disrupt service.¹⁶

37. At the close of the Inquiry, these propositions remain wholly unchallenged. No one has disputed the pressing need to upgrade the Order Route or the wider Transpennine Route. On the contrary, as we set out in Opening, the principle of improvement enjoys widespread support.
38. TMBC (REP-05) “strongly supports the objectives of the Order”, and recognises it as a significant opportunity to deliver high-frequency, fully electrified, faster rail services across the Pennines, which will drive decarbonisation, economic growth, and regeneration.
39. OMBC (OBJ-185) welcomes the strategic importance of TRU “and recognises its critical role in improving rail capacity, resilience, reliability and journey times across the North of England.”
40. Saddleworth Parish Council (REP-04) “supports in principle the improvements to the Transpennine Route” and notes that the TRU is “in line with Saddleworth Parish Council's vision for the area, as stated in its forthcoming Neighbourhood Plan”. Mossley Town Council (OBJ-213) is “fully supportive of the TransPennine Upgrade Project” - a stance echoed by Cllr Dave Jones who in oral evidence described the Scheme as “fundamentally a brilliant thing for the town”.¹⁷
41. Further, 27 letters of support reinforce this consensus, endorsing TRU as a transformative investment essential to economic growth, decarbonisation, freight capability and regional connectivity. As we said in Opening, the objections that remain are directed not at the principle of improvement - which is accepted on all sides - but at specific elements of its implementation.

¹⁶ Mark Ashton, Proof of Evidence (NR/PoE/MA/1.2), para. 3.8.5.

¹⁷ XX, RTKC.

Effects on railway operations

42. As a component of the TRU, the Scheme will have significant long-term beneficial effects on railway operations. These are described in Mr Ashton's evidence (section 6). In short, the Order Scheme will enable trains to run faster and help reduce journey times between key destinations, increase capacity for both passenger and freight services (including containerisation), improve performance and reliability, and improve safety by the removal of two passive level crossings. This will directly improve passenger experience, contribute to decarbonisation, reduce operating and maintenance costs, and lead to economic benefits.
43. It is not an exaggeration to describe the beneficial effects of the Scheme, together with the wider TRU, as transformational on railway operations.

Compliance with statutory requirements and whether sufficient information was available to parties about the Scheme

44. In seeking the Order, Network Rail has complied with all relevant statutory procedural requirements and detail is provided in the Compliance Pack (INQ-04), which explains and confirms compliance with statutory formalities in relation to the application for the Order, listed building consents, and open space certificates.¹⁸ There has been no suggestion to the Inquiry that the statutory requirements have not been complied with.
45. In respect to consultation, Network Rail submits that sufficient information has been available to all parties about the Scheme at all relevant times. The extent and phases of consultation is described in detail in the Consultation Report (NR07). We do not repeat that here, but emphasise that, in terms of the information available to the public, the application was accompanied by the full suite of documents required by the 2006 Rules, all of which were deposited and made available for public inspection in accordance with those Rules.
46. The application (NR04) documents extended to a Draft Order (NR02), Explanatory Memorandum (NR03), Statement of Aims (NR04), Funding Statement (NR05), Estimate of Costs (NR06), Consultation Report (NR07), Book of Reference (NR08), Deposited Plans and Sections (NR09), a Screening Decision (NR13), four-volume Environmental

¹⁸ INQ-04.

Report (NR14), Planning Statement (NR15), Design and Access Statement (NR16), Code of Construction Practice Part A (NR17) and Heritage Statements for each of the ten listed building consent applications (NR18 to NR27). All of these documents were made available on the Network Rail website (www.networkrail.co.uk/stalybridgetodiggle).

47. As Mr Ashton explains, the effect is that sufficient information was provided to affected parties and stakeholders to enable them to understand the nature of the proposals, the land and rights affected, and the likely effects of the Scheme. On this basis, interested parties have been afforded a proper opportunity to engage with the Scheme.¹⁹
48. Network Rail is grateful to all those who have participated. The comments and feedback received have informed the iterative design process, and it is right to record that public involvement has changed the design of the Order Scheme.
49. In addition to the public, Network Rail has consulted widely with statutory consultees. In particular, Network Rail has worked closely with the two local authorities in whose area the Order Scheme runs (OMBC and TMBC). Details of the consultation exercise are fully set out in a Consultation Report (NR07).

Amendments

50. Further refinement to the scheme has taken place since the application for the Order was submitted and discussed at the Inquiry.
51. In May 2026 Network Rail submitted revised drawings for the proposed upgrade to FP244 SADD. The amended drawings (NR150) incorporate recommendations from a diversity impact assessment in relation to the alternative route proposed for the closure of Moorgate Halt level crossing. The drawings principally refine the design of the proposed steps and width of the enhanced footpath. The scale and extent of the changes overall are non-material, and the objectors to the proposed alternative route received the revisions in good time before the start of the Inquiry to properly make their case. These drawings do not form part of the planning direction drawings, and therefore this is not an amendment to the application. The extent of stopping up of FP209 SADD has also been reduced through a change to the Order Plans (see NR149).

¹⁹ Mark Ashton, Proof of Evidence (NR/PoE/MA/1.2), para. 11.5.

52. Further, Network Rail refined its plans for the use of Brookfields as a temporary construction compound (see NR148). Network Rail has reduced the amount of land it proposes to temporarily acquire for the purposes of construction of the new Mossley Station, to make clear its intentions for Brookfields in the face of public concerns. It has clarified that materials and excavated spoil will primarily be transported to and from Brookfields via rail, or otherwise via Manchester Road. Construction plant or HGVs will not use Mill Lane or Archer Street. Details were provided to local residents by a letter, and comments were expressly invited during the course of the Inquiry and have been provided in INQ-25.
53. The issue of re-consultation on these amendments was also discussed at the Inquiry. The question of whether reconsultation is required if there is a change to the proposal on which there has been consultation depends on what fairness requires. In considering whether it is unfair not to reconsult, it is necessary to consider whether not doing so deprives those who were entitled to be consulted on the application of the opportunity to make any representations that, given the nature and extent of the changes proposed, they may have wanted to make on the application as amended.²⁰
54. Network Rail's submission is that, given the scale and nature of the amendments, no reconsultation was necessary. In respect to FP244 SADD, the amendments concern design detail of the enhancement works.²¹ These enhancement works are not within the planning direction drawings, and the drawings in question therefore lie outside of the Order. There was a further amendment at the request of OMBC - the amount of FP209 SADD to be stopped up is reduced to only cover that part of the PROW which crosses the railway. The footpath on either side of the railway will therefore be unaffected.
55. The amendments do not engage any new issue or materially alter the matters on which consultation took place. The principle of stopping up Moorgate Halt level crossing remains unchanged and the principle of providing an alternative route via FP244 SADD remains unchanged. The FP209 SADD amendment in fact reduces the extent of the

²⁰ R. (*on the application of Holborn Studios Ltd*) v *Hackney LBC* [2018] P.T.S.R. 997, [75].

²¹ GRP infill steps are replaced by concrete steps, in accordance with recommendations in the DIA; the width of both staircases is increased by 700mm (from 1100mm to 1800mm); and the extent of vegetation to be cleared on the path is increased from a width of 1000m to 2000m.

stopping up, at the request of OMBC, such that the footpath on either side of the railway is now unaffected.

56. A person who objected to the closure of the crossing, to the principle of the alternative route, or to the amenity impacts of the proposals, has lost nothing by reason of the amendments: their objection stands, and their ability to advance it is undiminished. There is, in short, nothing that a consultee could fairly say they would have wished to say about the amended proposals that they could not say about the original proposals.
57. The same analysis applies to the amendments in respect of Brookfields. As originally proposed, Network Rail sought powers to use the whole of the Brookfields site in connection with the construction of the new Mossley Station. There are no planning direction drawings (NR12) relating to Brookfields. Following further construction review, Network Rail has significantly reduced the proposed land take. These revisions were communicated to local residents by letter on 8 May 2026, and comments were expressly invited during the course of the Inquiry (see INQ25.1).
58. Applying the *Holborn Studios* test, the amendments to the Brookfields proposals do not engage any new issue or materially alter the matters on which consultation took place. The principle of using Brookfields as a temporary construction compound remains unchanged, as does the principle of temporarily possessing land for that purpose. What *has* changed is that Network Rail has significantly reduced the extent of temporary possession land it can take, under the order, and reduced the extent to which it can interfere with parking on neighbouring streets.
59. A person who objected to the use of Brookfields - whether on grounds of loss of green space, environmental impact, or traffic on local roads - has lost nothing by reason of the amendments. On the contrary, the amendments directly address the very concerns that objectors raised. There is, in short, nothing that a consultee could fairly say they would have wished to say about the amended Brookfields proposals that they could not say - and say more forcefully - about the original proposals. Fairness did not require re-consultation.
60. Network Rail's position is, therefore that objectors have had a fair opportunity to address the revised proposals. First, the Inquiry has taken place, and objectors have made their case on the amended proposals. Second, comments were expressly invited on both the

amendments regarding Moorgate Halt and Brookfields during the course of the Inquiry. Those responses are before the Inquiry.²² Network Rail therefore submits that no party has been prejudiced.

2. MATTER 2: The main alternative options considered by Network Rail and the reasons for choosing the proposals set out in the order.

61. As Mr Ashton explains,²³ there are no high-level strategic alternatives capable of delivering the benefits of the TRU without direct investment in the existing railway infrastructure. Network Rail considered the possibility of improving other railway infrastructure. These included the South Transpennine Route and the Calder Valley line. They were discounted, however, because they do not serve the same key centres and/or would only provide diversionary capability during construction, rather than deliver the core TRU benefits.
62. Within the development of TRU, Network Rail considered both partial electrification and full electrification of the TRU route. Network Rail concluded that partial electrification would not meet the aims of TRU. As Mr Ashton explains, full electrification of the Transpennine Route was the preferred option in the Government's 2021 "Integrated Rail Plan for the North and Midlands". Enhancement of the existing Transpennine Route through TRU is the only strategic option capable of delivering the required capacity, performance, environmental and economic benefits in an affordable and deliverable manner within the necessary timescales.
63. As to non-railway interventions, the M62 is the only comparable cross-Pennine transport corridor. But the M62 has recently been modernised and is already at capacity. Other road options, such as a Transpennine tunnel, would not provide a feasible or timely substitute for rail.
64. Consequently, there is no alternative to upgrading the Scheme Route.

3. MATTER 3: the likely impact of the scheme on landowners, local businesses and residents

²² INQ-25.1

²³Mark Ashton, Proof of Evidence (NR/PoE/MA/1.2), section 7.2.

65. Network Rail's overarching submission is that the implementation of the Order Scheme will have a significant overall net positive impact on landowners, local businesses and residents. The communities along the Scheme Route are served by this part of the railway; they directly benefit from both the local improvements (particularly at the two stations) and by the wider improvements to journey times and reliability. It will lead to more trains running faster and in a more reliable way. It will also improve the connectivity of the region - for both passengers and freight - and in doing so, stimulate economic growth.
66. That case has not been challenged at this Inquiry. In fact, it shares widespread support. While it is right to scrutinise Network Rail's proposals to appropriately manage the disruptive effects of the Scheme, in doing so it should not be forgotten that the Order Scheme as a whole will have profound long-term positive effects on landowners, local businesses, and residents of the area. Ultimately, in assessing the short-term disruption that arises from constructing the Scheme, it is those long-term benefits which any disruption has to be weighed against.
67. Network Rail submits that the short-term impacts arising from construction can be appropriately mitigated, and that any short-term impacts are significantly and demonstrably outweighed by the long-term public benefits of the scheme.
68. We turn now to the specific issues raised by Matter 3.

MATTER 3(a): The effects of the Scheme on public rights of way including the proposed closure of Footpath 209 SADD (Moorgate Halt Level Crossing), the suitability, safety and convenience of proposed alternative routes and whether appropriate mitigation has been considered, including the provision of a footbridge

69. The starting point to this issue must be to recognise the inherent danger level crossings pose to the public and users of the railway. Level crossings represent the highest single risk on the railway network. Mr Greenwood's evidence sets out in sobering detail the dangers that level crossings pose - both inherently, as a physical barrier between trains and the public, but also from public misuse. He also explained Network Rail's approach to level crossing safety, in the context of national policy and statutory duties.
70. The Office of Rail and Road's "Strategy for regulation of health and safety risks - 4: level crossings" stipulates that closure should be the first consideration in a risk control

strategy, in line with the general principles of prevention: avoiding risks, combating the risks at source, and replacing the dangerous by the non-dangerous or the less dangerous. In accordance with that policy, Network Rail has an established strategy to close level crossings where possible.

71. Further, Mr Greenwood explained that Network Rail has a duty of care under the Railways Act 1993 and Part 1 of the Health and Safety at Work Act 1974 to promote public user safety of level crossings and to avoid unacceptable hazards. If a level crossing cannot reasonably be made safe for continued public use, that is fundamentally incompatible with those duties: see para. 3.5 of his proof.
72. As a matter of general principle, there is a compelling case for closing level crossings generally, namely: removing at source the highest single risk on the railway network. But in both closures to be secured by the Order the case goes further. With the Order Scheme in place, the risks at the crossings cannot be reduced to a tolerable level. They must be closed.
73. To that end, the Order Scheme includes provision to close two passive level crossings, Moorgate Halt and Stockport Road. For Moorgate Halt, Network Rail's case is that provision of an alternative right of way (i.e. the creation of a new right of way, or the diversion of the existing) is not required. That is because the railway can be crossed by the nearby Wickens Underbridge (MVL3/29), and the underbridge can be accessed using the existing footpath and highway network (FP244 SADD in particular). This has been described to the Inquiry as the "diversionary route" or the "alternative route". We will address the diversionary route in greater detail later. Network Rail proposes a comprehensive enhancement of FP244 SADD, together with highway mitigation works. Network Rail's case is that, following completion of those works, the diversionary route will be a safe, suitable and convenient alternative for the existing users of Moorgate Halt level crossing.
74. For Stockport Road, Network Rail proposes the creation of an alternative route via a nearby field. At the close of the Inquiry, no live objection remains to this proposal. We consider each crossing in turn.

Moorgate Halt

75. Moorgate Halt is a level crossing in Uppermill and provides a means of pedestrian access across the railway. The crossing itself is located on Public Footpath 209 SADD. On the eastern side of the railway, this path runs from Moorgate Street/Den Lane, before meeting the crossing. On the other side of the railway, it runs up Dark Lane and meets Ladcastle Road. In total the existing route is approximately 200 metres in length.
76. On 30 August 2025, the Moorgate Halt level crossing was temporarily closed through a Temporary Traffic Regulation Order made by OMBC at the request of Network Rail on safety grounds, so it is not presently accessible for public use. The closure was necessitated by changes to signalling in the area as part of the TRU, which created the likelihood of particular danger to the public - in particular, the risk of a train straddling the level crossing when stopped at a red signal. Prior to its temporary closure, the crossing had an average usage of 40 pedestrians per day.²⁴
77. As a “passive” crossing, no active warning of a train’s approach is given, other than by the train driver who may use the train horn. However, as the Inquiry has heard, the Order Route is a busy railway line. Approximately 150 Transpennine Express passenger services operate daily between 0600 and midnight, with 21 freight services running throughout the 24-hour period. The crossing spans two lines with a maximum speed of 65 mph. Passenger trains are typically around 90m in length and freight trains are approximately 300m. A temporary speed reduction was implemented to achieve appropriate warning time for vulnerable users.
78. There is a particular risk arising from two trains crossing the line at the same time. As Mr Doodson explained, because the line is very heavily used and there is a mix of long passenger and freight trains with shorter passenger trains, there is a particularly chilling and significant risk: a level crossing user’s view of an approaching train could be obscured by a second train that has just passed over the crossing.²⁵ The first train can effectively hide the approach of the second train for several seconds, with the sound of the second train approaching on the opposite line mistaken to be the sound of the first train passing.²⁶

²⁴ Network Rail SoC (NR30), para. 8.2.2.30.

²⁵ James Doodson, Proof of Evidence (NR/PoE/JD/10.2), para. 3.4.3.

²⁶ Moorgate Halt DIA LB app 4 pg 12; Moorgate Halt Level Crossing Impact Risk Assessment Report (appended to Oldham’s SoC as Appendix 1), para. 5.2.6.

79. Mr Doodson’s evidence explains how these factors, among others, contribute to Moorgate Halt being one of the most dangerous crossings in the North West Route.
80. The ALCRM score for the crossing was B3 with a Fatality Weighted Index (“FWI”) of 0.006539395.²⁷ Of 457 level crossings, it ranked 23rd for risk. More significantly, when compared to crossings of a similar type, it ranked 5th out of 75, placing it among the highest-risk footpath crossings in the region. This risk ranking would increase, should the crossing be reopened, the line electrified and more train paths introduced.
81. This is a remarkably high score, and is reflected in the alarming and extensive incident history: 23 reported incidents over 5 years, 13 being near misses with pedestrians. Much of the misuse involves children playing “chicken” or loitering, with multiple reports of objects placed on the track.
82. An incident log, drawn from Network Rail's safety management information systems, is in the evidence before the Inquiry. It reveals a pattern of persistent and escalating misuse of Moorgate Halt stretching back decades.²⁸ That log also throws into sharp focus the worst-case inherent risk of passive crossings, including three reported fatalities.

The case for closure

83. There is a clear and compelling case for the closure of Moorgate Halt level crossing: it is already a high-risk crossing, temporarily closed because of an unacceptable risk to safety, and it can only be more unsafe following the effects of the Scheme: more trains (approx. 150 passenger services and 21 freight per day), travelling at higher speeds (from 65mph to 80mph), and with quieter rolling stock (reducing the audible warning of a train approaching).
84. Overhead line equipment and stanchions will further reduce the already limited sighting. Mr Doodson’s evidence was that at a line speed of 80mph, the sighting would be deficient in all directions with no appropriate warning of a train approach.²⁹

²⁷James Doodson, Proof of Evidence (NR/PoE/JD/10.2), para. 3.4.2.

²⁸ See Liam Kennedy Proof of Evidence appendix 5 and Network Rail SoC. A further log up to 2025 is at Appendix 3 of Network Rail SoC, pg. 442.

²⁹ James Doodson, Proof of Evidence (NR/PoE/JD/10.2), para. 3.5.1.

85. The introduction of new signals has already created an additional and distinct risk: a train may straddle the crossing if the signal is showing a red aspect.³⁰ Users may then try to go under the stationary train or walk along the track to get around it. Either action is obviously highly dangerous, the train could start moving and that danger is compounded by the possibility that another train could arrive at any moment.
86. Mr Doodson also explains the potential alternatives to closure considered and ruled out. Network Rail deploys various systems to warn users of approaching trains. But for the reasons given by Mr Doodson, they are either not feasible in this location, or do not reduce risk to an acceptable level. There was no challenge to this at the Inquiry.
87. Mr Doodson considered what the ALCRM scores for the crossing would likely be, if the TRU project upgrades which are set out in the Order have taken place and the crossing remained as is. His evidence is that the risk would increase by 35%, with the Statement of Case explaining that the FWI would rise to 0.0088.³¹ This would place Moorgate Halt at no. 13 in the listing of highest risk crossings in the North West Route, and the 4th highest risk footpath crossing on the North West Route.
88. This increase in risk is intolerable. The benefits of the Scheme and the wider TRU cannot happen if Moorgate Halt remains open as a passive crossing. Network Rail therefore invites the Inspector and the SoS to conclude that there is clear and convincing justification for the closure of the crossing.
89. At the close of the Inquiry, there is no challenge to this case by any objector (whether by written evidence or by way of cross-examination of Network Rail's witnesses), including those who say that a bridge should be provided.
90. On the contrary, there is common ground. Mr Lawton, as representative of three local walking groups, agrees "...the Level Crossing should be stopped up and discontinued for the reasons detailed in the safety case as set out in Section 8.2.1 of Network Rail's Statement of Case (NR30)".³²

³⁰James Doodson, Proof of Evidence (NR/PoE/JD/10.2), para. 3.5.3.

³¹James Doodson, Proof of Evidence (NR/PoE/JD/10.2), para. 8.2.12.

³² NR/SOCG/OBJ117

91. Mr Kennedy, on behalf of OMBC, accepts "... that there is currently a safety risk at Moorgate Halt Level Crossing and that that safety risk will increase significantly as a direct result of the TRU programme". In oral evidence he confirmed that he did not dispute Network Rail's case for closure on safety grounds and that he could not see any circumstances in which the footpath could re-open without a suitable alternative access, especially as the risk will increase once the Scheme is implemented.³³ OMBC accept that a solution is required - again, the dispute is on the alternative, not the principle of closure.
92. Mr Fletcher, representing the Moorgate Campaign Group, stated that the Group "accepts that crossing is unsafe". Their objection relates to the provision of a bridge as an alternative.
93. There was no dispute at the Inquiry as to the principle of closure. The dispute focussed on Network Rail's proposals to address alternative access following closure. We turn to that issue now.

Optioneering to address closure

94. Network Rail proposes that users are routed over the railway via Wickens Underbridge (MVL3/29), located around 200m to the south of the Moorgate Halt crossing. The proposed alternative route would use existing highways: FP244 SADD, FP76 SADD (along the canal towpath) and a short section of the A670 Oldham Road. The proposed alternative route is about 300 to 400 metres longer when compared with the existing route, depending on the precise origin and destination being considered.
95. FP244 SADD is currently in poor condition, and Network Rail does not suggest it is a suitable alternative in its current state. However, the Order proposes a comprehensive upgrade including resurfacing, new steps with handrails, repairs to existing footpath features, regrading of land, and removal of vegetation. As Mr Barraclough explained, the proposed changes to FP244 SADD result in an improvement in terms of quality of route and accessibility when compared with the existing FP209 SADD. Once upgraded, the route will provide a safe and accessible alternative route across the railway.

³³ XX RTKC.

96. This proposal was arrived at following a rigorous optioneering process over a period of years.³⁴ A Feasibility Study 2017 considered three options to facilitate the closure of the level crossing.³⁵ Option 1 proposed a new stepped footbridge. Option 2 involved diversion via Den Quarry underpass (MVL3/30) to the north (a 1.1km diversion which would run through the Ladcastle and an SSSI). Option 3 considered diversion via FP244 SADD through Wickens Underbridge (MVL3/29).
97. The 2017 Feasibility Study concluded that a stepped footbridge was the preferred solution at that time, but it did not consider whether the alternative routes could be improved. This is significant because option 3 was discounted because of its current condition.³⁶
98. As the design of a footbridge developed, engineering and constructability challenges emerged. The railway corridor at this location is very narrow, and construction access is particularly difficult.³⁷ Despite these challenges, a bespoke design was ultimately developed. Network Rail thereafter proceeded with a planning application to OMBC and planning consent was granted on 5 August 2022.
99. The objectors place great weight on this grant of planning permission. But the Inspector and SoS will note three points:
100. **First**, the project proceeded with the application for planning permission due to delivery time constraints whilst a decision on the viability of the bridge was being made.³⁸
101. **Second**, the mere fact that the local planning authority determines that, in planning terms, a particular bridge is an acceptable form of development does not establish that it is the most appropriate or even a proportionate response in the context of the scheme. That was not the job of the local planning authority.
102. **Third**, it simply and self-evidently does not follow from the grant of planning permission that Network Rail is thereafter committed to constructing that footbridge, at any cost.

³⁴ Network Rail SoC (NR30), section 8.2.2 gives a history of optioneering.

³⁵ Network Rail SoC (NR30), section 8.2.2.

³⁶ Network Rail SoC (NR30), para. 8.2.2.8.

³⁷ Network Rail SoC (NR30), para. 8.2.2.23.

³⁸ Network Rail SoC (NR30), para. 8.2.2.21.

103. During the development of the detailed design of the proposed footbridge and subsequent ground investigations, estimated costs of building the bridge increased further to between £3.7 million and £4.5 million.³⁹
104. The rising estimated costs caused Network Rail in 2023 to revisit the diversionary routes assessed in the 2017 feasibility study. Consideration was also given to a pedestrian underpass.⁴⁰
105. The costs of constructing the footbridge were explained in detail to the Inquiry by Mr Barraclough and are set out in an appendix to his proof. The cost is currently estimated to be between £3.79m and £4.56m, reflecting the reality of constructing a bridge in this challenging location.
106. This cost estimate has been carefully prepared and fully explained. There was ultimately no challenge to this evidence at the Inquiry. It has been explained in full, including the factors which drive the costs here above those which would normally be expected for a footbridge of this nature. The constraints mean that this would be a very expensive location in which to construct a footbridge. There is, of course, no guarantee that the estimate would not increase further.
107. Mr Walton on behalf of the Ramblers Association – Manchester and High Peaks Area (OBJ-260) – produced his own estimate which suggested that a similar bridge could be built at an unrealistically lower cost, but the methodology behind this was very difficult to understand. Mr Barraclough analysed the estimate and explains the Ramblers’ Association’s proposals would use a similar volume of materials, would carry the same cost of construction (driven by the constrained environment), but would require Network Rail to purchase more land to build. As Mr Barraclough explained, the Ramblers’ Association’s alternative would likely be a *higher* cost than the 2022 footbridge estimate due to the additional land purchase requirement.⁴¹
108. Network Rail therefore concluded in 2023 that with upgrades to footpath 244 SADD to address earlier concerns, a diversion via footpath 244 SADD would provide an

³⁹ Network Rail SoC (NR30), para. 8.2.2.22.

⁴⁰ Network Rail SoC (NR30), para. 8.2.2.53.

⁴¹ Lee Barraclough, Proof of Evidence (NR/PoE/LB/11.2), para. 4.5.7.

acceptable response to the closure of the Moorgate Halt level crossing.⁴² Thereafter, Network Rail consulted both the public and OMBC on the closure of Moorgate Halt level crossing and the proposed upgrade of footpath 244 SADD.

109. In August 2024, Network Rail re-issued its level crossing risk assessment with the most current information available, including the increasing cost values of the footbridge and the previously discounted alternative route proposals. This exercise concluded that closure and use of existing footpath 244 SADD offered the greatest cost-benefit ratio.⁴³ Mr Doodson's evidence sets out the cost-benefit analysis of the various options.⁴⁴ All options other than the proposed diversionary route perform poorly.
110. The evidence therefore shows that appropriate mitigation post-closure has been considered, including the provision of a footbridge. The ultimate conclusion of that exercise was that the construction of a bridge at c. £4.5m of public money for c. 40 users per day does not represent value for money and is not proportionate to the risk being addressed, when those users could equally use an upgraded FP 244 SADD.
111. Ultimately, as Mr Greenwood explained, where there are calls to replace a level crossing with a footbridge, Network Rail must apply the value for money framework governing public bodies, and consider disproportionately high costs. That it revisited the options after costs escalated reflects proper stewardship of public funds. The position of the Objectors is, essentially, that a bridge should be constructed at any cost, because that is the best option. With respect to them, that position is simplistic, and it does not pay sufficient attention to legal and policy context in which Network Rail operates in spending public money. It is simply not fair to criticise Network Rail for seeking to use public money proportionately.
112. It is also important to note that Mr Kennedy, OMBC's Rights of Way Officer, initially supported the proposals to upgrade FP244 in making his recommendation to elected members (INQ-42). His evidence – and the evidence of other witnesses for OMBC – must be viewed in this context. Elected members are entitled to disagree with their

⁴² NR SoC (NR30), para. 8.2.2.24.

⁴³ Network Rail SoC (NR30), para. 8.2.2.25.

⁴⁴ James Doodson, Proof of Evidence (NR/PoE/JD/10.2), Table at para. 3.7.1.

officers, but where expert views are in play the original position of OMBC's officers should be given more weight than their updated position presented at the Inquiry.

The suitability, safety and convenience of proposed diversionary route

113. The proposal is to stop up Moorgate Halt on the basis that the existing route via FP244 SADD (post-mitigation) provides a suitable alternative.

114. The issue under s. 5(6) of the 1992 Act is whether the provision of an alternative right of way is not required. That turns on whether the diversionary route is suitable, safe and convenient. If the Secretary of State accepts Network Rail's case, the Order should be made as proposed.

115. In its Statement of Case, OMBC suggested:

“The Council considers that the Secretary of State should consider using [s. 48 of the 1992 Act] to require Network Rail to provide a footbridge at Moorgate Halt rather than closing the footpath”.

116. The existence of the power in s. 48 does not change the relevant test under s. 5(6). If the diversionary route is suitable, safe and convenient, no new right of way is required, and the Secretary of State is entitled to provide for closure in the Order. There is no rational case for an order under s. 48 if the Secretary of State is satisfied on that point, since it would follow that a bridge is not necessary. Contrary to OMBC's submissions,⁴⁵ if the conclusion is reached that no alternative is required, then there is no rational basis upon which to also order Network Rail to construct a bridge. This would turn the closure case on its head: footpaths would be diverted via alternative routes, or alternatives could be found to be unnecessary, but the Secretary of State could then nonetheless order the construction of a bridge which would already have been found to be unnecessary.

117. For completeness, however, even if the Secretary of State could answer OMBC's two questions⁴⁶ “yes” and “yes”, they plainly should not do so. It would be a pointless expenditure of public money to find the alternative route acceptable, and then to require the construction of a bridge in addition. It follows that, on any analysis, if the first question is answered “yes”, the second question becomes academic. OMBC is right that

⁴⁵ Closing, para 27.

⁴⁶ Closing, para 25.

the questions should be addressed in sequence, but wrong to suggest a s 48 order could be made even if the replacement route is suitable.

118. If the Secretary of State is against Network Rail on the proposed solution for FP209 SADD, then, as submitted at the Inquiry and accepted by Mr Lawton, the provisions for closure of FP209 SADD should simply be deleted from the Order. The question isn't, as Oldham appeared to suggest to the Inquiry, simply a question of which option is "better". The sole question is whether the closure of FP209 SADD should be included in the Order.

Baseline for assessing suitability, safety and convenience

119. The suitability, safety and convenience of the diversionary route is judged in respect of users of the crossing and must be assessed against the existing route - its condition, accessibility, and how it is in fact used.
120. The existing crossing route is on any view a challenging route. Starting in Uppermill, it is accessed from Moorgate Street, which, typical for the area, has narrow or no footways. At the crossing, users have to stop, look, and listen for oncoming trains, and cross the track with good awareness of the hazards that presents.
121. From Moorgate Street to the level crossing, the gradient is about 20%.⁴⁷ On the other side of the crossing up to Ladcastle Road, the gradient varies between 14% and 27%. The surface of the route is unmade, comprising uneven terrain, loose and rocky ground, calling for careful footing.
122. Before exiting onto Ladcastle Road, users of the way must duck under a fallen tree, and shortly after there is a collapsed retaining wall which reduces the useable width of the route.⁴⁸
123. This is self-evidently *not* an accessible route for all. It is only available for those who can manage those conditions: difficult surfaces, difficult gradients, and walking on carriageways. As Mr Wotherspoon explained, it is physically demanding and it is not suitable for mobility-impaired users, wheelchair users or users requiring level or accessible gradients. That will be obvious to the Inspector from visiting the site. The

⁴⁷Lee Barraclough, Proof of Evidence (NR/PoE/LB/11.2), para. 4.2.3.

⁴⁸Lee Barraclough, Proof of Evidence (NR/PoE/LB/11.2), para. 4.2.5.

repeated references by objectors to the identification of “vulnerable users” in Network Rail’s surveys is based on a misunderstanding of what that term means in context (i.e., it could include a dog walker, or someone wearing headphones). It does not mean that FP209 is used by people with significantly impaired mobility.

124. There was a significant degree of common ground between Mr Wotherspoon and Mr Storey. Mr Storey accepted that the existing users of FP209 SADD are people who can walk safely on unsurfaced countryside roads, navigate hazards such as a passive level crossing, walk on gradients of up to 27%, and navigate carriageway walking in areas where there aren’t sufficient (or any) footways.⁴⁹ Mr Storey does not suggest that the existing route is used by people in wheelchairs, such that they would be displaced by the proposed closure and diversionary route.
125. Against that context, it is entirely unsurprising that surveys found that the use of the route is predominantly recreational, including walking, dog walking and rambling. Mr Kennedy agreed the predominant use of FP209 SADD is recreational. This isn’t a shortcut for commuters to reach a train station, a route for children to walk to school, or any other type of route in which speed and direction are the essential concerns. This is reflected in the many objections which refer to recreational use (although it is notable that many objectors do not in fact claim to use FP209 SADD at all). Mr Cary’s evidence emphasised the significance of this for comparing suitability of the alternative route:

“the impact on amenity should therefore be considered in terms of implications on the wider route and associated with that the pleasantness of journey. In essence for recreational usage there is no need for the route to be the same length as the diversion is not impacting accessibility for its users. It is not necessarily a question of the shortest/most direct route, rather the quality of route for leisure activity where the route experience is the journey purpose and both routes are similarly rural in nature”: para 5.2.41.

126. Network Rail submits that the essential point for this issue is as follows: when assessing whether the proposed alternative route via FP244 SADD is suitable, safe and convenient, the comparison must be made against the existing crossing route as it currently is, not against an idealised standard, and not against a hypothetical footbridge that has not been proposed. The existing FP209 SADD is a challenging countryside route with steep gradients, poor surfacing, and physical obstructions, and with the obvious hazard of the

⁴⁹ XX RTKC.

live railway. It is not accessible for all users, and the topography on either side of the railway means that no alternative - including a footbridge - could ever make it so. The proposed alternative via FP244 SADD needs to be suitable, safe and convenient having regard to those conditions, and the people who can manage those conditions.

127. On that measure, and for the following five reasons, Network Rail submits that the proposed alternative is a convenient, safe and suitable alternative.
128. **Firstly**, the alternative route will be accessible to anyone who is able to use FP209 SADD.
129. The relevant part of FP244 SADD has an average gradient of 21.2% (with a maximum of 27.1%), and the existing crossing has an average gradient of 18.4% (with a max. of 24.4%). Further, they have almost identical changes in elevation (38.7m for the existing; 38.6m for the proposed). Anyone who can manage the elevation and gradients of FP209 SADD can manage the similar conditions on FP244 SADD.⁵⁰
130. In fact, the proposed surfacing of FP244 SADD will be safer and easier to use than the current surfacing of FP209 SADD, and vegetation will be cut back to allow access. That is a marked improvement to the degraded and difficult surfacing on FP209 SADD, partially blocked by a tree. Anyone who can currently navigate the challenging conditions on FP209 SADD can safely navigate the improved surface of FP244 SADD.
131. The same point applies to the wider aspects of the diversionary route (i.e. 60m of Oldham Road, FP76 SADD, Moorgate Street and Ladcastle Road). These are all common features of the wider highway network in and around Uppermill. The existing users of FP209 SADD walk in similar environments, a point accepted by Mr Storey. An existing user walking beyond the end of Dark Lane on FP209 SADD will have to walk on Ladcastle Road, and if they continue along FP209 SADD encounter a steeper and less even surface still.
132. It is right to say that the steps on FP244 SADD (both proposed and existing) are not wheelchair accessible. But neither is FP209 SADD – and nor would a bridge with 56

⁵⁰ Lee Barraclough, Proof of Evidence (NR/PoE/LB/11.2), table 1.

steps be.⁵¹ Again, the question is not whether the proposed route is *better* or *more* accessible. It is whether it is as practical and convenient for the users of FP209 SADD. A comparison of the physical conditions of both routes shows that, from a usability perspective, the proposed route is as practical and convenient as the current route.

133. **Secondly**, the diversionary route is of an acceptable distance.
134. Using the diversionary route from the corner of Den Lane/Moorgate Street to the junction of FP209 SADD and Ladcastle Road will take five minutes longer than using FP209 SADD. The distance is shorter if users start from a different, more central part of Uppermill, and in practice that would likely be the reality (users are unlikely to proceed to the current corner of Den Lane/Moorgate Street, and double back on themselves to access FP 244 SADD).
135. Whatever the exact amount of extra distance, the point is that it will be minutes, and that is not material for a route which is primarily used as part of a longer recreational walk, dog walking and rambling. Mr Cary's evidence was that the additional distance was not significant in light of the recreational use of the existing path.⁵²
136. No objector, including OMBC, seriously suggested that the additional time in and of itself, rendered the diversionary route inaccessible.
137. **Thirdly**, accessibility to the wider PROW network is not materially affected by the proposed alternative route.
138. In oral evidence Mr Lawton explained the various uses of FP244 SADD (prior to its temporary closure). Of all the potential onward routes from the top of FP244 SADD, there is nowhere that is not also accessible from FP209 SADD. Overall, both FP244 SADD and FP209 SADD are equally connected to an extensive network of footpaths and bridleways. That connectivity will not be materially impacted by the closure of the crossing and the diversionary route. Mr Cary's evidence was that (post-upgrade), the diversionary route would offer suitably convenient and commensurate route choices for recreational walking in and around the village. That is essentially because, as he

⁵¹ Being the number in the 2022 bridge: see Lee Barraclough, Proof of Evidence (NR/PoE/LB/11.2), para. 4.2.11.

⁵² Chris Cary, Proof of Evidence (NR/PoE/CC/5.2), para.5.2.36.

explained, recreational walking activity from Uppermill is *not* predicated on availability of Moorgate Halt Level Crossing. Uppermill is fortunate enough to enjoy numerous options which connect the town to the wider area (including FP244 SADD).⁵³

139. The maps in Mr Cary's proof (figs. 4 and 5) showing connectivity to the wider countryside once FP244 SADD is upgraded demonstrate that there would be a minimal impact on the accessibility of the countryside for those joining the rural footpath network from Uppermill.

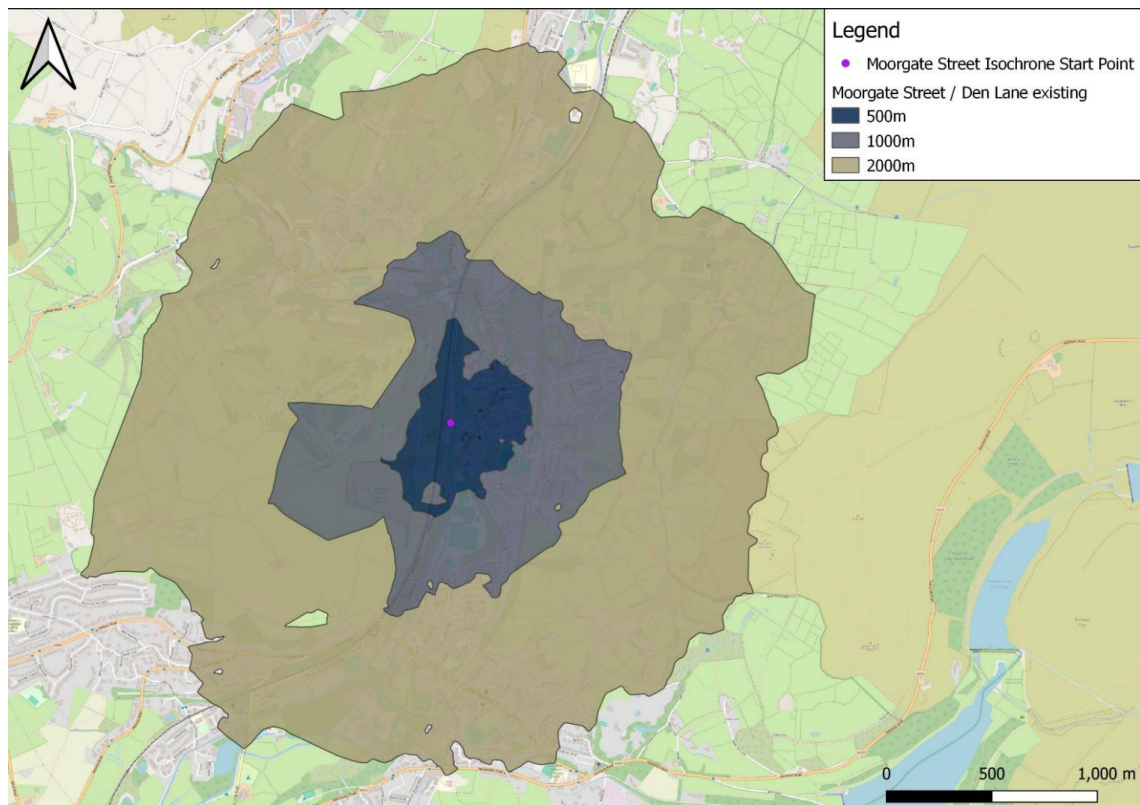


Figure 1 - Mr Cary's figure 4 (pg. 34 of his proof): "EXISTING ACCESSIBILITY FROM MOORGATE STREET/DEN LANE FOR LEISURE ACTIVITY"

⁵³ Chris Cary, Proof of Evidence (NR/PoE/CC/5.2), para.5.2.24.

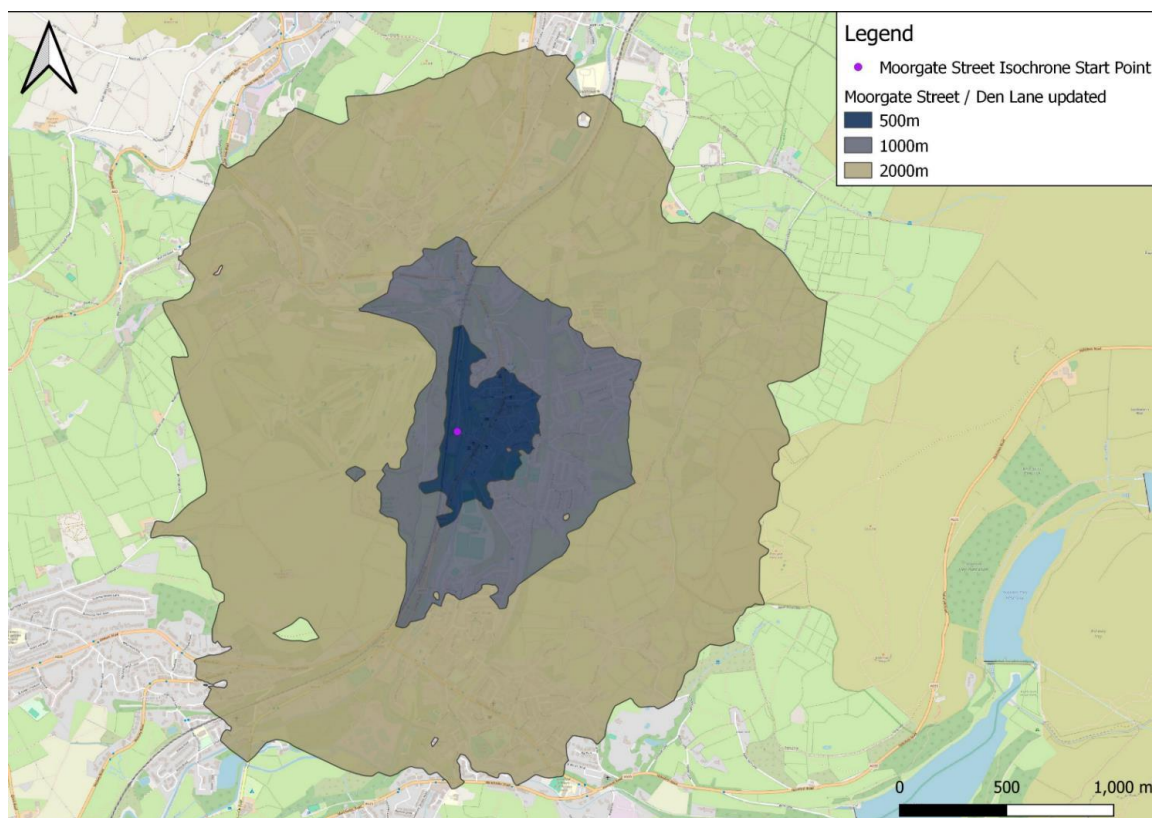


Figure 2 - Mr Cary's figure 5 (pg. 35 of his Proof): "PROPOSED ACCESSIBILITY FROM MOORGATE STREET/DEN LANE FOR LEISURE ACTIVITY"

140. The objectors' own evidence also supports this. In oral evidence Mr Fletcher referred to two plans showing walking routes around Uppermill in an attempt to demonstrate an adverse impact arising from the closure of the crossing.
141. The first was a map of the "the Uppermill Trail", said to be shown on the VisitOldham website and contained in other guide books and leaflets.⁵⁴ The closure of the level crossing would have no impact whatsoever on the "medium trail" shown on that plan. The "long trail" would still be possible, but via FP 244 SADD rather than FP209 SADD. But as cross-examination of Mr Fletcher demonstrated, this has absolutely no adverse impact on the route either. If a walker was following the proposed route from Carr Lane, a walker would turn left on Oldham Road as opposed to right, and then travel up FP 244 SADD. As Mr Fletcher accepted, this would result in a walker spending *less* time on Oldham Road.

⁵⁴ Moorgate Halt Campaign Group's SoC (OBJ-65.1), para. 41. The plan is in the appendix page 393.

142. In addition, and again accepted by Mr Fletcher, using FP 244 SADD would mean that the walker has access to a formal crossing place on Oldham Road (a refuge and tactile paving), compared to the “difficult” crossing described by Mr Fletcher shown on the map (i.e. crossing Oldham Road at the junction of Carr Lane). A walker would then use FP244 SADD to join Ladcastle Road and the route shown on the map, and continue the Long Trail entirely as shown on the map. It is right that using FP244 SADD would result in an extra 120m on Ladcastle Road, but that is in a context where the walk provides for about 800m of walking on Ladcastle Road.
143. What is the net effect of this? There is no severance in the long trail route. A “difficult” crossing is avoided. There is *less* walking on the Oldham Road, but about 120m of extra walking on Ladcastle Road. The trail is otherwise unaffected.
144. Mr Fletcher also relied upon a map prepared by OMBC showing three walking trails in and around Moorgate Quarry.⁵⁵ None of these walking trails run on any part of FP209 SADD, so the closure of the level crossing has no impact on the ability to complete these trails as shown on the map. The starting point of the trails is shown as the main entrance to the quarry on Ladcastle Road, which is closer to FP244 SADD than FP209 SADD. FP209 SADD/Dark Lane are not even shown on the map. What is shown, in close proximity to the start of the trails, is FP244 SADD. The Order will *improve* that footpath.
145. Mr Fletcher’s evidence does not therefore show any adverse impact on footpath connectivity. On the contrary, the Order Scheme will improve access to both of the trails networks he relies upon. There is accordingly no evidence to support his contention that there will be an adverse economic impact on Uppermill – and indeed he accepted that there was no such evidence, despite the closure FP209 without replacement since August 2025. There will be no adverse impact on tourism in Saddleworth; there will still be a good range of footpaths providing connections for walkers.
146. **Fourthly**, the diversionary route offers a similar level of amenity.
147. Both FP209 SADD and 244 SADD are fundamentally similar in character as tree-lined rural paths. The introduction of an improved surface and steps to FP244 SADD does not materially change that character. It will continue to be a pleasant, tree-lined path. In cross-

⁵⁵ See the Appendix to Moorgate Halt Campaign Group’s SoC (OBJ-65.2), pg 47.

examination, Mr Kennedy (for OMBC) accepted that the proposed upgrades to FP244 SADD *are* an upgrade, and that the proposed surfacing etc. is similar to what is seen on Tame Valley Way. He also accepted that the FP76 SADD element of the diversionary route is a “high amenity” route. Post-upgrade, FP 244 SADD will also be a high amenity route. Mr Kennedy’s principal concern was the impact of having to use 60m of Oldham Road on the overall amenity of the diversionary route.

148. Network Rail does not dispute that this 60m footway is of lower amenity than the existing route. But those 60m have to be viewed in context. It is a very small component of the diversionary route as a whole, the vast majority of which is a high-amenity environment for recreational walkers.
149. Moreover, for users starting or ending their walk in Uppermill, the A670 environment is experienced as they are leaving for the countryside or returning to an urban environment, as the case may be. The valley bottom throughout the area contains the main roads, the railway, the canal, and the towns and villages. Their juxtaposition with the steep moorsides is an integral part of the recreational experience. Those following the circular trail referred to by Mr Fletcher will have less walking on the A670. In the context of a recreational walk, the introduction of 60m of additional main road is not material to the overall amenity of the diversionary route.
150. **Fifthly**, the proposed alternative will be a safe alternative.
151. OMBC dispute the safety of the diversionary route on one ground: the c. 60m of the diversionary route which runs on A670 Oldham Road. Mr Lawton’s concern was the same, and no other objector contended that the diversionary route was unsafe for some other reason.
152. The highway safety implications of the Oldham Road section have been comprehensively assessed. As Mr Wotherspoon explains, Mayer Brown, on behalf of Network Rail, sought to understand the existing and proposed route conditions. They identified the highway constraints and likely user groups. They then assessed the safety risk through the GG104 process and subjected the highway proposals to an independent Stage 1/2 Road Safety Audit (“RSA”) under GG119 (at the request of OMBC) (NR87). They then responded to the audit findings through the Designer’s Response (see Appendix 1 to Sean Wotherspoon’s Proof of Evidence NR/PoE/SW/12.2) and proposed mitigation.

153. The GG104 Safety Risk Assessment (“SRA”) concluded that the proposals, with the secured mitigation, would not increase risk⁵⁶. Accordingly, there would be no “transfer” of risk from the level crossing to the road network: risk at the crossing would be removed, and risk on the road would not increase. The Road Safety Audit raised one principal issue: the constrained width of the existing footway on the west side of the A670 Oldham Road, close to the FP244 SADD access. The A670 carries traffic and has frontage constraints typical of an older village highway environment. There is a 6 to 10 metre narrow section of footway close to the FP244 SADD interface. The Highways Statement (NR86) identifies that the footway narrows significantly at this point, and Mr Wotherspoon’s evidence records that sections reduce below 1.5 metres for around 11 metres and below 1.0 metre for around only 6 metres.
154. As Mr Wotherspoon explained, short sections of narrow footway are not unusual in older village and rural highway environments, particularly where there are frontage buildings, boundary walls, historic highway boundaries and limited ability to widen without affecting third-party land. Mr Storey also explained that footways in Saddleworth are narrow and it is a “struggle” to achieve a 1.2m width (the width he identified as a minimum inclusive width). His evidence was that it is common for footways in the area to be less than that width. He also agreed that it is common for pedestrians to have to walk on the carriageway,⁵⁷ and that there are some parts of the A670 with no footway on one side and/or footway widths of less than 1.2m. The narrow footway identified by the Audit team is therefore by no means uncommon for the local area.
155. The Audit Team recognised that pedestrians using the proposed alternative route may need to negotiate a narrow section of footway and that there is a foreseeable risk of pedestrians straying towards, or into, the carriageway. However, the SRA confirms that there were no recorded personal injury collisions within the most recent five-year period along the length of highway onto which pedestrians would be routed.

⁵⁶ See NR88, Risk Assessment Matrix, PDF p 17-18. This appears to be misunderstood by MFBC and SPC in their Closing Submissions (2.3-2.4). The conclusion is that risk will not increase. There is an existing risk which the Scheme will not worsen.

⁵⁷ But caveated that this did not primarily take place “on a busy A road”.

156. The highway authority agrees. Mr Storey confirmed that OMBC does not consider the existing interaction with the A670 to be unsafe: as he put it, it has “never been raised to us as a road safety issues” and has a “perfectly good accident level”.⁵⁸
157. The Audit recommended that, if practical and proportionate, the footway should be widened to provide a minimum width of 1.2 metres. If that could not be achieved, the Audit recommended advance warning signage to alert northbound drivers to the potential presence of pedestrians in the carriageway. The Audit also considered the proposed relocation of the existing 20mph/30mph speed limit change on the A670, so that the lower speed environment would extend beyond the FP244 SADD access. The Audit concluded that no material increase in risk to road users would arise as a result of the proposed relocation of the speed limit change. In addition, the inclusion of ‘dragon’s teeth’ markings in the carriageway was also proposed to further mitigate highway risk.
158. The Designer's Response accepted that the constrained footway on the west side of the A670 Oldham Road is a relevant highway safety issue. It also recognises that footway widening would be the preferred improvement if it were practical and proportionate. However, the response confirms that widening is not reasonably practicable due to the physical constraints at this location, including the highway boundary, adjacent third-party land and the need to maintain the carriageway width.
159. The inability to widen the footway means that mitigation focuses on managing risk rather than removing the constraint altogether. The proposed mitigation comprises relocation of the existing 20mph/30mph speed limit change so that the lower speed environment extends beyond the FP244 SADD access, together with the provision of two pedestrians-in-road warning signs and dragon’s teeth markings to alert drivers to the potential presence of pedestrians at, or close to, the carriageway.
160. Mr Wotherspoon’s evidence was that this is a proportionate response to an existing constrained highway feature. It improves driver awareness, supports a lower-speed environment and assists in managing pedestrian and vehicle interaction on the A670.
161. Concerns have been raised about vulnerable users, including dog walkers and pedestrians who may be distracted, for example by wearing earphones. As Mr Wotherspoon

⁵⁸ XX RTKC.

explained, these are legitimate matters to consider, but they do not alter the basic highway safety conclusion. Mr Wotherspoon's evidence was that the short narrow section can be negotiated by pedestrians walking with ordinary care, including by walking in single file, pausing if necessary, and using the wider sections of footway before and after the narrow point. Dog walkers are expected to keep dogs under control, particularly next to a classified road. For pedestrians who may be less aware of traffic noise, such as those wearing earphones, the mitigation is directed at improving driver awareness and reducing the vehicle speed environment, rather than relying solely on pedestrian hearing or reaction. Mr Wotherspoon's opinion was that the residual risk is not unusual in the context of an older village highway environment with frontage constraints, relatively low pedestrian flows and an existing public highway interface.

162. Mr Cary made similar points to the Inquiry. He explained that the level of usage of the existing crossing was one movement every 20-30 minutes on average, or one movement every 7-15 minutes on weekend peak.⁵⁹ Therefore, at most an average of one user every 7-15 minutes at most would be expected to be diverted to 60m of the A670 on a weekend peak. His view was that people walking in groups could simply walk in single file for this short stretch before reaching the footpath entrance. As noted above, narrow footways and carriageway walking are a common feature of the local area.
163. Importantly, the narrow footway is not created by the Order. It is an *existing* feature of the local highway network. FP244 SADD already joins Oldham Road at this location. The proposal would *increase* the use of that existing interface, but it does not *create* a new highway junction or a new physical constraint.
164. The highway safety question that arises for the SoS is not whether the existing arrangement is perfect. It is whether the incremental increase in pedestrian use associated with the proposed alternative route has been identified, assessed and can be managed through proportionate mitigation. Mr Wotherspoon's view is that it has been via the mitigation measures summarised above. His overall expert view is that there is no increase in risk at this location from the proposals – i.e., increased usage but with mitigation measures.

⁵⁹ Para. 5.2.20 of his proof.

The objectors' position

165. In his written evidence, Mr Storey makes no criticism of the SRA, RSA or the Designer's Response. In fact, they are not mentioned at all in his proof. Nor does he mention or criticise Network Rail's proposals to introduce a 20mph limit in the vicinity of FP209 SADD and the A670. The only concern raised in his written evidence was footpath width and visibility to the left (i.e., towards Uppermill).
166. Although Mr Storey did not suggest that the existing 60m of Oldham Road is unsafe, in oral evidence he raised a concern that an "intensification" of the use of FP244 SADD as a result of the diversionary route would render the 60m unsafe. But that concern is not informed by any technical analysis of the existing use of FP244 SADD/Oldham Road, or any analysis of future use. He was not able to point to intensification by any particular amount. Ultimately, the "intensification" said to render a "perfectly good" interface to unacceptably unsafe is based on an assumption, not on quantification or evidence. In fact, it appears to be based on nothing more than Mr Storey having walked the 60m and making assumptions. The Council has made no attempt to quantify risk per the approach in the SRA on behalf of Network Rail, and no attempt to disagree with RSA or Designer's Response. The Inquiry and the SoS should prefer the objective, evidenced-based approach of Network Rail, which shows that, post mitigation, the alternative route will be safe.
167. In oral evidence, Mr Storey for the first time raised criticisms of the speed limit proposals, and added a concern as to visibility on the *right*. Neither are assessed through a formal safety assessment. Mr Storey explained that his new point on visibility from the right was instead based on "physically walking and seeing" the route. Again, the Inquiry is invited to prefer the objective analysis of Network Rail rather than Mr Storey's subjective impression after having walked the route.
168. The basis of Mr Storey's criticisms of the proposed 20mph were less readily apparent. Mr Storey initially said that 20mph speed limits were not effective unless coupled with "physical measures". No explanation was given for that view. But Mr Storey later accepted that speed limit reduction does have safety benefits. Mr Storey then disputed that "dragons' teeth" painted on the road are an effective physical measure – yet he went on to disclose those are the very measures included in OMBC's plans to finalise the

20mph speed limit in Uppermill - presumably because, as Highway Authority, OMBC *does* recognise that such a measure improves road safety.

169. It is regrettable that OMBC has pursued an objection which focuses heavily on highway safety on the A670 without providing a detailed expert analysis on the point. It appears that they have adopted the objections of local residents, and then sought to support their position on highway safety grounds, rather than adopting a principled and evidence-based case from the outset. This is in the context of OMBC declining to procure their own Road Safety Audit at the outset.⁶⁰ Given what is at stake – level crossing safety, highway safety, the delivery of the wider Scheme, and (on OMBC’s case) demands to spend £4.5m of public money – a more detailed case might have been expected if this position was to be adopted.
170. In its Closing, OMBC suggest that the users of the existing route have a risk of “0” of walking on an A-road.⁶¹ This is plainly incorrect. The recreational users would almost inevitably encounter the A670, whether in Uppermill village centre or elsewhere. This discloses a fundamental error of approach which is seen throughout OMBC’s case, which is to look at the *totality* of the diversionary route, but to look only at FP209 between Moorgate St and Ladcastle Road. Further, it ignores the significant – and in OMBC’s view, intolerable – risk at the crossing.
171. Mr Lawton also raised a concern as to safety with the proposed 60m of Oldham Road and safely managing groups of walkers at this point. He clarified that his only concern is the area that footway on Oldham road and the shared driveway.⁶² He does not suggest that any other part of the proposed alternative is unsafe. But as the Inspector explored with Mr Lawton, FP209 SADD runs across a live railway crossing. The walking groups, Mr Lawton explained, assess risk and take measures to keep the group safe. In the context of the level crossing, that involved one person on the other side of the crossing beckoning others across when it is safe to do so. When asked by the Inspector whether a similar approach could be deployed at this part of the alternative route or whether walking groups would rule out using the alternative route, Mr Lawton explained that: *“If improved, we could manage to get across the road by somebody standing on other side. We do have to*

⁶⁰ Jerry Greenwood, Proof of Evidence (NR/PoE/JG/9.2), para. 14.2.

⁶¹ Paragraph 68.

⁶² XX RTKC.

do that occasionally. There are very few walks where you don't end up crossing some road at some stage."

172. That answer fairly encapsulates the essential point in the debate on the A670: it is a very short portion of narrow footway typical to the area. It is not perfect, but it can safely be navigated, even by groups, by users being aware and taking reasonable steps. Together with a reduction speed limit and the signage proposed by Network Rail, there is no reason to believe it will not continue to be safe, and there is no other technical analysis before the Inquiry which suggests otherwise.

Conclusion on Moorgate Halt

173. Moorgate Halt is already unsafe and the Order Scheme would increase the risk at the crossing by 35%, making it the 4th highest risk footpath crossing on the North West Route and rendering any reopening intolerable. The case for closure is clear and compelling. No one suggests otherwise.
174. A thorough and rigorous optioneering process has been carried out over a period of years. The footbridge was explored in depth, but at a cost of £3.7m-£4.5m for a crossing used by 40 pedestrians per day, it does not represent value for money and it is not necessary. All other technical options to avoid closure have been assessed and properly discounted.
175. The proposed upgrade of FP244 SADD provides a safe, suitable and convenient alternative route, representing an improvement over the existing FP 209 SADD in terms of quality and accessibility. The concerns regarding the A670 highway interface are addressed by the proposed extension of the 20mph speed limit and the modest volumes of pedestrian traffic.
176. The permanent closure of Moorgate Halt level crossing is demonstrably justified in the public interest. The diversionary route meets the statutory test, and no new right of way is necessary.

Stockport Road

177. Stockport Road level crossing is a passive crossing on the outskirts of Mossley. The surrounding area is a mixture of rural land and urban area with local amenities and businesses. The crossing is located in the rural part of the surrounding area.⁶³
178. The crossing spans two operational railway lines with a maximum line speed of 65mph. Passenger services run approximately between 00:01 and 23:59 with approximately 120 services per day operated by Transpennine Express. Freight services also traverse the crossing with approximately 13 services daily.⁶⁴
179. Critically, the line curves in both directions at this location, which severely affects sighting of approaching trains. Existing sighting distances are inadequate at the current line speed of 65mph due to track curvature and vegetation, with reliance placed on whistle boards. Whistle boards are present but their effectiveness is limited: they are not effective during the night-time quiet period and rely entirely on the train driver sounding the horn.
180. As to usage, the Stockport Road crossing sees a maximum of only 5 users per day, consisting of walkers with or without dogs.⁶⁵
181. Turning to the current risk assessment, Mr Doodson explained that the crossing has an ALCRM score of C6, with an FWI value of 0.000427083. It is ranked 158th out of 457 level crossings on the North West Route, and 33rd out of 75 footpath crossings of similar type. ⁶⁶The risk factors identified include:
- a) high frequency of train movements (approximately 133 services per day);
 - b) relatively high line speed (65mph);
 - c) the risk of another train approaching while the first passes, given the two-track railway;
 - d) deficient sighting for users due to track curvature in both directions; and

⁶³James Doodson, Proof of Evidence (NR/PoE/JD/10.2), para. 4.1.

⁶⁴James Doodson, Proof of Evidence (NR/PoE/JD/10.2), para. 4.2.1.

⁶⁵ Network Rail SoC (NR30), para 8.3.2.2.

⁶⁶ James Doodson, Proof of Evidence (NR/PoE/JD/10.2), para. 4.4.2.

- e) three near misses recorded on the SMIS database, including one incident where the train was required to brake to a stop to avoid a collision with three youths.⁶⁷
182. Fortunately, there are no recorded serious incidents at this crossing. But the Inspector will have noted the evidence of three near misses, which included an incident involving three youths where the train braked to a stop, and a further incident involving a dog walker. These are serious events which demonstrate the real and present danger at this crossing.
183. The Order Scheme will increase this risk to an intolerable level. The factors which contribute to that increase are similar to those which increase the risk at Moorgate Halt, namely:
- a) The increase in the maximum line speed from 65mph to 75mph.
 - b) An increased train frequency to 3 passenger trains per hour in each direction, in addition to freight; and
 - c) The installation of Overhead Line Equipment and associated stanchions, which will further reduce the already limited sighting available to users.
184. The effect on the risk assessment is very significant. While the ALCRM score moves from C6 to C5, the FWI increases from 0.000427083 to 0.000683975. This represents a **60%** increase in risk. The crossing would move from 158th to 144th highest risk crossing on the North West Route.⁶⁸
185. The specific factors driving the increase include the following:
- a) Current sighting is already deficient due to track curvature, but at 75mph, sighting would be even more deficient in all directions, as users would have less time to observe, decide and cross.

⁶⁷ GRIP 2 Feasibility Study, appendix 3 to Laurie Barbour, Proof of Evidence (NR/PoE/LB/13.2), section 4.10.5.

⁶⁸ James Doodson, Proof of Evidence (NR/PoE/JD/10.2), Table at para. 2.6.4; Network Rail SoC (NR30), para. 8.3.2.8.

186. Whistle boards in their current position would be non-effective at the increased line speed, as they would need to be relocated further from the crossing and the warning time for users correspondingly reduced.⁶⁹
- a) Quieter, more modern electric rolling stock and continuous welded rail mean significantly reduced audible warning of approaching trains.
 - b) The risk of a second train approaching while the first passes is significant given the heavily used line with a mix of passenger and freight trains.
187. Network Rail submits that the increase in risk at Stockport Road resulting from the Order Scheme would be unacceptable and must be mitigated. Notably, no one has disputed the safety case for closure.

The alternative route

188. Network Rail propose to mitigate the risk by closing the existing crossing and providing a new public right of way as an alternative route.
189. The proposed diversionary route is described in detail in the evidence of Laurie Barbour. In summary, the route runs from the existing MOS/69/10 footpath, along the eastern edge of the adjacent field where it ties into an existing bridleway (MOS/67/10), under Midge Hall Underbridge (MVL3/19) and onto Heron Lane (MOS/68/10 and MOS/74/10).
190. The new route is approximately 180 metres in length. It will be approx. 200 metres longer, increasing journeys by two minutes. Mr Cary's evidence is that this is not considered significant, particularly in the context of a leisure route with a maximum of 5 users per day.⁷⁰ Further detail on the proposed route can be found in Mr Barbour's evidence. Network Rail will install new galvanised steel "kissing gates" at both ends of the new public right of way section. It will renew existing livestock fencing adjacent to the proposed gates. Further, footpath waymarking and suitable signage will be provided. The new footpath will be constructed to Public Right of Way standards.

⁶⁹ GRIP 2 Feasibility Study, appendix 3 to Laurie Barbour, Proof of Evidence (NR/PoE/LB/13.2), section 4.10.5.

⁷⁰Chris Cary, Proof of Evidence (NR/PoE/CC/5.2), para. 5.3.4.

191. This proposal was arrived at following a robust optioneering process. Five broad options were considered:⁷¹

- a) Closure by diversion of users along an alternative route;
- b) Construction of a pedestrian footbridge;
- c) Construction of a pedestrian underpass;
- d) Installation of Miniature Stop Lights (MSL); and
- e) Installation of VAMOS (a visual and audible warning system).

192. The results of the Cost Benefit Analysis are set out in the evidence of Mr Doodson and demonstrate overwhelmingly that closure by diversion is the proportionate option, achieving the ALARP threshold with a 100% risk reduction at a cost of just £20,000. A pedestrian footbridge achieves the same risk reduction but at an indicative cost of £1,200,000, with a CBR of only 0.325. A pedestrian underpass costs an indicative £4,000,000 with a CBR of only 0.098. MSLs do not achieve ‘ALARP’ as they provide only a 73.69% risk reduction at a cost of £1,200,000, with a CBR of just 0.0145. VAMOS achieves the same 73.69% risk reduction at £350,000, with a CBR of 0.128. Further details as to why each option was discounted are given in Mr Doodson’s proof.

Safety, suitability and convenience of the alternative route

193. Network Rail submits that the route meets the requirements of safety, suitability and convenience.

194. As to safety, the new route removes users entirely from the railway environment. They will no longer be required to cross two operational railway tracks where trains pass at up to 75mph with deficient sighting. The replacement route passes under an existing bridge structure, along an established footpath and bridleway network. There is no interaction with the operational railway or anything else which is inherently unsafe.

195. The proposed route does pass through a field used for grazing by the field’s landowner. The current proposal does not explicitly specify installation of livestock fencing to

⁷¹ Explained in Network Rail SoC (NR30), para. 8.3.3.1 and James Doodson, Proof of Evidence. (NR/PoE/JD/10.2), section 4.7.

separate the public right of way from the remainder of the field. This is consistent with nearby footpaths MOS/66 and MOS/5 in similar fields believed to contain livestock.⁷² However, the landowner can erect appropriate fencing so that the new public right of way is beyond land containing livestock.

196. The route is convenient. The additional distance is approximately 180 metres, a matter of 2 minutes' walking time. In the context of a leisure route used by a maximum of 5 walkers per day, this is a negligible inconvenience. The route connects to the same public rights of way network and provides onward connectivity in all the same directions.⁷³
197. The route is suitable. It is to be constructed to PRow standards with appropriate surfacing, drainage, signage and waymarking. The underbridge provides all-weather access. Fundamentally, the proposed route is similar to the status quo and will be accessible to anyone who can currently walk the existing route. Mr Barbour's evidence explains the analysis of diversity impacts, and the most recent DIA was provided to the Inquiry.
198. At the close of the Inquiry, there is no outstanding objection on this issue. Mr and Mrs Hunt (OBJ-35), who own the field which is subject to the proposed route, have now withdrawn their objection. TMBC are also content with the proposals and Network Rail's commitments, and the SoCG (NR-SOCG-REP05.2) records the agreed position.
199. Network Rail submits that the closure of Stockport Road level crossing is demonstrably in the public interest. It eliminates a material safety risk, and the replacement route is proportionate, cost-effective and meets the statutory test.

MATTER 3(b): the impacts of the scheme on stations and station access arrangements

Mossley Station

200. When starting in Stalybridge, Mossley is the first of two stations in the Order Route. The existing layout of Mossley station prevents the electrification of the Order Route. In

⁷²Laurie Barbour, Proof of Evidence (NR/PoE/LB/13.2), para. 2.2.7.

⁷³Chris Cary, Proof of Evidence (NR/PoE/CC/5.2), para. 5.3.4.

particular, Stamford Road Bridge (MVL3/13) and the existing station footbridge (MVL3/14) do not have sufficient clearance to accommodate electrification.

201. The Inquiry heard from Ms Clarke how solving that problem is not straightforward. The station is built into a rock cutting (with the rock particularly prominent on platform 2). That makes modifying the existing station difficult. Moreover, the presence of the rock, together with Stamford Road Bridge, means that platform 2 as built is particularly short (just 69m). That poses problems for the future use of improved, longer rolling stock.
202. Furthermore, immediately to the south of the station is a row of terrace houses which have an elevated walkway adjacent to the railway corridor (Mossley Cottages). Network Rail's land boundary runs tight to the railway corridor. The proximity of those cottages adds further complexity modifying the station to allow for the installation of OLE.
203. As Ms Clarke explains (para. 3.4.8), Network Rail concluded that modifying the existing station was not feasible due to the difficulty of widening the rock cutting below Stamford Road for a longer Platform 2; track alignment works needed to meet speed requirements; non-compliant clearances to overhead electrification; and the complexity and disruption of constructing a new footbridge with lifts. It follows that the station needs to be moved to deliver the wider Scheme; and it needs to be moved to be improved. The principle of the need to move the station, and the unfeasibility of alternative options, was not challenged at the Inquiry.
204. The relocation is an integral part of the delivery of electrification, and the improvements in capacity, reliability, frequency, speed etc. The Order Scheme will help realise those benefits more widely, and specifically for the people of Mossley, by the delivery of a modern, compliant and safe station.
205. There will also be transformational accessibility benefits. The existing station has no step-free access to Platform 2 at all. Platform 1 is reached by a ramp that does not comply with current accessibility requirements. In addition, the existing platforms are narrow, with typical operational widths of about 2.5 m to 2.6 m. The effect is that on the one platform which can accommodate step-free access, the constrained platform width creates challenges for wheelchair users to board and alight.⁷⁴ The relocated station will

⁷⁴ Emma Clarke, Proof of Evidence (NR/PoE/EC/2.2), para. 4.2.2.

transform access arrangements: both platforms will be fully accessible, with platforms sufficiently wide to accommodate safe boarding by wheelchair users. This is a very significant improvement.

206. Finally, the proposals enable more trains to stop at Mossley. Because of the short platforms at the existing station, there are limitations as to what trains can stop at the existing station. A train must either be shorter than platform 2, or be capable of selective door opening. It is also necessary to provide advance announcements onboard to ensure passengers use the correct doors to minimise delays during boarding/alighting at the station. The new platforms in the proposed station will overcome this limitation.
207. In short, the relocated station will deliver transformational improvements: full accessibility, wider platforms, and the capacity for more trains to serve the community. This is not merely an upgrade - it is a step-change in what Mossley Station can offer local residents, businesses and visitors.

Highways and transport issues arising from relocation

Pedestrian access

208. The highways and access implications of the station relocation were analysed by Mr Cary. The relocated station will move approx. 350m east, and Mr Cary's evidence was that it would remain close to Mossley town centre and within the "preferred maximum" distance set out in guidance for walking to town centre destinations of 10 minutes.⁷⁵
209. The new station will retain highway connectivity from its existing access/egress at the junction of the B6177/A635 Manchester Road, and a new point of access will be introduced for both pedestrians and vehicles on Manchester Road. To enable safe access to the new pedestrian entrance, a pedestrian crossing will be provided on Manchester Road.
210. Mr Cary also explained that the same number of bus stops are within 400m walking distance of the new station, as well as the same level of services/facilities provided.⁷⁶ There will be an important improvement to bus provision. The existing northbound bus

⁷⁵ Chris Cary, Proof of Evidence (NR/PoE/CC/5.2), para. 6.2.6.

⁷⁶ Chris Cary, Proof of Evidence (NR/PoE/CC/5.2), para. 6.2.4.

stop near Portman Street is close to the proposed station but currently lacks a verge due to the boundary retaining wall, requiring passengers to stand in the carriageway. The Scheme addresses this by providing a pedestrian island for safe bus drop-off and raised kerbs to reduce stepping distances.⁷⁷

Highways, traffic and parking

211. The highway interventions on Manchester Road which are intended to accompany the new station have been designed to improve access and safety arrangements. The proposed pedestrian access to the station on Manchester Road significantly reduces walking distances for those approaching from the Mill Lane direction.
212. As to the new pedestrian crossing on Manchester Road, Mr Cary's view is that this will enable safe station access and enhance active travel facilities, promoting inclusive transport in alignment with policy objectives.⁷⁸
213. There is no unacceptable impact on parking capacity on Manchester Road. Parking surveys between the Manchester Road/Stamford Road junction carried out by Network Rail (both weekday and weekend) found that around 70% of the parking spaces were unoccupied. There will be some loss of parking during construction, and a permanent loss of c. 50m of parking space, but there will remain ample capacity for residents.
214. The mere fact that the station is being moved is unlikely to change parking patterns on Manchester Road. Moving the station 300m adds only about 3 minutes to walking journeys. That is not significant in transport planning terms. The new location is within walking distance of the existing entrance, so parking pressure on Manchester Road should remain similar. In addition, pedestrians can still access the station from the existing entrance as well as the new one. With two access points, parked vehicles will spread out along the road rather than clustering around the new entrance.⁷⁹ A Residents Parking Zone on the A635 Manchester Road between Mill Lane and Queen Street is

⁷⁷ Emma Clarke, Proof of Evidence (NR/PoE/EC/2.2), para. 4.2.29.

⁷⁸ Chris Cary, Proof of Evidence (NR/PoE/CC/5.2), para. 6.2.7.

⁷⁹ Chris Cary, Proof of Evidence (NR/PoE/CC/5.2), paras.6.2.17 and 6.2.18.

being funded by Network Rail and TMBC has begun consultation on its implementation.⁸⁰

215. Ms Lowe (OBJ-145) in particular raised concerns about the impact on residents' parking on Manchester Road. It is right that the provision of a new pedestrian crossing on Manchester Road will mean that parking will not be possible on or close to the crossing itself. In total, the amount of on-street parking "lost" to the crossing is about 50m. For those properties situated within that 50m, they will not be able to park immediately in front of their homes, but the parking is not currently reserved for residents. They are not losing allocated spaces, and they will still be able to park on either side of the 50m "lost" to the crossing.
216. This is in a context where, as Mr Cary explains, there is ample residual capacity on the roadway, such that the loss of 50m will not give rise to a material impact. The net effect is that a handful of properties lose the opportunity for parking immediately in front of their homes. To mitigate these effects, the amount of car parking spaces serving the new Mossley Station has been increased, and the new residents' parking zone will help to ensure that parking is available within a reasonable distance of the homes.
217. Ms Lowe raises a number of broader points as to potential anti-social behaviour increased footfall outside her home. However, the properties on Manchester Road open up immediately onto the footway/public highway. Footfall immediately adjoining the properties follows from their design and construction. That is not a reason to withhold railway improvement works in the public interest.
218. In respect of anti-social behaviour, the existing station is 350m to the west, and is also in proximity to residential development (e.g. Mossley Cottages). A similar arrangement exists at Greenfield Station/Shaw Hall Bank Road where vehicle and pedestrian access is immediately in front of houses. There is no evidence before the Inquiry suggesting anti-social behaviour in the existing arrangement in either of these locations, and it is difficult to see how the mere movement of the station will lead to a problem on Manchester Road which does not currently exist at the current station.

⁸⁰ INQ 21 para. 4.1.9. These matters are recorded in a letter dated 17 April 2026 and signed by Network Rail and TMBC, appended to INQ-21 at Appendix 1.

219. Ultimately, what arises from this is a balancing exercise between the profound benefits of the station relocation (and the Order Scheme as a whole) against the adverse impact on those properties immediately behind the crossing. Network Rail submits that it falls heavily in favour of the scheme.
220. As to the volume of traffic, Mr Cary explains the scheme is unlikely to cause significant changes to traffic. Anyone who currently drives to Mossley Station will drive to the new Mossley Station. There is no reason why movement of 350m east should increase car journeys and there is therefore no highway network capacity impact to assess arising from the proposals in themselves.⁸¹ Mr Cary acknowledges that passenger numbers at Mossley may increase in the future. But if more people use the railway, they will be switching from cars, which means fewer vehicles on the wider road network.

Conclusion on Mossley

221. In summary, the Mossley proposals deliver an accessible, safer station that is operationally fit for electrification, better integrated with walking and bus arrangements, and capable of supporting the wider Transpennine Route Upgrade and with no material adverse impacts on the highway network. Any upgrade of the existing site cannot deliver these benefits without unacceptable engineering risk and operational disruption.

Greenfield

222. Works to upgrade Greenfield Station are to be delivered under permitted development rights, outside of the Order. They will deliver a station which provides step free access to both platforms for the first time. The Order makes provision for some of the wider arrangements for the upgraded station, such as a new zebra crossing.
223. The principal works in the Order Scheme around Greenfield Station concern the reconstruction of Oldham Road Overbridge - located to the north of the Station - and the construction of a new pedestrian bridge for the public highway.
224. Oldham Road Overbridge is not high enough to accommodate the installation of overhead electrification equipment, accommodate larger freight trains, or achieve the

⁸¹ Chris Cary, Proof of Evidence (NR/PoE/CC/5.2), paras. 6.2.8 and 6.2.9.

proposed line speed increase.⁸² Ms Clarke explained that track lowering is not possible, so that the only feasible options were to reconstruct the bridge in some way.⁸³

225. Five options were explored and the option before the Inquiry was developed over several years in consultation with the highway authority.⁸⁴ The proposal is to remove the existing overbridge arch and replace it with a prestressed concrete deck supported on reinforced concrete riser units. Due to a history of bridge strikes and the poor road geometry it is also necessary to upgrade and realign the bridge parapets to protect the railway. Ultimately, the principle of this approach was not disputed by anyone at the Inquiry. The suggestion of a temporary “Bailey bridge” was not seriously pursued; it would simply cause more delay and disruption to construct a temporary road bridge before closing the existing bridge.

Impact on highway safety and access arrangements at Greenfield

226. The reconstruction of Oldham Road Overbridge will lead to a material improvement in highway safety in this area. The current road layout at Oldham Road bridge presents several significant problems. The bridge is skewed, and the steep gradients of Shaw Hall Bank Road and Ladcastle Road, combined with junctions on either side, create poor visibility for drivers. Furthermore, there is no proper footway for pedestrians. These issues combine to create risks for both drivers and pedestrians. There is, in particular, a history of collisions with parapets.
227. The proposals will address these problems, and deliver significant benefits. The new footbridge will provide a dedicated, separated route for pedestrians, removing them from the carriageway on the overbridge, improving safety for pedestrians and drivers. Increased splays at the north-west and south-east corners will significantly improve visibility for drivers. Further, the improved turning circles will allow large vehicles to navigate the junction without mounting the kerb.
228. Together, these changes will create a safer, more functional road layout that resolves the longstanding safety issues at this location.

⁸² Emma Clarke, Proof of Evidence (NR/PoE/EC/2.2), para. 4.4.5.

⁸³ Emma Clarke, Proof of Evidence (NR/PoE/EC/2.2), para. 4.4.7.

⁸⁴ Emma Clarke, Proof of Evidence (NR/PoE/EC/2.2), para. 4.4.3.

229. The Scheme also brings improvements for those needing to cross Shaw Hall Bank Road. To access the new footbridge and station, many people will need to cross Shaw Hall Bank Road, where there is currently no crossing. The scheme includes a zebra crossing near the footbridge entrance ramp, positioned to reflect where people naturally walk while accounting for the nearby junction, bus stops and station entrance. The crossing will be designed to maximise safety for pedestrians and visibility for drivers, and guard railing will guide people to use it. OMBC raise a concern as to this crossing, but an agreement has been reached which has addressed those matters to the satisfaction of OMBC and is summarised in INQ-39.
230. In respect to parking, other than the loss of two conventional parking spaces to accommodate station infrastructure, and contrary to what Cllr Helen Bishop suggested, there will be no changes to parking arrangements on Shaw Hall Bank Road. The existing disabled bays will remain. There is very limited space on Shaw Hall Bank Road for parking, and none at all on the Oldham Road side. That the existing highway network is too constrained to enable more disabled parking is not a point against the scheme.
231. Drop off provision for drivers is also unchanged. There is simply no space for drop off space on the Oldham Road side to provide a formal drop off location. On Shaw Hall Bank Road, the steep gradient and the provision of the existing pedestrian pavement and limited verge width meant that any lay-by type arrangement at the station entrance would not be compliant to design and accessibility standards.⁸⁵ Again: the existing constraints on the public highway should not count against the scheme.
232. Network Rail recognise that the new pedestrian access on Oldham Road via the footbridge may be attractive to drivers wishing to drop off at the station. To prevent this, bollards are proposed in front of the new footbridge entrance to discourage drivers from parking on the kerb and dropping off.⁸⁶ Various additional options were considered to stop vehicles picking up and dropping off in the area, including additional road markings, ANPR cameras, CCTV, red routes and parking enforcement officers. Following discussions with OMBC, it was agreed that double yellow lines would be reinstated with additional ‘No Loading’ or ‘Keep Clear’ markings.

⁸⁵ Emma Clarke, Proof of Evidence (NR/PoE/EC/2.2), para.4.4.45.

⁸⁶ See NR12, Proposed Highway Plan.

233. During construction, parking in the vicinity of Greenfield station will be restricted. Appropriate mitigation is provided and is explained by Ms Clarke in INQ-21. In summary, the Saddleworth Rangers Car Park has been included within the Order as a location which can be used to provide temporary parking for station users to continue to use the station, and for local residents to park, should there be local displacement of parking. This car park is just 150m from the station. Any temporary displacement can therefore be appropriately mitigated.

Conclusion on Greenfield

234. In summary, the Greenfield proposals will deliver a station that is fit for electrification, and will significantly improve highway safety and accessibility. The reconstruction of Oldham Road Overbridge will resolve longstanding issues with poor visibility, frequent collisions and inadequate pedestrian provision. The A670 footbridge provides a dedicated pedestrian route separated from vehicle traffic. A new zebra crossing on Shaw Hall Bank Road will provide safe access for pedestrians where none currently exists. Parking and drop-off arrangements will be maintained, with appropriate measures to manage traffic. Together, these works represent a material improvement to the station and its surroundings, with no unacceptable impacts on the highway network.

THE IMPACTS OF THE SCHEME DURING CONSTRUCTION

MATTER 3(c): the likely effects of the exercise of powers in the proposed Order on highways, access and traffic

235. There are effective and proportionate measures to control the effects of the Order on highways, access and traffic.
236. The primary means of mitigating any adverse effects of construction on highways, access and traffic is the construction traffic management plan (“CTMP”), secured by way of condition to the deemed planning permission. The proposed condition would prevent the commencement of development until the detail of various matters, including construction access routes, access and egress precautions, mitigation from the Environmental Report, personnel and vehicle movement details, prohibited routes, time restrictions, vehicle-compliance monitoring, site parking and measures to manage mud, dust and grit on the public highway.

237. The CTMP will also consider the displacement of car parking and suspension of bus stops during the construction phase and set out the management and mitigation measures which will be agreed with the relevant highway authority and/or public transport provider to ensure impacts on the transport network are minimised.⁸⁷
238. As Mr Pearson explains, it is likely that Network Rail will utilise the option to employ draft condition 3 Stages of Development in managing the submission of the CTMP. This will mean various stage CTMP documents will be submitted for conditional approval to the relevant local authority during the delivery of the Scheme as the detail of the management of a particular area will only come forward during, rather than all in advance of the start of construction⁸⁸.
239. The effect of the CTMP condition is that the local highway authority has overall control over the implementation of traffic measures. As Mr Cary explains, this approach is standard industry best practice to manage construction activity and mitigate impacts, with details to be developed as the detail of the scheme construction develops, supported by a forum with local Councils to agree and implement measures.⁸⁹
240. Notably, neither Highway Authority object to the application on the ground that this approach is not sufficient to manage and mitigate construction traffic and the effects of restrictions on the highway. There is no reason for the Inspector or the SoS to take a different view.
241. In addition, Network Rail proposes the establishment of a Highways Network Management Group (“HNMGs”) with TMBC and OMBC.⁹⁰ The operation of this group is fully explained in INQ-36. This group will oversee Network Rail’s carrying out of the construction of street works and the implementation of traffic regulations within each Council’s area. It is proposed that such HNMGs will be established through a highways agreement with each Council. These HNMGs would then meet periodically in advance of and throughout the construction period of the Order Scheme.⁹¹ Where the Order powers require Network Rail to either consult or seek consent from the highways

⁸⁷Chris Cary, Proof of Evidence (NR/PoE/CC/5.2), para. 2.5.4.

⁸⁸Jim Pearson, Proof of Evidence (NR/PoE/JP/4.2), para. 6.6.3.

⁸⁹Chris Cary, Proof of Evidence (NR/PoE/CC/5.2), para.2.5.5.

⁹⁰Jim Pearson, Proof of Evidence (NR/PoE/JP/4.2), para. 6.6.5.

⁹¹See INQ-36, which summarises the HNMG.

authority, this can be done via the HNMG.⁹² In addition, the HNMG can be used to track and discuss commitments made in the CTMP that are required via the mitigation outlined in the ER.

242. Again, neither highway authority take a point that this approach is insufficient.
243. Network Rail therefore submits that, overall, there are sufficient and appropriate measures to control and mitigate adverse highways impacts that may arise during the construction of the Order Scheme.
244. Turning to specific elements of the scheme.

Oldham Road Bridge

245. The proposals for Oldham Road Overbridge require a 17 week closure of Oldham Road. Network Rail does not dispute that this will cause temporary localised disruption and increased journey times. However, it is absolutely clear that Oldham Road Bridge needs to be demolished. As Mr Gardner explained, the topography and road layout in this area is extremely challenging, and the length of closure cannot realistically be reduced.⁹³
246. Network Rail has sought to keep the closure to the minimum necessary through design measures. The proposed new pedestrian bridge will be constructed first, allowing for pedestrian access in the area to generally be maintained (save for construction-intensive periods, it will not be safe for public access into the area), and for utilities to be diverted into the footbridge in a single stage.⁹⁴ This reduces the amount of time required to reinstate the road bridge after its demolition. Further, Network Rail has carried out a significant amount of consultation with the local council, utility companies, and Historic England to agree the proposed works and sequencing specifically.
247. As Mr Cary explains, during the works Network Rail will seek to maintain safe movement for all road users, including emergency vehicles. Arrangements will be agreed through the HNMG, taking account of access needs and emergency services.⁹⁵ In addition the Saddleworth Major Events Management Group operated between Network Rail and

⁹² Jim Pearson, Proof of Evidence (NR/PoE/JP/4.2), para. 6.6.7.

⁹³ Keith Gardner, Proof of Evidence (NR/PoE/KG/3.2), para. 5.7.2.

⁹⁴ Keith Gardner, Proof of Evidence (NR/PoE/KG/3.2), para. 5.3.2.

⁹⁵ Chris Cary, Proof of Evidence (NR/PoE/CC/5.2), para. 4.3.4.

OMBC will take account of local events. This will be a considerable task, but a variety of measures can be deployed to minimise disruption. As Mr Cary explained in his oral evidence, measures include public awareness allowing residents and businesses to plan ahead, signage to reduce the “through traffic” on the A670, and localised diversionary routes which may include parking suspensions to ease the flow of traffic. His evidence is that this approach is proportionate and appropriate, and the Highway Authority does not disagree. In short, there is no reason to believe that the 17 week closure cannot be managed effectively and without unacceptable impact.

MATTER 3(d): impacts on residential amenities, community facilities, local businesses and tourism

248. Construction impacts on residential amenity are controlled and mitigated by the Code of Construction Practice Parts A and B, secured by condition on the deemed planning permission. Part B requires the approval (by the relevant local authority) of various plans and programmes which control and mitigate construction impacts, including a Waste Management and Materials Plan (WMP), a Nuisance Management Plan (NMP) concerning dust, air pollution, hours of operation and temporary lighting; and a Noise and Vibration Management Plan (NVMP) which will detail the methods to reduce the effects from noise and vibration of construction activities in accordance with BS5228 and Best Practicable Methods (BPM).⁹⁶
249. All plans and programmes must be produced in accordance with the provisions outlined in Part A of the CoCP and the mitigation described in the Environmental Report (“ER”) that is summarised in Chapter 14 of that document (ER Volume 1: Chapter 14 Summary of Mitigation). All plans and programmes will form part of the delivery contractor’s “Environment and Social Management Plan”. Preliminary works must be carried out in accordance with CoCP Part A.
250. These measures, produced in accordance with CoCP Part A and the mitigation measures outlined in the ER and subject to the approval of the local authorities, will enable impacts on residential amenity to be kept within acceptable parameters. Neither of the local authorities dispute this approach or suggest that it is not capable of achieving appropriate

⁹⁶Jim Pearson, Proof of Evidence (NR/PoE/JP/4.2), para. 8.11.4.

mitigation. Ultimately, the local authority will not approve the plans and documents unless they are satisfied that residential amenity is appropriately safeguarded.

251. In addition, as we have already outlined, construction traffic impacts will be kept to acceptable parameters by the submission and approval of a construction traffic management plans. These same measures will also mitigate effects on local businesses.
252. Dr Betts' remaining objection in respect of the impact on the Parochial Church Hall can be briefly addressed. There is no doubt that there will be an interference with the use of the Hall for a short period during the reconstruction of Royal George Overbridge. This impact is unavoidable to deliver the Scheme. However, Network Rail will use reasonable endeavours to carry out these works in school holidays, when the pre-school does not operate. It cannot commit to that, since the timings of works are interrelated and offering guarantees in one place may have unintended consequences elsewhere. Accordingly, it has given an undertaking⁹⁷ to address the impacts by assisting with temporary relocation, including additional costs, premises approvals, and transport. The benefits of the scheme significantly outweigh these impacts, which will be mitigated as far as possible.
253. As to tourism, Network Rail does not dispute the importance of tourism to the local economy, but any temporary adverse impacts do not outweigh the permanent benefits of a more accessible, electrified railway with greater capacity, more trains, and faster journeys. The Order Scheme makes appropriate and proportionate measures to mitigate any temporary adverse impacts on tourism through the measures discussed above: the CTMP and the CoCP. Both conditions, subject to the oversight of the local authorities, require Network Rail to develop proposals in respect to construction activities and traffic to the satisfaction of the local authorities.
254. The Inspector and SoS can be satisfied that the mitigation package is directed at preserving access, reducing disruption and ensuring that temporary construction effects do not become permanent harm to the local economy.

MATTER 3(e): The use, siting and operation of construction compounds

⁹⁷ INQ30.1 – updated to be unconditional.

255. Mr Gardner explained to the Inquiry how the linear footprint of the scheme demands a number of interventions along its length, which require not only construction activities but also recognition of the requirements of the local community, traffic flow, and the environment. Taking this into account, and especially the existing geography and road network, the management approach is to support the construction activities with both strategic and satellite compounds and access to ensure both the most effective and efficient delivery, along with the least local disruption.⁹⁸ The Order Scheme therefore includes powers of acquisition and temporary possession to this effect.
256. Strategic compounds will effectively act as hubs for the Scheme. They will house a large number of management and support staff, serving as a supply and holding area for the satellite areas, and providing logistics support to the programme. The strategic compounds are spaced evenly along the route, providing route-wide coverage, and are generally served by good transport connections.⁹⁹ Network Rail proposes the use of four strategic compounds: Printworks Road, Plevins Logistics Hub, Oaklands Road, and Diggle Rail Hub. A robust optioneering process was followed for the identification of potential sites, as explained by Mr Gardner.¹⁰⁰
257. Satellite compounds will support the delivery of the key interventions proposed in the Scheme, and will be situated close to the works in question. This minimises disruption, maximises efficiency and brings safety benefits, because it reduces the amount of time construction plant and machinery will spend on the highway network.¹⁰¹ The location of the satellite compounds is set out in Mr Gardner's evidence. Their location is primarily driven by the need to be close to the works which the compound will support.¹⁰²
258. With the exception of Oaklands Road, Wakefield Road, and a small part of Heron Lane, Network Rail intends to use the compounds on a temporary basis to carry out the Order Scheme, and the land will ultimately be returned to its owners.
259. In respect to highways impacts of the compounds, Mr Cary explained that precise construction vehicle figures are subject to finalisation.¹⁰³ However, to manage

⁹⁸Keith Gardner, Proof of Evidence (NR/PoE/KG/3.2), section 9.1.

⁹⁹Keith Gardner, Proof of Evidence (NR/PoE/KG/3.2), para. 9.3.1.

¹⁰⁰Keith Gardner, Proof of Evidence (NR/PoE/KG/3.2), para. 9.4.5.

¹⁰¹Keith Gardner, Proof of Evidence (NR/PoE/KG/3.2), para. 9.5.5.

¹⁰² Keith Gardner, Proof of Evidence (NR/PoE/KG/3.2), para.9.5.3.

¹⁰³ Chris Cary, Proof of Evidence (NR/PoE/CC/5.2), para.2.5.1.

construction impacts, the Order Scheme will secure mitigation through the CoCP and CTMP. Through this process, more specific information in relation to the construction compounds, construction routes, staff numbers and working hours, associated trips and parking requirements as well as the construction programme and associated traffic measures will be provided to manage and mitigate impacts.¹⁰⁴ Mr Cary's evidence was that this approach is standard industry best practice to manage construction activity and mitigate impacts, allowing for details to be developed as the detail of the scheme construction develops, supported by a forum with local Councils to agree and implement measures. Neither Council, as highway authority, suggests that this approach is insufficient to mitigate temporary construction traffic impacts arising from the compounds.

260. The Order Scheme contains appropriate protections for landowners in this respect. Article 31(5) provides that (subject to conditions), before giving up possession of land of which temporary possession has been taken under this article, Network Rail must remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land. In addition, any person whose land is taken temporarily (whether for a compound or otherwise) will be entitled to compensation for any loss or damage arising from Network Rail having taken possession: art. 31(6). Where de-vegetation is required the land is to be restored to their previous condition once all associated works in the area are completed.¹⁰⁵

261. For those works which are within the scope of the deemed planning permission, the LEMP will also address restoration and enhancement, requiring the submission and approval of Network Rail's plans for new planting and details of any habitats created or enhanced.¹⁰⁶ The proposed planning conditions do not apply to temporary works carried out under permitted development rights. In those cases, land will be restored to its original condition as far as possible (as art. 31(5) requires), with outline draft land restoration proposals secured through a letter of environmental commitment, after discussions with the relevant local authority and landowners.¹⁰⁷

¹⁰⁴ Chris Cary, Proof of Evidence (NR/PoE/CC/5.2), para. 2.5.2.

¹⁰⁵ Network Rail SoC (NR30), para. 7.3.14.

¹⁰⁶ Environmental Report (NR14), Vol 1, 14.2.14

¹⁰⁷ Environmental Report (NR14), Vol 1, para. 7.3.9.

262. Network Rail therefore submits that the evidence demonstrates clearly that each construction compound included in the Order Scheme is necessary for the delivery of the Scheme. Each site has been carefully selected having regard to construction requirements, highway access, proximity to the works, and the minimisation of impacts on residential properties and the environment. The effects of compound use will be comprehensively mitigated and controlled through the CoCP Parts A and B, planning conditions, and Network Rail's own environmental standards.¹⁰⁸
263. We turn now to specifically address the Brookfields compound, which was considered in detail at the Inquiry.

The Brookfields compound

264. The Brookfields site in Mossley is proposed for use as a secondary temporary construction area to support the construction of the new Mossley Station. Network Rail intend to use the site as a small temporary materials laydown and spoil storage and working area.¹⁰⁹ It is located at the top of the slope on the Platform 2 side. During the construction of the new Mossley station it is essential that there is a construction area which is located and can be accessed from the Platform 2 side whilst the rail line is operating. However, materials and equipment can primarily access that compound from Manchester Road, during the night or railway possessions and using the temporary access point. This means that the need to access the secondary compound from the Brookfields side can be limited to workers and vehicles limited to breakdowns and emergencies.
265. As originally proposed, Network Rail sought powers to use the whole of the Brookfields site in connection with the construction of the new Mossley Station. This was to ensure sufficient flexibility when constructing the new station, in the absence of detailed proposals for the secondary compound and the detail of the means of access to it.
266. However, the proposed land take at Brookfields has been significantly reduced following a review by Network Rail. In particular:
- a) The progression of the design of the new platforms has now enabled Network Rail to reduce the scope of utility diversions which had previously been identified as needed

¹⁰⁸ See further the CTMP and specific planning conditions on the Oaklands Road compound.

¹⁰⁹ Keith Gardner, Proof of Evidence (NR/PoE/KG/3.2), para. 9.8.18.

to accommodate the new platforms. This removes the need to use the Brookfields Site as a temporary working area to support the construction of utility diversion works associated with the construction of the new platforms at Mossley Station.

- b) Network Rail is now clear that materials and excavated spoil can be transported to and from the Brookfields Secondary Temporary Construction Area by rail or by road via Manchester Road. It follows that construction vehicles associated with the construction of the new Mossley Station will travel to and from the Primary Temporary Construction Compound on Manchester Road, *not* Archer Street or Mill Lane.

- 267. This reduction in the scope of construction activities means that the land take can be reduced. Access via Archer Street/Mill Lane can be confined to those activities which cannot be achieved via crossing the railway from the Manchester Road side.
- 268. Network Rail still requires access to the temporary compound from Archer Street/Mill Lane to allow construction workers to access the compound during the day when the railway is operating. In addition, access will be required if plant (such as piling rigs) breaks down during these hours, and for emergencies. As has been said repeatedly by Network Rail during the course of the Inquiry, this means that the only access required will consist of light vehicles. It has been specific on this: minibuses for transporting workers from the Plevins hub; and for repairs, a tracked 3.5 tonne excavator. It no longer seeks the Temporary Traffic Regulation Order powers originally sought over a wider extent of the local street network, with such regulations now limited to temporary parking restrictions near the lay-by on Archer Street (and on Mill Lane for overnight works to the Mill Lane Underbridge (MVL3/15)). Brookfields will **not** have HGVs routing to/from it via Mill Lane and side streets, which are not suitable for that purpose and were not assessed to take HGV traffic in the Environmental Report.
- 269. As emphasised at the Inquiry, the effect of removing land from the Order limits at Brookfields means that Network Rail cannot do anything on the plots which have been removed (because it will have no powers over those plots).
- 270. The revisions therefore entail *less* land take, and *more* certainty - both as to what will take place on the site, and *how* the immediate road network will be used. That is the context against which the proposed use of Brookfields has to be assessed.

Environmental effects of Brookfields compound

271. There are no material adverse environmental or ecological effects arising from the proposed use of Brookfields. The scheme has been designed to avoid and minimise tree and vegetation removal, with final details to be agreed with the relevant local authority prior to works commencing. The LEMP will make provision for re-planting and other mitigation (including protection of retained trees), and the proposed BNG condition will mean that, overall, the scheme will have a net positive impact on biodiversity. A comprehensive restoration of the site will be undertaken following the completion of works, secured through planning condition. Further, INQ-19 confirms that the revision of the proposals at Brookfields inevitably reduces any environmental effects reported in the Environment Report.
272. Network Rail therefore submits that the environmental effects of Network Rail's proposed use of Brookfields are acceptable and have been appropriately minimised and mitigated through careful scheme design, protective measures for retained vegetation, and robust restoration requirements secured by condition.

Highways impacts at Brookfields

273. As set out above, the effect of the revised proposals for Brookfields mean that at most Network Rail will use the surrounding road network in light vehicles for staff drop off, and for break downs and emergencies. Construction traffic using the compound will be modest, with only ad-hoc movements of vehicles no larger than those already present on surrounding streets. There is no evidence to suggest that this will have a material adverse effect on the road network surrounding the Brookfields site.
274. The starting point is Mr Cary's evidence, which is the only expert assessment of potential traffic impacts arising from the proposed use of Brookfields.
275. All access arrangements are to ultimately be defined within the CTMP. This will take account of local school drop-off and pick-up periods and will recognise existing parking restrictions along Mill Lane, Archer Street, Vernon Street, Spring Street, and surrounding roads. In respect to Milton St Johns Primary School, Network Rail will avoid using Mill Lane during school drop-off and pick-up times at Milton St Johns CE School, as is standard practice. Network Rail will engage with the school to confirm the relevant times

and incorporate them into the CTMP. The approach to managing impacts will be agreed through the HNMG. Mr Cary considers this approach appropriate.

276. Mr Cary's evidence was that the *type* and *volume* of vehicles accessing Brookfields via the local road network under the revised proposals will not cause a significant impact (including Spring Street and Archer St), and that managing access under a CTMP is a reasonable and proportionate level of mitigation.¹¹⁰
277. As to Mill Lane, Mr Cary's view is that the volume of construction related traffic would be modest, and the ad-hoc access anticipated under the revised proposals would not be significant.¹¹¹
278. Against that, the position of Cllr Jones (on behalf of Mossley Town Council (OBJ-213) and Ms Wright (OBJ-110) is that any use of Mill Lane by Network Rail is wholly unacceptable and "will push it to a point of crisis".¹¹² This is merely an assertion. There is no evidence to support their claims. It is a constrained part of the road network, but it is well-used, and there is no evidence to show how or why the use of a minibus to deliver 10-15 workers will cause Mill Lane to tip into a "crisis". Notably, TMBC, as Highway Authority, do not take that stance. In fact, they have signed a statement of common ground agreeing that the proposed use by Network Rail can be detailed and secured in the CTMP. In the absence of any evidence of adverse impact, the maintenance of an objection that any use whatsoever of Mill Lane is unacceptable, is unreasonable and should not be given any weight by the Inspector or the SoS.
279. The Inspector and SoS are invited to instead prefer the evidence of Mr Cary, and give weight to the views of the Highway Authority. The proposed use of Brookfields will not give rise to any material adverse impacts on the local highway network, and the CTMP is a reasonable and proportionate level of mitigation.
280. Mr Muir says that access to Brookfields can take place away from Mill Lane. In the absence of any evidence of an unacceptable impact on Mill Lane etc., there is no justification for Network Rail modifying its proposals. But in any event, Network Rail

¹¹⁰ Chris Cary, Proof of Evidence (NR/PoE/CC/5.2), para. 4.2.10.

¹¹¹ Chris Cary, Proof of Evidence (NR/PoE/CC/5.2), para. 2.5.2.

¹¹² XX RTKC.

has responded in writing explaining why his alternatives are not appropriate.¹¹³ The scale of the impacts does not warrant imposing a restriction on the Network Rail which will require staff to walk significant distances with tools, require additional land take, or push up the cost or time required to construct this hugely beneficial development for Mossley.

281. For all those reasons, Network Rail submits that the proposals for Brookfields are appropriate and will not give rise to any material adverse impact.

MATTER 3(f): construction programming, phasing, timing, duration and sequencing, including interaction with local events and emergency access.

282. Network Rail has given careful consideration to construction programming, phasing, timing, duration and sequencing. Network Rail currently anticipates that early enabling works would take place in 2026-27 (in anticipation of the Order being made in Q2 2027); compound construction and discipline works through 2027-28; major works (earthworks, structures, stations, track, signalling, and overhead line installation) commencing in 2029 when blockade access becomes available; continuing through 2029-30 with reduced activity in 2031-32; a 12-week block for Stalybridge and Scout Tunnel works in Q2-Q3 2032; and commissioning in early 2033.¹¹⁴

283. The staging and sequencing of the works has been carefully considered to minimise impacts on the local community and businesses. In particular:

- a) Disruption will be minimised by using a combination of road and rail access to construct the scheme, thus minimising the impact on the highway network.
- b) Strategic Compounds will be implemented to minimise traffic congestion, especially during peak periods. These compounds will receive deliveries for onward distribution via the satellite compounds along the route to enable rapid access by construction teams to specific sections of track, to minimise nightly travel time and optimise delivery programme. Shuttle buses for the workforce and staff will be provided from key locations to minimise additional traffic placed onto the highway. Left turns into

¹¹³ INQ41.

¹¹⁴ Network Rail SoC (NR30), para. 7.4.1.

and out of site compounds will be used as far as reasonably practicable to reduce congestion at site entrances and exits.

- c) Standardisation of designs will support efficient delivery. The use of satellite compounds will further enhance logistics and programme efficiency.
- d) Sequence or staging, along with any out-of-hours working and road diversions, are communicated and discussed with all of the emergency services, and any contingency plans are agreed prior to the work commencing. There are no objections to the proposals in the Order Scheme, including traffic management and access, from any emergency service.
- e) Road and pedestrian diversions do not overlap where the construction is geographically close, thereby minimising simultaneous impacts on a single area.

284. Local events have been taken into account, in particular the Whit Sunday Band Contest. Network Rail will continue to give these events careful consideration and will try and minimise any disruption insofar as it can. But it must be recognised that it is impossible to say at this juncture in respect of a 6-7 year construction project that there will never be disruption on any contest day, or during any other event. Network Rail will give the event careful consideration and do all it can to avoid adverse impacts. Mr Norbury fairly acknowledged that this is all that can reasonably be asked for. It has been agreed between Network Rail and OMBC that an Events Management Group will be established as soon as reasonably practicable days after the date the Order comes into force to review and co-ordinate the Network Rail construction programme for the Order Scheme and the programming of major events to be held within the administrative area of OMBC; this is currently set out in Section 6 of the Statement of Common Ground between Network Rail and OMBC.

285. There is no dispute that some disruption will arise from the construction phase. That is inevitable in any scheme of this type. The question for the Inspector and the SoS, Network Rail submits, is whether those effects are outweighed by the permanent benefits of the Order Scheme, and whether the effects have been minimised and mitigated insofar as they reasonably can be.

286. Network Rail submits that the answer to both issues is “yes”. In short, Network Rail has carefully planned the construction programme to minimise disruption. By measures such as strategic compounds, combined road and rail access, coordinated diversions, and close liaison with emergency services, the scheme can be delivered efficiently and without unacceptable temporary impacts. The short-term effects are manageable and acceptable, and in any case are outweighed by the long-term benefits the Scheme will realise.

MATTER 4: Whether the proposals comply with the Equality Act 2010 and the Public Sector Equality Duty

287. The public sector equality duty in s. 149 of the Equality Act 2010 requires that a public authority must, in the exercise of its functions, have due regard to the equality objectives in subsection (1).¹¹⁵ The duty is to have “due regard” to those matters. It is not a duty to achieve a particular outcome. Moreover, the Act does not prescribe how the duty is to be discharged. There is no requirement that equality matters are approached through any particular mechanism (e.g. impact assessments), and the duty is ongoing.

288. An accurate summary of the legal nature of the duty was described by Inspector Heidi Cruickshank in the Moor Lane level crossing decision appended to Mr Greenwood’s evidence (appendix 7), when responding to a criticism made of Network Rail for not providing an Access Impact Assessment: “there is no requirement as to how the PSED is met” and “the ‘due regard’ element allows consideration to be proportionate. Having due regard means consciously thinking about the three aims of the Equality Duty ... as part of the process of decision-making” (para. 92).

289. The point of the duty in a case like this - where Network Rail is designing and advancing a scheme of public works for approval - is that, in undertaking that exercise, it has had “due regard” to the equality objectives in s. 149.

290. The evidence shows clearly and demonstrably that this has occurred. Ms Clarke explains how equality considerations informed the design and engineering optioneering and proposals. Considerable attention was paid, for example, to improving accessibility in

¹¹⁵ These are (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

two of the principal works in the scheme - the interventions at Mossley and Greenfield Stations.

291. While the interventions at these locations are driven by an engineering need for these interventions, Ms Clarke's evidence is a clear example of how, in formulating those interventions, Network Rail has had clear and conscious regard to the equality objectives in s. 149, and in particular, to make the stations more accessible to disabled people. Mossley and Greenfield Stations will be fully accessible for the first time. Whether one agrees with the suitability of the measures or the effectiveness is not the question (although no one suggests that the accessibility features in either case do not go far enough). The point is that due regard has been had in formulating the Scheme. Self-evidently, if Network Rail had not had due regard to advancing the equality objectives in s. 149, it would simply replicate the existing conditions.
292. A particularly tangible example of "due regard" is Ms Clarke's evidence (section 5.4) on diversity impact assessments. The proposals in respect of all significant structures and for both station interventions were subject to diversity impact assessments in the design of the Scheme. Ms Clarke explains how the DIAs considered aspects such as discrimination and the needs of people who are disadvantaged or suffer inequality, with recommendations captured within the design. The project then developed the preferred solution through collaborative relationships with community-based groups and stakeholders, such that the proposals are able to meet their needs as best as possible.
293. The DIAs have provided recommendations such as pedestrian segregation from vehicles, improved traffic management, diversionary routes and suitability and accessibility of these and the description and type of signage proposed for the upcoming works. More detailed DIAs, Ms Clarke explains, will be undertaken at the next design stage with further feedback from user groups incorporated into the proposed solution.
294. It is therefore demonstrably the case that Network Rail has had due regard to the equality objectives in s. 149(1) in the optioneering and design of the engineering interventions in the scheme.
295. That is also the case for the level crossing proposals. DIAs were carried out for both level crossing proposals, to understand the impact of the closures on people with protected characteristics, but also to understand the impact of the alternative routes. The findings

have been taken into account in designing the diversionary routes. Moorgate Halt is a particularly strong example of this: the design was amended to incorporate the recommendations of the DIA in that case. Again: the question is not whether the proposals represent the best outcome in equality terms. The legal duty is to have “due regard” to the equality objectives, and that is clearly demonstrated with the level crossing matters.

296. The same due regard is evidenced in Network Rail’s treatment of temporary impacts. For construction impacts, effects will be managed and mitigated through the CoCP. Part A, section 2.3.5, states that risks to the public will be managed in accordance with the guidance in HSG151 “Protecting the Public” (Health & Safety Executive (HSE), 2009). That guidance specifically emphasises the need to understand and take account of the effects of construction on people with protected characteristics. This demonstrates compliance with the PSED in three respects.
297. First, by committing to follow HSG151, Network Rail has embedded equality considerations into its construction management framework from the outset. Second, HSG151 requires the identification of groups who may be particularly vulnerable to construction impacts, including disabled people, older people and children, and the adoption of measures to protect them. Third, the CoCP mechanism ensures that these requirements will be implemented and enforced throughout the construction phase, with detailed plans to be submitted and approved before works commence. Network Rail has therefore had, and will continue to have, due regard to equality impacts in constructing the Scheme.
298. Some objectors allege breaches of the Equality Act, particularly by the absence of DIAs for specific parts of the scheme (e.g. Ms Wright OBJ 101 criticises the lack of an equality impact assessment for Brookfields, Saddleworth PC criticise the lack of “disability impact assessment” on the proposals for FP244 SADD).
299. But that is the opposite of what the s 149 duty requires. Compliance with the duty is a question of substance, not box ticking or the production of documents. Compliance with the duty in respect of Brookfields is apparent from Network Rail revising its proposals in light of (inter alia) the equality concerns cited to it - particularly the impact on the school - and embedding equality considerations in the management of temporary impacts

via the CoCP Part A. With respect to FP 244 SADD, the position is as set out above: equality considerations have been central to the enhancement of that path.

300. For all those reasons, Network Rail has demonstrably complied with the Public Sector Equality Duty under section 149 of the Equality Act 2010 at every material stage of the Scheme's development. Critically, if the Order is made, the duty continues, and the Order Scheme must be implemented having due regard to the equality objectives.

MATTER 5: The effects of the Scheme on statutory undertakers, statutory utilities and other utility providers, and their ability to carry out their undertakings effectively, safely and in compliance with any statutory or contractual obligations and the protective provisions afforded to them.

301. Network Rail submits that the draft Order contains a comprehensive and well-established framework of protections for statutory undertakers, statutory utilities, and other utility providers whose apparatus, assets, and operations may be affected by the Scheme.
302. Those protections are contained in the articles of the Order itself, in Schedule 16 (Provisions Relating to Statutory Undertakers Etc.) and in Schedule 17 (Protective Provisions), supplemented where appropriate by planning conditions.
303. At the close of the Inquiry, the objections of statutory undertakers, statutory utilities, and other utility providers have been addressed and all relevant objections have either been formally withdrawn or addressed in SOCGs. We submit that this is the clearest and most compelling evidence that the Order's protective framework is effective.

Coal Authority (REP-01)

304. The Coal Authority submitted a representation on 8 December 2025 raising concerns regarding avoiding works in the vicinity of coal mine entries where reasonably practicable, and the need for appropriate controls in relation to such works, either through a planning condition or other secured mechanism.
305. A Statement of Common Ground between Network Rail and the Coal Authority (NR-SOCG REP-01, signed 22 May 2026) confirms that all matters between the parties are agreed, including:

- a) a coal mining risk assessment will be undertaken for works located within areas identified as being within a coal mining area;
 - b) Network Rail will obtain any required Coal Authority permits before undertaking relevant excavation, borehole, or piling activities;
 - c) Network Rail will comply with any gas monitoring requirements imposed through such permits; and
 - d) piling risk assessments will be undertaken where required in accordance with Environment Agency guidance, with any resulting mitigation secured through the Pollution Prevention and Incident Control Plan.
306. Since the SoCG, Network Rail has added a new Condition 21 (Coal Mining Risk Assessment) in INQ-38.1. Condition 21 requires a coal mining risk assessment to be undertaken for any development within the areas identified in Volume 3, Appendix 11A of the Environmental Report as being within a high-risk development area and secures implementation of any resulting measures. This condition directly reflects the commitments contained in the Coal Authority SoCG.

Electricity North West (REP-14)

307. Electricity North West Limited (“ENWL”) submitted a representation on 19 December 2025 raising concerns regarding appropriate confirmations and permissions in relation to the ENWL apparatus and objected to the proposals until an acceptable alternative site and the costs of relocation are agreed upon between the parties.
308. Following submission of the representation, discussions were held between ENWL, Network Rail and Network Rail’s land agents, Bruton Knowles, from 4 March 2026 onwards.
309. During the most recent meeting on 18 June 2026, ENWL confirmed that it was satisfied that its interests are adequately protected by the protective provisions contained in Part 1 of Schedule 17 to the draft Order, which apply to ENWL in its capacity as a statutory undertaker under the Electricity Act 1989.

310. ENWL further confirmed at that meeting that it would instruct its legal representatives to formally withdraw its representation.
311. Accordingly, Network Rail understands that there are no substantive issues remaining between the parties and that ENWL's concerns have been satisfactorily addressed through the protective provisions contained in the draft Order. No separate agreement has been sought or is required between the parties.

Canal & River Trust (OBJ-211)

312. The Canal & River Trust ("CRT") submitted an objection on 12 December 2025 raising concerns regarding the potential effects of the Order on CRT land interests, waterway assets and operations, including compulsory acquisition powers, application of the CRT Code of Practice, water abstraction, impacts on the Standedge Canal Tunnel and Diggle Feeder, long-term maintenance obligations, and continued operation of the Huddersfield Narrow Canal and associated towpaths.
313. Following ongoing technical and legal discussions, Network Rail and CRT entered into a Protection Agreement which addresses the concerns raised in CRT's objection and provides legally binding protections for CRT's assets and interests. A Position Statement has been provided to the Inquiry which provides an outline of the agreement reached between Network Rail and the Trust to address the concerns set out in the Trust's objection (NR-SOCG OBJ-211.1).
314. The Statement of Common Ground (NR/SOCG/OBJ211.2) confirms that the Protection Agreement addresses all matters raised in CRT's objection and that the Agreement, together with the protective provisions in the draft Order, provides adequate protection for CRT's interests. Accordingly, CRT withdrew its objection to the draft Order on 2 July 2026 and the parties agree that there are no outstanding matters between the Parties.

National Grid Electricity Transmission plc (OBJ34)

315. National Grid Electricity Transmission plc ("NGET") submitted a holding objection on 27 November 2025 raising concerns in relation to the carrying out of Order works within proximity of its existing infrastructure, including overhead lines (the ZPA 400kV route –

Circuit 1: Rochdale to Stalybridge; and Circuit 2: Elland to Stalybridge), and substations (Stalybridge 25kV substation and 275kV substation and 400kV substation).

316. Further to the objection, Network Rail and its land agents, Bruton Knowles, entered into discussions with NGET to fully understand NGET's concerns and consider how these concerns could be addressed.
317. Following technical and legal discussions, Network Rail completed a Unilateral Undertaking to NGET on 14 July 2026 which provides, amongst other matters:
- a) An undertaking to provide not less than 28 days' advance notice of starting any Authorised Works within the vicinity of Printworks Road;
 - b) An undertaking at all times during the execution of Authorised Works within Printworks Road not to prevent or obstruct access over Printworks Road other than through the temporary stopping up of one lane only at any time;
 - c) An undertaking not to remove or require the removal of any NGET apparatus nor extinguish any rights of NGET to access, maintain and operate any apparatus;
 - d) An undertaking to, not less than 28 days before starting any Authorised Works within 15 metres of any Electric Line or 30 metres of a base tower, submit to NGET a plan, section and description of the works;
 - e) An undertaking, not less than 28 days before taking access within Plot 3-011 and/or Plot 3-016 for the purpose of carrying out Drainage Works, to submit to NGET a plan, section, description and method statement.
318. Further to the completion of the Unilateral Undertaking, NGET withdrew its objection to the draft Order on 15 July 2026 and there are no outstanding issues remaining between the parties.

MATTER 6. The environmental effects of the Scheme

319. The environmental effects of the Order Scheme have been comprehensively assessed in a three-volume Environmental Report.¹¹⁶ The ER identifies the likely environmental

¹¹⁶ The proposal is not for "EIA development" (NR13).

effects during the construction and the operational phases of the application scheme, describes the environmental mitigation required for the application scheme and describes the mechanism for securing the environmental mitigation for the elements for which deemed planning permission is sought. The mitigation measures in the ER prioritise avoiding risks, reducing risks, offsetting the impact and then compensation. Where possible, environmental effects have been avoided through embedded mitigation developed as part of the design of the application scheme.¹¹⁷

320. The relevant mitigation will be secured by the proposed conditions to the deemed planning permission. These include the Code of Construction Practice (condition 6). Part A (CoCP Part A), as Mr Pearson explains, outlines the high-level environmental controls in relation to the construction phase of the application scheme. Part B prevents the commencement of any stage of the scheme unless and until a suite of environmental documents have been submitted to and approved by the relevant local planning authority. These are:

i) an external communication programme; ii) a pollution prevention and incident control plan; iii) a waste management & material plan; iv) a nuisance management plan concerning dust, air pollution, hours of operation and temporary lighting; and v) a noise and vibration management plan including a construction methodology assessment.

321. Each stage of the development must be implemented in accordance with the approved CoCP Part B for that stage and the relevant plans or programmes, unless otherwise agreed in writing with the relevant local planning authority, must be implemented in full throughout the period of the works: condition 6(c).

322. The works not subject to deemed planning permission (and thus condition 6) will be managed in accordance with best practice. This includes requiring contractors to comply with various environmental requirements.¹¹⁸

323. Landscape and ecological management plans are another important part of securing environmental mitigation. Condition 5a restricts commencement of any stage of the Order Scheme until a Landscape and Ecological Management Plan (LEMP) for that stage has been submitted to and approved in writing by the relevant local planning authority.

¹¹⁷ Jim Pearson, Proof of Evidence (NR/PoE/JP/4.2), para. 4.1. See examples at para. 4.1.1.

¹¹⁸ These are set out in NR115 and Jim Pearson, Proof of Evidence (NR/PoE/JP/4.2), section 3.4.

The LEMP for each stage of development must, among other things, reflect the survey results and ecological mitigation, and enhancement measures set out in Chapter 6 of Volume 1 of the Environmental Report; include a plan identifying how ecological assets will be protected; a plan of trees to be retained or protected; a plan of ecological mitigation details including areas of new planting and details of any habitats created or enhanced; an implementation timetable and a programme for initial aftercare, long term management and maintenance responsibilities for a period of five years post completion; and details of organisation(s) responsible for maintenance and monitoring.

324. The environmental management of each stage of the Order Scheme will, therefore, be closely controlled and reflect the findings and mitigation set out in the ER. This is an appropriate and proportionate approach, is well-precedented, and reflects best practice.
325. The mitigation measures are all set out in the Commitments Register before the Inquiry (INQ-34). This lists all relevant incorporated mitigation identified in the draft Order, ER, CoCP and DPP conditions. The Commitments Register includes line items for each environmental delivery plan and programme and links to the mitigation required to discharge them. The purpose of the Commitments Register is to identify mitigations and how they are secured; the register itself is not a “control” document.
326. Overall, Network Rail submits that the environmental impacts of the Order Scheme have been appropriately assessed and any effects of the Order Scheme can be appropriately addressed through the proposed mitigation. Neither of the local planning authorities raise any objection to the Scheme on environmental grounds, and nor do Natural England.
327. We turn now to the specific environmental matters identified in Matter 6: a. designated and non-designated green spaces; b. trees, habitats and protected species; c. flood risk, drainage, noise, vibration, air quality and landscape character; and d. heritage assets, including historic routes and structures.
328. The EA submitted a representation on 19 December 2025. In that representation the EA confirmed that it had no objection in principle to the proposed Order, subject to the inclusion of appropriate environmental protection and mitigation measures. The principal issues raised related to: contaminated land and controlled waters, flood risk and the water environment, water abstraction, and biodiversity.

329. A draft Statement of Common Ground has been prepared which demonstrates that the matters raised by the Environment Agency have been addressed and that there are no outstanding matters between the parties concerning the Environment Agency protective provisions, contaminated land and controlled waters, flood risk, the water environment, water abstraction, biodiversity, or the implementation of relevant Environment Agency environmental guidance.
330. The remaining discussions between Network Rail and EA focussed on how mitigation relating to contaminated land, controlled waters, piling activities and abstraction would be secured. To address those concerns, Network Rail proposed additional planning conditions to secure this in INQ-38.1 (namely: Condition 16 – Piling Risk Assessment; Condition 17 – Contaminated Land and Controlled Waters; and Condition 18 – Unexpected Contamination).
331. In an email dated 1 July 2026, Network Rail explained to the EA that these additional planning conditions were intended to “close the gap” identified by the EA by incorporating the relevant mitigation measures directly into the deemed planning permission process and securing compliance through the Order.
332. On 2 July 2026 the EA acknowledged the inclusion of the draft conditions and appreciated the work that had gone into the SOCG, however, it had been unable to complete its review of the revised draft SOCG because of capacity constraints in their team and the technical officer leading on the case was away and would not be returning until 13 July 2026.
333. As such, while there is no final SOCG with the EA, the draft SOCG was not signed due to resource/team constraints at the EA, not because of an issue with the SOCG itself.

Designated and non-designated green spaces

334. The Order Scheme does not require development within designated greenspace or open space, other than a small permanent parking area at Heron Lane to facilitate ongoing railway maintenance.

335. Parts of the established railway corridor are located in the Green Belt. Parts of the Order Scheme, therefore, comprise interventions in the Green Belt.¹¹⁹ Although not designated “greenspace” as such, it is convenient to deal with that here.
336. As Mr Gradwell explained, and as is further set out in NR15 and NR16, the works in the Green Belt are either temporary, relate to the alteration of existing structures, or must be sited in close proximity to the railway to fulfil their engineering function. The scope of works has been minimised as far as practicable, both in scale and through the use of appropriate materials to reduce visual impact.
337. National planning policy provides that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. “Very special circumstances” (“VSC”) will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Certain development is not “inappropriate” (such that no VSC need to be demonstrated) provided that the development preserves the Green Belt’s openness and does not conflict with the purposes of including land within it.
338. As the Planning Statement (NR15) explains, the works in the Order Scheme which involve Green Belt are development concerning local transport infrastructure that cannot be delivered elsewhere. By definition, works to the railway cannot be carried out other than on or in close proximity to the railway. A green belt location is clearly demonstrated. In respect to openness, the works in the Green Belt involve relatively limited and in many cases temporary changes to the landscape and views. None of these elements will conflict with the purposes of the Green Belt or compromise its openness and are therefore not inappropriate development in the Green Belt. Accordingly, the Green Belt development is not inappropriate development for the purpose of Green Belt policy.
339. The Inspector and SoS will note that Oldham Council does not dispute that analysis, and its statement of case records that the Council “...does not consider that the proposals will conflict with the overarching aims and objectives of Green Belt policy given the provisions made for local transport infrastructure.”¹²⁰

¹¹⁹ The list of works in the Green Belt is set out in the Planning Statement, NR15, para. 6.3.2.

¹²⁰ Para. 7.2.5.

340. In any event, if that were not the case and VSC had to be demonstrated, this is an obvious case where “very special circumstances” exist for the purposes of NPPF para 153. The Scheme’s national significance and substantial public benefits, including support for sustainable transport, carbon reduction and improved regional connectivity clearly outweigh any potential harm to the Green Belt.

Non-designated green space - Oaklands Road Compound

341. The proposed Oaklands Road Compound is situated on land designated as Other Protected Open Land (OPOL) in Oldham’s Proposals Map associated with the Local Plan. The Oaklands Road Compound area has been previously used as an access for Road Rail Vehicles (RRVs) via third party access agreements on a limited basis. The project proposes to acquire the land and redevelop this into a permanent compound site with a new RRAP to support the construction of the Scheme area and for future railway maintenance.
342. It is important that the Inspector and SoS understands why this site has been selected and its significance to the Scheme. Ms Clarke’s engineering evidence explains that Network Rail require Road Rail Access Points at regular intervals along the route to allow maintenance vehicles to access the track. To accommodate the proposed increase in train services which the Order Scheme will help achieve, available maintenance hours will be reduced. This means that those hours which are available are used as efficiently as possible. As Ms Clarke explains, if more time is spent travelling from an access point to the working area, *less* time is available to carry out work, resulting in reduced efficiency and higher costs.¹²¹
343. The section of route between Stalybridge and Standedge Tunnel has historically had a shortage of suitable access points due to the challenging site topography and constraints.¹²² The improvements effected by TRU create further challenges for RRAPs. RRAPs require straight tracks, but the Order Scheme will change track geometry so that trains can travel faster on curves by leaning into the curve.
344. A feasibility study found that Oaklands Road is the only site which would avoid incurring major construction challenges and interventions. The area is one of few which has

¹²¹ Emma Clarke, Proof of Evidence (NR/PoE/EC/2.2), para.4.3.2.

¹²² Emma Clarke, Proof of Evidence (NR/PoE/EC/2.2), para.4.3.4.

sufficient land adjacent to the rail corridor, has highways access relatively at grade with the railway and is located in an area of straight track alignment.

345. The operational need case for siting the compound at this location is compelling.
346. OMBC's position on Oaklands is also important. The OMBC Local Green Space Assessment Report (July 2021) recommends de-designation of this site, although the OPOL status remains until the revised Local Plan is formally adopted.¹²³ In its statement of case to this Inquiry, OMBC raised no objection to the use of Oaklands Road but required further information. Further discussions have led to a statement of common ground with OMBC in which OMBC agrees that planning conditions 11 (Oaklands Road Permanent Maintenance Facility - Highway Accesses) and 12 (Oaklands Road Permanent Maintenance Facility - Detailed Design), and 5 (Landscaping & Ecology) to the Planning Direction (NR11) will provide the level of detail required. Both parties agree that the proposed planning conditions provide the necessary level of control to ensure that OMBC retains sufficient oversight of the detailed aspects of the development.
347. Network Rail invites the Inspector and the SoS to place weight on the direction of travel of local plan policy - the de-designation of the site - and that OMBC raises no objections to the use of the site.
348. Finally, there are no material adverse environmental impacts arising from the proposed use of Oaklands Road. While it will be necessary to remove trees/vegetation to enable access, perimeter trees will be retained to screen the internal part of the site.¹²⁴ Further, as part of the environmental optioneering workshops, Network Rail committed to continually review the de-vegetation requirements in this location.¹²⁵ As set out above, the effect of the planning conditions is that the final extent of tree removal will be agreed with OMBC prior to development commencing. The LVIA in the Environmental Report concludes that, post-mitigation, the visual impact of the proposals at this site will be neutral.¹²⁶ In landscape terms, the LVIA concludes that "The anticipated changes to

¹²³ NR14, appendix 3, section 2.4

¹²⁴ Emma Clarke, Proof of Evidence (NR/PoE/EC/2.2), para. 4.3.18.

¹²⁵ Network Rail SoC (NR30), para. 4.4.4.

¹²⁶ NR13 Vol 3, appendix 7A, pg. 155.

existing landscape features and elements are considered to have a minimal, barely noticeable negative impact overall” such that the magnitude of change is “very low”.¹²⁷

349. For those reasons, we submit that the development of this non-designated green space is justified.

Trees, habitats and protected species

350. Network Rail has carried out extensive work to understand and mitigate the effect of the Order Scheme on trees. A tree and hedgerow assessment was carried out to understand the extent of trees that might be affected by the development of the Order Scheme.¹²⁸ No ancient woodland, veteran trees, or other irreplaceable habitats were found, either during the desk-based research (including checks of the Woodland Trust’s Ancient Tree Inventory), or during site visits by tree specialists.

351. In order to determine the impacts and the indicative extents of de-vegetation, available drawings of proposed works and annotated sketches of proposals/de-vegetation were overlaid onto the TPPs. The trees within these zones have been shown for removal - refer to Figures 8.1.1 to 8.1.20 in Volume 2 of this Report [NR14]. On the basis of the information available for the ER, it is considered necessary to remove these trees to construct the Scheme.¹²⁹

352. These plans show that the vast majority of affected trees to be removed are either of low or moderate quality. Specifically, an area of approx. 2.29 ha of moderate quality trees are proposed to be lost and 3.8 ha of low-quality trees lost.¹³⁰ No high-quality groups/woodland are proposed to be lost. A single high-quality tree has been indicatively identified for removal.¹³¹

353. The loss of low-quality trees, Network Rail submits, should not weigh heavily against the scheme. As the ER explains, their useful remaining life expectancies are limited, or they are relatively young specimens whose removals can be offset with mitigation

¹²⁷ NR13 Vol 3, appendix 7A, pg. 110.

¹²⁸ See Environment Report Volume 3, Appendix 8A and Figures 8.1.1 to 8.1.20 (NR14).

¹²⁹ ER technical appendix 8A para. 8.2.17.

¹³⁰ ER technical appendix 8A, table 4-.

¹³¹ The specific tree removals are detailed in the survey schedule within Volume 3, Appendix 8A of this Report [NR14].

planting. In any case, the proposed tree removals are to be reviewed as the detailed design progresses with the retention of additional trees identified where feasible.

354. The proposals contain appropriate mitigation to protect trees and limit the impact of the works. Condition 4 restricts development until a plan of existing trees (including groups of trees and woodland) to be either retained and protected or to be removed in accordance with an arboricultural method statement is submitted and approved by the relevant local planning authority. Condition 5 similarly requires the LEMP for each stage of development (which are to be submitted and approved by the relevant LPA) to include a plan of existing trees (including groups of trees and woodland) to be either retained and protected or to be removed in accordance with an arboricultural method statement. The requirement to adhere to the LEMP and condition 4 secures removal of only those trees shown on the plans.
355. Network Rail has also developed a comprehensive scheme of mitigation to address effects on trees. The primary mitigation during works is the provision of tree protective barriers to be provided by the appointed contractor to ensure the protection of retained tree stock. The locations of the protective barriers would need to be confirmed as part of the Final AMS production secured as part of the LEMP.¹³² The locations of site accommodation, temporary buildings and areas used for storage of materials are to be located outside of the constraints of retained trees as defined within the TPPs, which will in turn be confirmed by the LEMP.¹³³
356. Further, the Code of Construction Practice (CoCP) Part A (secured by condition on the deemed planning permission) requires trees and vegetation that can be retained to be protected, and as per BS5837. Other mitigation measures are set out in the ER Chapter 8.
357. Unavoidable tree loss will be mitigated by replacement planting, and this will be secured via the LEMP.¹³⁴ The commitment to a BNG of 10% safeguards mitigation for any

¹³² ER, technical appendix 8A para 8.3.6.

¹³³ ER technical appendix 8A, para. 8.3.5.

¹³⁴ ER technical appendix 8A, para. 4.3.7.

unavoidable tree removal.¹³⁵ The ability to retain further trees than those currently proposed shall be kept under review as part of construction planning.

358. In summary, Network Rail has undertaken a comprehensive approach to assessing and mitigating the impact of the Order Scheme on trees. No irreplaceable habitats, ancient woodland, or veteran trees will be lost. The trees that are proposed to be removed must be removed to enable the Scheme to be constructed. They are predominantly of low or moderate quality. Robust mitigation measures are secured through conditions, the LEMP, and the CoCP, including tree protection during works, replacement planting, and a commitment to 10% biodiversity net gain. There is no reason to believe that the loss of trees will result in permanent adverse ecological effects. Even if there were, Network Rail submits that any such impact is significantly and demonstrably outweighed by the benefits of the Order Scheme.

Habitats and protected species

359. The Order Scheme can be carried out in a way which results in no likely significant effects on ecology, and which improves biodiversity in the area.
360. Network Rail has undertaken significant work to understand the existing ecological baseline, and potential harmful effects arising from the Order Scheme. Armed with that information, Network Rail has followed the mitigation hierarchy in developing the Order Scheme: avoid, minimise, compensate and enhance. Mr Horlock was the only ecological expert before the Inquiry; his evidence was unchallenged. His evidence was that, with mitigation, there are no likely significant effects on ecology over construction, operation and decommissioning.
361. The Order Scheme will not involve development in any protected European Site, but three such sites are in the vicinity of the Scheme.¹³⁶ These have been carefully considered. An HRA assessment was undertaken, and this concluded that there are no likely significant effects on the integrity of those sites (because there are no effect pathways from the Order Scheme and those sites). There has been no challenge to that

¹³⁵ ER technical appendix 8A, para. 8.2.18.

¹³⁶ Two European Site are located to the east of the Order Scheme and include the 'Peak District Moors Special Protection Area (SPA)' and the 'South Pennine Moors Special Area of Conservation (SAC)', located approximately 775 m east, at the nearest point. A third European Site 'the South Pennine Moors (Phase 2) SPA', is located approximately 965 m north at the nearest point. ER technical appendix 6B, para. 1.2.4

analysis by anyone and there is no reason for the Inspector or SoS to take a different view.¹³⁷ Because there are no LSEs on the relevant protected sites, there is no need for the Inspector or the SoS to make an appropriate assessment under reg. 63(1) of The Conservation of Habitats and Species Regulations 2017.

362. The ER specifically considered the potential for effects on protected and priority species and the findings are set out in the ER.¹³⁸ The Order Scheme has been designed to minimise such effects, and mitigation measures developed to avoid those potential effects. The ER shows, and as Mr Horlock explained in his evidence, with mitigation, there is unlikely to be any adverse effects on protected species (or indeed any of the ecological features identified).
363. Friends of Saddleworth (“FoS”) criticise Network Rail for not undertaking bat surveys on the whole of Uppermill Viaduct. Network Rail have not surveyed the whole viaduct because there is no need to do so. The works on Uppermill Viaduct comprise installing seven OLE portals. These will be fixed to the Viaduct by brackets. The potential for disturbance to bats arises from that installation work.
364. Mr Horlock designed the surveys to examine for bats in the zone of influence for each of the seven portals. The principle behind this approach is that, within the zone, the work could have a material adverse impact on bats, whereas beyond the zone the effects of the work (noise/vibration etc.) has dissipated sufficiently such that no material impact could arise. In light of relevant guidance and professional judgement, Mr Horlock applied a ZoI of 10m for each proposed portal.¹³⁹ The surveys therefore focused on ascertaining the presence of bats within those zones. No roosting bats were found in any of the zones, and, therefore, it was concluded that the works will not have any adverse effects on roosting bats.
365. In oral evidence, FoS did not dispute the ZoI approach, nor the 10m zone.¹⁴⁰ They simply said that surveying the whole Viaduct would give them reassurance. With respect to them, that position is difficult to understand. If the approach taken by Network Rail will (as

¹³⁷ TMBC expressly agree with this conclusion: see SoCG, para. 7.1.1.

¹³⁸ Technical appendix 6A Table 3-9 sets out potential protected species in the study area of the Order Scheme and the potential effects on those species are included in the table of potential effects at table 3-11.

¹³⁹ In his main proof, Mr Horlock gives a figure of 20m, however the 10m figure given in the Rebuttal is the correct figure.

¹⁴⁰ XX HR.

they appear to accept) survey all relevant areas where a material impact could arise, there is no need to understand whether bats are present elsewhere on the viaduct, as they will not be impacted by the works.

366. As Mr Horlock explained in XIC, ecologists describe this as the “so what” principle - i.e. if there are protected species beyond the zone of influence, so what? The works will not affect those species (in this case bats) so why does Network Rail need to spend public money understanding the potential presence of species which will not be impacted? It is not necessary or proportionate.
367. In conclusion, no objector has adduced any relevant expert evidence which suggests that the ER is wrong in its conclusions that, post-mitigation, there are no likely residual effects on ecology in the Order Scheme area anticipated. There is no reason for the Inspector or the SoS to take a different view.
368. But the Order Scheme goes beyond “no negative effects”. The proposals for BNG mean that the delivery of the Order Scheme will have an overall net positive impact on ecology. Network Rail submits that this is a further matter which weighs heavily in favour of the Order Scheme. A baseline feasibility report has been produced and post-development recommendations considered in order to achieve BNG, and further detail is set out in INQ 20. Network Rail are confident that achieving 10% is feasible and achievable, given the current post-development progress and evidence of success elsewhere on the wider TRU scheme.

Flood risk, drainage, noise, vibration, air quality and landscape character

369. The Environmental Report presents the appraisal of the Scheme’s impacts on the water environment, including flood risk, surface water quality and groundwater. The appraisal is supported by three technical appendices: the Water Framework Directive Screening, the Flood Risk Assessment, and the Surface Water Assessment. The Flood Risk Assessment considered potential sources and mechanisms of flooding affecting, or affected by, the Scheme and identified appropriate mitigation measures at outline design stage.
370. The ER concluded that there are no significant flooding constraints for the Order Scheme that cannot be mitigated during construction and operation. The majority of the Scheme

is in Flood Zone 1. There are seven sites within Flood Zones 2 and 3 and these pass the Sequential and Exception Tests. Surface water, groundwater, canal and reservoir flood risks are all assessed as low. The Scheme is not within the Huddersfield Narrow Canal Modelled Hazard Zone.

371. Furthermore, the Scheme will not exacerbate flood risk elsewhere. As the ER explains, that is because, among other things, the works comprise upgrading existing railway infrastructure with no significant change to flood mechanisms or floodplain storage. The elements of the scheme involving new development - Mossley Station and works at Greenfield - will result in minimal additional impermeable area being built.
372. Below-ground construction is also minimal, and the underlying aquifers are expected to be deeper than proposed elements below the surface. In addition, no ground discharge is proposed. The works will not significantly alter overland flow paths, or increase runoff volume, and adequate drainage will manage stormwater. In addition, the Order Scheme will not significantly alter overland flow paths, displace floodplain storage, or increase runoff volumes so as to affect reservoir flood risk.
373. The PPICP will include details around controls during flood events that all fall within flood zones 2 and 3 as designated by the Environment Agency.¹⁴¹ The relevant PPICP for such will comply with the Environment Agency's flood warning service and provide mitigation in terms of site layout and being able to secure the site during flood conditions para 6.8.4 and 5. The PPICP would also consider and provide mitigation for inundation events and surface runoff principally in the form of appropriate site drainage. Flood Risk is also addressed in INQ.38.1, in planning condition 6, which requires that "flood risk management and control measures" are provided as part of the pollution prevention and incident control plan to be submitted as part of Part B of the CoCP.
374. The PPICP will also provide for protection of watercourses such as at the Huddersfield Narrow Canal (e.g. by requiring careful siting of fuel storage and refuelling facilities, as well as ensuring mitigation is in place for any work in watercourses, for example using silt curtains to minimise silt mobilisation).¹⁴²

¹⁴¹ Jim Pearson, Proof of Evidence (NR/PoE/JP/4.2), para. 6.8.3.

¹⁴² Jim Pearson, Proof of Evidence (NR/PoE/JP/4.2), para. 6.8.6.

375. The Environment Agency, following correspondence with Network Rail explaining those controls, was content to remove further comment on flood risk. The Inspector is therefore invited to find that flood risk and drainage raise no reason to withhold the Order.
376. A specific concern has been raised about the design of FP244 SADD. Unlike the present situation, the upgraded footpath will have suitable drainage provided, and details will be submitted to OMBC for their approval. Clearly, the management of surface water drainage will continue to be taken into account and considered in discharging the planning condition. The Order itself will require OMBC's culvert to be protected or reinstated if damaged. Drainage will therefore not be adversely affected and there is scope for it to be improved through a properly drained path.

Noise and vibration

377. Noise and vibration have been assessed in Environmental Report Chapter 9, Appendix 9A. Mr Lawrence's evidence was that the implementation of the Order Scheme is unlikely to result in significant noise or vibration effects. The key control for construction noise and vibration is the Code of Construction Practice (CoCP), which will require a Noise and Vibration Management Plan (NVMP) to be submitted to and approved by the Local Authorities. Mr Lawrence considers this sufficient to avoid significant impacts from construction noise and vibration. His evidence was unchallenged at the Inquiry, and there is no reason for the Inspector or SoS to take a different view.

Air quality

378. Air quality impacts are assessed in Chapter 13 of the ER. The findings of the assessment show that air quality impacts associated with construction traffic are negligible and not significant.¹⁴³ In any event, construction traffic will not be routed to and from the Scheme via the Tameside Air Quality Management Area (AQMA). This requirement would be detailed in the CTMP, the actual routing of construction traffic will be finalised in a Highways Management Group consisting of the scheme project team and the highways authority.¹⁴⁴

¹⁴³ Para 13.2.7.

¹⁴⁴ Jim Pearson, Proof of Evidence (NR/PoE/JP/4.2), para. 6.9.1.

379. The generation of visible dust by construction traffic will be controlled by the Pollution Prevention and Incident Control Plan (PPICP) (secured by draft condition 6(c)(ii)). The PPICP, amongst other control measures, will detail the setup of compounds that ensures HGV deliveries do not occur on unsealed services and that wheel washing of vehicles occurs on egress from site as may be applicable to prevent dust and mud escaping site.¹⁴⁵
380. The highest overall dust risk arises from the construction of the new Mossley Station, and appropriate mitigation measures are in place, including a nuisance management plan as part of the CoCP Part B.¹⁴⁶ This plan is the mechanism by which mitigation for the potential for dust mobilisation is implemented, and it must be submitted to and approved by the relevant local authority. The new station will be designed to minimise building emissions of particulate dust where practicable to do so and low emission solutions will be considered in the station design.¹⁴⁷
381. The Order Scheme will also bring benefits to air quality. Currently, only diesel trains can use the Order Route. Operational rail emissions will reduce as the delivery of electrification upgrades under the Order Scheme will allow operation of electric passenger trains and removal of diesel passenger trains from service.
382. There are accordingly no adverse impacts on air quality arising from construction of the Scheme which cannot be appropriately mitigated, and overall, the scheme will result in beneficial impacts on local air quality by enabling a move away from diesel trains.

Landscape character

383. The Scheme's landscape and visual effects have been assessed in Environmental Report Chapter 7 and Appendix 7A, using recognised landscape guidance (i.e. GLVIA3). The assessment considered landscape character, visual receptors and representative viewpoints, which were identified by a Chartered Landscape Architect and provided to Oldham and Tameside Councils during consultation.
384. The Environmental Report concludes that the Scheme will have no significant residual landscape impacts, and that it is well integrated within the existing landscape framework

¹⁴⁵ Jim Pearson, Proof of Evidence (NR/PoE/JP/4.2), para. 7.5.8.

¹⁴⁶ And are detailed in the technical appendix 13A.

¹⁴⁷ Jim Pearson, Proof of Evidence (NR/PoE/JP/4.2), para. 6.9.8.

with no long-term harm to the character, quality or function of the identified landscape character areas and types. The Inspector and SoS are invited to accept that conclusion.

385. In respect to temporary effects, Mr Pearson explains that the ER found that construction activities may lead to temporary, localised impacts such as increased noise, movement and visual disruption due to plant and machinery. These impacts are likely to affect residents, pedestrians, public rights of way and road users. These effects are experienced in the context of an existing operational railway and are assessed as short-term, localised and reversible, that is negligible to minor adverse.¹⁴⁸
386. These types of effects will be managed by compliance to the Code of Construction Practice Part A (the requirements in section 3 General Site Operations). Furthermore, compliance with condition 4 on Preliminary Works will ensure that vegetation removal is considered and defined in addition to detailing vegetation that will remain and be protected. This will assist in minimising the vegetation removal to the minimum required to complete construction activities.

Matter 6(d): heritage assets, including historic routes and structures.

Historic structures - policy

387. There is no dispute that the Order Scheme will cause harm to historic railway structures. These include both designated and non-designated heritage assets.¹⁴⁹
388. In the case of all designated heritage assets, national policy requires that the decision maker be satisfied that there is clear and convincing justification for any harm to the significance of affected assets.¹⁵⁰ The next question is whether that harm is outweighed by the benefits of the scheme.
389. Substantial harm to a designated heritage asset - or total loss of significance of such an asset - is justified in policy terms if the Inspector and SoS are satisfied that the harm/loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Anything *less* than substantial harm to a designated heritage asset is justified if the

¹⁴⁸ Jim Pearson, Proof of Evidence (NR/PoE/JP/4.2), para. 7.5.15.

¹⁴⁹ The affected structures are set out in the evidence of Ms Honeywell.

¹⁵⁰ NPPF, para 213.

Inspector and SoS are satisfied that the public benefits of the proposals outweigh that harm.

390. In either case, in weighing up the impact on each asset against the public benefits, the Inspector and SoS must give great weight to the asset's conservation (and the more important the asset, the greater the weight should be). That policy reflects the requirement in legislation that the decision maker who considers whether to grant planning permission which affects a listed building or its setting to give special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.¹⁵¹
391. In respect to non-designated heritage assets, the NPPF requires that effects on non-designated heritage assets should be taken into account and balanced judgement reached having regard to the scale of any harm or loss and the significance of the heritage asset.

NR's position on heritage

392. Network Rail's overarching submission is that the heritage harm arising from the Scheme is unavoidable, will be mitigated appropriately, is clearly and convincingly justified, and is overwhelmingly outweighed by the benefits of the Order Scheme.
393. As to avoidance. The Order Scheme is a Victorian railway and the vast majority of affected heritage assets are historic railway structures. Many of those structures are not capable of supporting electrification (especially because they are too low to allow safe use of OLE). For those structures, intervention in the asset is unavoidable. Network Rail has, however, sought to minimise heritage harm through optioneering and a heritage-led design process undertaken by engineering and heritage specialists in consultation with Historic England and the local authorities.¹⁵² Mitigation is also built into the scheme. Embedded mitigation includes use of natural stone cladding and copers, reclamation and reuse of historic masonry, recreation of architectural features, colour matching and siting measures to reduce visual intrusion. Additional compensation includes historic building recording, toolbox talks and permanent heritage interpretation at Greenfield Station.

¹⁵¹ Planning (Listed Buildings and Conservation Areas) Act 1990, s. 66(1).

¹⁵² And a statement of common ground with Historic England is before the Inquiry.

394. Network Rail is confident that the evidence shows that the interventions proposed are necessary, justified, and minimise harm wherever reasonably possible. Furthermore, the significance of each asset has been comprehensively assessed.
395. Turning to justification. There is a need to upgrade the route, and altering the bridges is necessary because greater clearance is necessary for electrification.
396. There is clear and convincing justification for the interventions in designated heritage asset: the need to upgrade the Order Route. That need is shown in the evidence of Mr Ashton. He explains why there is a demonstrable need to upgrade and electrify the Order Route. The route is not fit for today's use and requires significant change. The proposed modifications to designated heritage assets are directly necessary to realise that change in a safe and appropriate way. In this respect, the affected designated heritage assets derive their significance in the context of the history of the railway. But that same railway has significance as a vital piece of operational transport infrastructure, and it cannot meet today's needs without the interventions proposed in the Order Scheme.
397. The final issue for the Inspector and SoS is whether those public benefits outweigh the heritage harm arising from the Scheme. The public benefits of the scheme are wide-ranging and are described in Mr Ashton's evidence. No objector has disputed that evidence. Network Rail submits that those benefits are both substantial and compelling, and notwithstanding that conservation must be given great weight, those benefits firmly outweigh the heritage harm.

Historical route

398. There is one historical route affected by the Order Scheme - FP209 SADD. Moorgate Halt level crossing is situated on this footpath, and the Order seeks stopping up of the crossing, and thus extinguishment of a small part of that PROW (i.e. the part of FP209 which crosses the railway).
399. The NPPF requires the Inspector and SoS reach a balanced judgement on the acceptability of this impact on the non-designated heritage asset, having regard to the scale of any harm or loss and the significance of the heritage asset. As to significance, it is accepted that FP209 SADD is an historic route, although it is of local significance and

as Mr Buckley’s evidence demonstrated, it is not part of a longer distance regional route, even if it did connect to one.

400. Ms Honeywell’s assessment is that the closure will result in a low level of less than substantial harm. Network Rail submits that there is a clear justification for this heritage harm.
401. First, closure is necessary and in the public interest on safety grounds. The safety case has been set out above, and no objector suggests that Moorgate Halt is a safe crossing which should remain open as a passive crossing.
402. Second, as is the case with impacts on designated structures, closure of the crossing is necessary to realise the substantial benefits of the scheme. The continuation of a passive crossing is inconsistent with increasing the number of trains on the Order Route, running them at higher speeds, and with quieter traction.
403. Third, the scale of impact is small. As Ms Honeywell explains, whilst access over the level crossing will no longer be possible, and that results in change to the experience of walking the historic route, views across the railway corridor will be maintained, preserving understanding of the historic alignment of the footpath.¹⁵³ The heritage impact is limited to a very small part of the overall historic path.
404. Fourth, context. The current alignment of the footpath results from historic adaptations to accommodate change in the landscape, such as the Huddersfield Narrow Canal and the Transpennine Route itself. As Ms Honeywell explains, the historic route “...reflects the dynamic nature of the historic landscape”. Closure of part to accommodate the latest changes in transport is not inconsistent with historic adaptations of the route. This is, in effect, a new chapter in the changing role of the path.
405. Mr Gradwell’s evidence was that the harm to all heritage assets – including non-designated assets - is necessary and proportionate to the scale of the scheme, and that the public benefits of the scheme provide a clear and convincing justification for the heritage harm.¹⁵⁴

¹⁵³ Sandra Honeywell, Proof of Evidence (NR/PoE/SH/14.2).

¹⁵⁴ Mike Gradwell, Proof of Evidence (NR/PoE/MG/15.2), para. 11.1.5 and Inspector questions in XIC.

406. For all those reasons, Network Rail submits that the impact on the historic route is justified and acceptable, with the harm being demonstrably outweighed by the benefits of the scheme.

MATTER 7: compulsory purchase powers

407. As Mr Billingsley explains, all areas of land and rights sought in the Draft Order are necessary for the construction, operation or maintenance of the Scheme.¹⁵⁵ Mr Billingsley's evidence should be read together with Ms Clarke's evidence, which provides a detailed engineering justification for each element of the Order works and demonstrates why the land in the Order is required to carry out those works. Furthermore, Network Rail has sought to limit the extent of acquisition to the minimum required to facilitate delivery of the Scheme, having regard to both the area of land to be acquired, and the minimum rights needed to carry out the Order Scheme.¹⁵⁶ In other words, of those sites which are needed, Network Rail seeks the minimum level of rights in that land to deliver the Scheme.

408. There is a clear and compelling case in the public interest to justify the acquisition of those rights: the transformational benefits that the Order Scheme will deliver as part of the TRU - increased capacity on the Transpennine Route, faster journey times, improved reliability and resilience, electrification, enhanced freight capability, better stations, improved safety and the economic growth the upgrade can help realise, as set out in the evidence of Mr Ashton and summarised in Network Rail's submissions on Matter 1. These benefits significantly and demonstrably outweigh any adverse impacts on affected landowners, who will be able to obtain compensation in the normal way.

Human rights

409. The realisation of the Order Scheme's benefits are the purposes for which CPO powers are sought. They are substantial benefits in the public interest. These purposes, as Mr Billingsley explains, are sufficient to justify the interference with affected landowners.

¹⁵⁵ Nigel Billingsley, Proof of Evidence (NR/PoE/NB/8.2), para. 3.2.3.

¹⁵⁶ Nigel Billingsley, Proof of Evidence (NR/PoE/NB/8.2), para.5.1.7.

410. The protections in the Order also ensure that any interference is fair and proportionate. All property interest owners who have rights imposed upon them or who have land rights taken from them will be entitled to claim compensation in accordance with the compensation code, which provides a consistent approach to the assessment of fair compensation. This includes those whose land is taken temporarily: see art. 31(5) and (6). In addition to compensation for the value of land taken, compensation will be payable in respect of any loss in a landowner's retained property caused by severance or by the Scheme itself, and in respect of disturbance losses arising from the exercise of compulsory purchase powers within the Order.
411. Network Rail will seek to settle compensation claims in a timely and reasonable manner. Where agreement is not possible, the amount will be determined by Upper Tribunal (Lands Chamber), applying the usual principles applicable to land compensation.

Whether reasonable efforts have been made by Network Rail to negotiate the purchase of land by agreement.

412. Network Rail recognises that compulsory purchase should be a last resort. Network Rail has therefore spent time and significant effort to acquire all of the land and rights included in the Order by agreement and this is detailed in the evidence of Mr Billingsley (section 5).
413. He describes how Network Rail contacted all landowners impacted along the route to explain the project and to seek site meetings to provide an explanation of the proposed works. Mr Billingsley's evidence addresses how, at these meetings, Network Rail recorded the concerns and opinions of impacted parties, feeding these back to the project team and addressing them where possible. The schedule of engagement appended to Mr Billingsley's evidence sets out the significant amount of engagement Network Rail has had with relevant land owners.
414. Following the submission of objections there has been continued substantial negotiation with the statutory objectors with a view to seeking agreement such that they are able to withdraw their objections. An updated Lands and Rights Tracker is at INQ-17. That document shows that the vast majority of objections are either resolved, or are expected to be resolved. The fact that Network Rail has been able to resolve (or is on the cusp of doing so) the majority of objections to the proposed CPO powers is the clearest evidence

that reasonable efforts have been made by Network Rail as the acquiring authority to negotiate the purchase of land by agreement.

415. The only objector who seriously suggested otherwise was Mr Plevin, on behalf of Plevinco. Although he did not file a proof of evidence, he attended the Inquiry to give oral evidence. In XIC, he essentially made three points.
416. First, he criticised a lack of engagement from Network Rail. Second, he suggested that negotiations to date were not “commercial” and that Network Rail’s proposed terms for its use of the site were not realistic. Third, he suggested that he may be prevented from realising his aspiration to develop the site into residential use.
417. None of these points are fair or withstand scrutiny.
418. As to engagement, his own engagement schedule with Network Rail, presumably filed to criticise Network Rail’s approach, was materially incomplete, as explored in Mr Billingsley’s oral evidence. The schedule appended to Mr Billingsley’s evidence sets out the full picture, and shows a comprehensive attempt to acquire rights over the site by agreement. The bottom line is that this is a case where Mr Plevin’s aspirations for the site have made agreement very difficult.
419. As to commerciality. It became apparent from Mr Plevin’s evidence that what he regarded as “commercial” terms was Network Rail paying, one way or another, a sum which represents the full value of the site as if it were authorised for residential use. There is not, even arguably, a basis for valuing the site that way in its current form. The site is allocated in the local plan for employment use. It is currently vacant and is not being used. It is in a draft allocation in the emerging local plan. By insisting on full residential value, it is Mr Plevin, not Network Rail, who fails to reflect commercial reality. It assumes that Network Rail should take on all of the risks associated with promoting the site through the Local Plan, and pursuing a planning application. That is what Mr Plevin should be doing himself, not Network Rail.
420. Finally, Network Rail’s anticipated use of the site (c. 6.2 years) means that the Site can be handed back to Mr Plevin within the deliverability period anticipated by the local plan. Mr Plevin appeared to be under the impression that he could not seek planning permission until he had the site back. That is wrong. There is no reason why he could not secure

planning permission in the interim, and commence development when the site is returned to him. If he gets to a position where planning permission may be granted, but Network Rail's use might risk its implementation within the normal three year period, then that would seem a very good reason to seek a longer time for implementation, not least because the relevant emerging policy sets as its first objective: "Support the TransPennine rail upgrade programme and the opportunities it provides to the wider neighbourhood".¹⁵⁷

421. For those reasons, Network Rail has made reasonable efforts to acquire the Plevin site by agreement. Ultimately, that has not been possible due to fundamental disagreement on how the site should be valued. A draft allocation in an emerging plan does not mean that Network Rail should pay a sum which reflects permission to use the site for residential development. The fact that Network Rail won't pay what Mr Plevin wants does not mean it has not engaged with him or made reasonable efforts.
422. Separately, Mr Plevin appeared to suggest for the first time that there were alternative sites to his land which had not been properly explored. Neither Mr Plevin nor his advisors have ever suggested this prior to his oral evidence - and nor did Mr Plevin's counsel cross examine any Network Rail witnesses on the point that there were alternatives.
423. To the extent that this point is maintained, Network Rail relies on Mr Billingsley's evidence, which explains how the site was selected following consideration of alternative compound locations, with factors including size, existing land use, access to the local transport network, environmental considerations, cost of mobilisation/reconfiguration and community impact all being assessed.¹⁵⁸ In identifying compound sites, Network Rail prioritised brownfield sites to avoid sensitive environmental receptors such as mature trees and areas of woodland.¹⁵⁹ As a vacant brownfield site allocated for employment use, the Plevins site is a particularly strong example of this approach.

Whether there are likely to be any impediments to Network Rail implementing the Scheme, including the availability of funding.

424. There are no likely impediments to Network Rail implementing the Scheme. The funding position in respect of the Order Scheme is detailed in the Funding Statement

¹⁵⁷ POE-OBJ-156.2, pdf p 17.

¹⁵⁸ Nigel Billingsley, Proof of Evidence (NR/PoE/NB/8.2), para.6.7.2.

¹⁵⁹ Network Rail SoC (NR30), para. 7.3.14.

accompanying the Order application (NR05), and is summarised by Mr Ashton (section 5). The project cost as set out in the Funding Statement is £224,922,162, which Network Rail and the Government have provided public commitments to fund, subject to continued ongoing Value for Money.¹⁶⁰ The TRU project as a whole has a Benefit Cost Ratio of 1.44, meaning that for every £1 invested, the TRU programme will return £1.44 to the economy, and contribute to the levelling-up agenda.¹⁶¹ DFT has confirmed the Government's commitment to TRU and the W2B Project works authorised by this Order. The TRU project will seek the balance of funds to meet the capital cost of implementing the Order through a Final Business Case submission to the DFT in 2027.

Certificates under the Acquisition of Land Act 1981

425. The Order makes provision for the acquisition of two plots of open space (plots 10-002B, 10-012), and rights over a third (10-007).¹⁶² Under the Acquisition of Land Act 1981, a special Parliamentary procedure would apply to an order that contains powers to compulsorily acquire such open space, unless the Secretary of State has certified that certain tests have been satisfied in respect of open space subject to such compulsory acquisition. Network Rail seeks the appropriate certificates under the 1981 Act for their acquisition (NR29).

Open space to be acquired

426. Plots 10-002B and 10-012 comprise a total area of 200.27 square metres and are shown on sheet 10 of the Deposited Plans (NR09) and are shown coloured green on the Open Space Plan (NR09). The Acquisition Land is within the Order limits and is listed in Schedule 2 to the Order and so is subject to outright acquisition under Article 24(1)(b) of the Order. Its acquisition is required for the provision of a railway maintenance parking area and access. SoC 10.2.1.

427. Because the plots (both individually and together) do not exceed 250 square yards, the SoS may dispense with the special parliamentary procedure if they are satisfied that the giving in exchange of other land is unnecessary, whether in the interests of the persons,

¹⁶⁰ Mark Ashton, Proof of Evidence (NR/PoE/MA/1.2), para. 5.1.2.

¹⁶¹ Mark Ashton, Proof of Evidence (NR/PoE/MA/1.2), para. 5.4.1.

¹⁶² See Network Rail SoC (NR30), section 10.

if any, entitled to rights of common or other rights or in the interests of the public”: s. 19(1)(b).

428. Network Rail submits that the giving of such land in exchange for the two plots is unnecessary, having regard to such rights. The land has limited accessibility for the purposes of informal recreation. Moreover, together it comprises a very small and relatively inaccessible part of a larger area of open space. Accordingly, having regard to its size and inaccessibility, Network Rail submits that the acquisition of the plots will not impact the overall recreational value of the larger area of open space within which it is situated.

429. No one has objected to the grant of this certificate.

Acquisition of rights of open space

430. Network Rail proposes to acquire rights over plot 10-007. Plot 10-007 is a small wooded area, immediately adjacent to Heron Lane and public right of way MOS/74/10. It forms part of a larger area of open space situated between the existing railway, Heron Lane and the public rights of way known as MOS/74/10 and MOS/68/10.¹⁶³

431. Network Rail seeks to acquire rights over plot 10-007 for the construction and maintenance of a vehicular passing bay, with such new rights to be exercised in common with all rights, trusts and incidents to which the land was previously subject: see article 27(2) and Schedule 9 of the Order.

432. Network Rail submits that the plot, when burdened with the proposed right, will be no less advantageous than it was before to its owner, anyone entitled to use it, and the public.

433. First, the right would not materially impact the larger area of open space in which plot 10-007 sits. Access to the larger site is provided via public right of way MOS/69/20. The acquisition of the proposed rights over 10-007 would not impact the access to, or the recreational use of, the larger area of open space.

¹⁶³ The plot is 146.05 square metres and is shown on sheet 10 of the Deposited Plans (NR09), and is shown hatched green on the Open Space Plan (NR09).

434. Second, due to the current wooded nature of plot 10-007, it has limited accessibility, and so limited recreational value for users of the larger area of open space in any event.
435. Network Rail therefore submits that the acquisition of the proposed rights, and provision of a vehicular passing bay, would not render the use of plot 10-007 (and the larger area of open space) any less advantageous to those entitled to the land and the public at large.
436. Again, no one has objected or disputed this analysis.

Canal tow paths

437. During the Inquiry a question was raised as to the status of canal tow paths in the Order which are subject to powers of acquisition, and whether they meet the definition of “open space” within the 1981 Act.
438. Network Rail’s response is set out in INQ 23.1. In short, Network Rail does not consider these plots to meet the definition of open space in the 1981 Act.
439. The sections of canal towpath that are affected by the Order application comprise the dedicated public right of way known as Footpath 76 SADD. The land comprises, at ground level, a canal towpath over which the public have a right to walk by virtue of the existence of a public right of way (a footpath). The use of the land as part of a highway is not use of the land as open space for public recreation. There is no evidence of other use of the land in question beyond the highway use. Such use would also be inconsistent with its physical characteristics and its use in relation to the canal undertaking. In the absence of anyone having come forward to provide evidence to the contrary, there was no reason for Network Rail to believe that the land might meet the statutory definition. In those circumstances, the land in question is not included in the certificate application.

Conclusion

440. For the reasons set out in these submissions, the Order should be made. The Scheme will deliver transformational benefits: electrification of a critical corridor unchanged since Victorian times, increased capacity and reliability, faster journey times, enhanced freight capability, decarbonisation, a fully accessible Mossley Station, and permanent safety improvements through level crossing closures. No objector has challenged the need for the Scheme, or its profound benefits.

441. The proposals are justified and proportionate, and there are no impediments to delivery.
442. Network Rail respectfully invites the Inspector to recommend, and the Secretary of State to confirm, that the Order be made, and associated consents granted, to ensure that this much needed upgrade to this vital section of the Transpennine Railway can proceed.

Richard Turney KC

Harley Ronan

Landmark Chambers

17 July 2026