

Application for Rail Crossing Extinguishment and Definitive Map and Statement Modification Order – Definitive Footpath 209 Saddleworth (part), at Moorgate Halt, Uppermill

Portfolio Holder:

Councillor Goodwin, Cabinet Member for Neighbourhoods

Officer Contact: Director of Environment, Nasir Dad

Report Author: Liam Kennedy, PRoW Officer
Ext. 4306

Highway Regulation Committee 18th July 2024

Reason for Decision

The Council has received an application from Network Rail for the extinguishment of FP209 Saddleworth (part) as a result of the Transpennine Route Upgrade (TRU) Project at Moorgate Halt, Uppermill.

Recommendations

It is recommended that the Council make a Rail Crossing Extinguishment and Definitive Map and Statement Modification Order for the extinguishment of part of Footpath 209 Saddleworth at Moorgate Halt, Uppermill under Section 118A of the Highways Act 1980 and Section 53A of the Wildlife and Countryside Act 1981 as detailed in the report and the Director of Environment be authorised to carry out the necessary procedures with a view to confirming the Order in the event that no objections are made to the Order.

**Application for Rail Crossing Extinguishment and Definitive Map and Statement
Modification Order – Definitive Footpath 209 Saddleworth (part), at Moorgate Halt, Uppermill****1 Background**

- 1.1 The application has been made by Network Rail in relation to the Transpennine Route (TRU) Upgrade Project which will electrify and re-signal the railway at this location where there is currently an unprotected 'passive' crossing.
- 1.2 Under section 118A of the Highways Act 1980, where it appears to the Council expedient in the interests of the safety of members of the public using it or likely to use it that a footpath which crosses a railway, otherwise than by tunnel or bridge, should be stopped up, they make a rail crossing extinguishment order.
- 1.3 Network Rail have given the following reasons for making a rail crossing extinguishment order:
- The Transpennine Route Upgrade Project will electrify and re-signal the railway at this location, which will permit the delivery of an improved timetable and a more frequent train service that will travel at a greater line speed than present.
 - Moorgate Halt crossing is currently an unprotected 'passive crossing meaning that there is no active warning of a train approaching. Users are required to decide themselves whether to cross by looking in both directions.
 - The crossing receives a very high volume of usage. The most recent 9 day census recorded 434 movements over the crossing in 11 days, and a high proportion of this use was by vulnerable users.
 - There is already a sighting deficiency when approaching and crossing from Ladcastle Road, but the high number of vulnerable users has meant that a temporary speed restriction is in place over the crossing, to mitigate this risk.
 - The TRU Project will increase the current line speed and improve the frequency of services on the network, and the full benefit of the TRU Project cannot be achieved with a temporary speed restriction in place.
 - In addition, as part of the re-signalling of the line, there will be an additional signal installed close to the crossing that will result in trains stopping and fouling the crossing when the signal is at red.
 - All available mitigation measures have been considered and discounted where they are not technically feasible. The only viable option at the crossing is closure.
- 1.4 Numerous discussions have taken place between Network Rail, OMBC, The Ramblers Association, The Peak & Northern Footpath Society and The Wednesday Walkers in an attempt to find an alternative to extinguishment. These include:
- Diversion
 - Pedestrian Overbridge
 - Pedestrian Underpass
 - Installation of VAMOS (Overlay MSL). This is a signal light based system without barriers,
 - Installation of integrated Miniature Stop Lights (MSL)
 - Maintain current crossing 'as is'

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- 1.5 Full details can be found in appendices 2 and 3 (IRA for Moorgate Halt Final and additional information in support of the application) of the options and reasons for discounting by Network Rail.
- 1.6 Diversions to the north and south were explored but both were neither practical nor expedient. The provision of a pedestrian footbridge would maintain connectivity and preserve this well used, historic route. However Network Rail have provided substantial documentation and evidence as to why the implementation of a Footbridge at this location is not a viable option (see Appendices 2 and 3).
- 1.7 The railway at this location was authorised by the Huddersfield and Manchester Railway and Canal Act 1845 and there was an existing public highway (now known as Dark Lane) there before the railway was constructed, which was why a railway crossing was originally provided. On either side of the railway line Footpath 209 Saddleworth runs along Dark Lane, which is an adopted highway but classified by the Council as a “green lane”. In law there is no legal class of highway known as a “green lane”. However they are regarded as being rights of way over which vehicular rights of way exist but which are generally enjoyed by walkers and horseback riders.
- 1.8 The width of Dark Lane between Moorgate Street and the railway crossing is such that motor vehicles cannot pass along it. In 1963 British Railways wrote to Saddleworth Urban District Council asking whether the Council had any objection to the closure of the crossing to vehicles. Saddleworth Council raised no objection to the proposal but requested that the access be made suitable for prams. However we have been unable to find any legal order extinguishing vehicular rights across the level crossing.
- 1.9 Under section 67(1) of the Natural Environment and Rural Communities Act 2006, with effect from 2 May 2006 public motor vehicular rights were extinguished over every highway that was not already shown on the definitive map and statement, or was shown as a footpath, bridleway, or restricted byway. In effect this meant that public rights of way for mechanically propelled vehicles were extinguished over every highway not already shown on the definitive map and statement as a byway open to all traffic. In the absence of further qualification this provision would have extinguished public rights of way for mechanically propelled vehicles over virtually the whole of the existing highway network. However, section 67(2) introduced a series of exceptions to protect certain highways from such extinguishment under section 67(1). Any way that qualified under any of the exceptions would not have its public rights of way for mechanically propelled vehicles extinguished.
- 1.10 None of exceptions in section 67(2) applied to the length of Dark Lane from Moorgate Street up to and including the railway crossing and therefore public motor vehicular rights across the railway crossing can be considered to have been extinguished pursuant to section 67(1) of the Natural Environment and Rural Communities Act 2006 and this length of highway can be considered to have footpath status only.

2 **Proposal**

- 2.1 The section of Footpath 209 Saddleworth to be stopped up is shown on attached plan (764/A4/244/1). The path commences at point A, 49 metres southwest of the junction of Moorgate Street and Den Lane, Uppermill following a south westerly route for approximately 34 metres to point B, 118 metres northeast of Ladcastle Road. The existing route runs directly over the railway via Moorgate Halt Level Crossing. The description of the current route is given in Schedule 1.

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- 2.2 The proposal is to extinguish the 34 metre stretch that is A-B on the attached plan (764/A4/244/1). The description of the proposed section of extinguishment is given in Schedule 2.
- 2.3 As the highway status of the length of the Footpath 209 Saddleworth between Moorgate Street and the western side of the railway line is as a footpath only, if this length of footpath was stopped up it would no longer be classed as a highway, which could cause difficulties for adjoining landowners. It is therefore proposed to only stop up that part of Footpath 209 Saddleworth which crosses Network Rail land.
- 2.4 It is proposed to rename the section of Footpath 209 leading from the existing crossing to Moorgate Street as Footpath 209A Saddleworth due to the break in the continuity of the route.
- 2.5 If the order is confirmed it will be necessary to modify the Definitive Map and Statement for Footpath 209 Saddleworth. The Council have an obligation to continuously review the Definitive Map and Statement. The Public Rights of Way (Combined Orders) (England) Regulations 2008 allow the Order-making Authority to make a Combined Order for a rail crossing extinguishment proposal and Definitive Map and Statement Modification. In light of the above it is considered that this is appropriate in this case. The current wording for the Definitive Statement is given in Schedule 3 and the amended wording is given in Schedule 4.

3 Options/Alternatives

- 3.1 Option 1: To approve the recommendation
Option 2: Not to approve the recommendation.

4 Preferred Option

- 4.1 Although the railway crossing is well used and the footpath societies have objected to the proposals, it is considered that Network Rail have given sufficient explanation of why the crossing should be removed on safety grounds and have adequately explained why the options favoured by the footpath societies are not appropriate. It is therefore considered that it is expedient in the interests of the safety of members of the public that the part of Footpath 209 Saddleworth at Moorgate Halt, Uppermill which crosses the railway line should be stopped up and Option 1 is recommended for approval.

5 Consultation

- 5.1 The Ward Members have been consulted and no comments have been received.
- 5.2 Footpath Societies have been consulted and;
- The Ramblers Association object to the proposal in favour of a Footbridge.
 - The Wednesday Walkers object to the proposal in favour of a Footbridge.
 - The Peak and Northern Footpath Society object to the proposal in favour of a Footbridge.
- 5.3 Saddleworth Parish Council have been consulted and recommended that the existing Moorgate crossing should be replaced with an alternative safe crossing, either a pedestrian access bridge or an underpass in the existing place. They also recommended that prior to any extinguishment of the current crossing and before any work begins on the diversion, the alternative route suggested via Footpath 244 Saddleworth must be upgraded to an agreed safe standard.

5.4 Objections to this proposal have been received from members of the public, Saddleworth Pedestrians Walking Club and Dobcross Village Community (DVC).

6 **Financial Implications**

- 6.1 The cost for the Public Path Extinguishment and Definitive Map and Statement Modification Order will be £3,042.60 and will be revenue expenditure. This will be funded from the fee of £3,042.60 expected from the applicant. (John Edisbury)

7 **Legal Implications**

- 7.1 Under section 118A of the Highways Act 1980, where it appears to the Council expedient in the interests of the safety of members of the public using it or likely to use it that a footpath which crosses a railway, otherwise than by tunnel or bridge, should be stopped up, they may make a rail crossing extinguishment order. The confirming body for the order must also be satisfied that it is expedient to confirm the order having regard to all the circumstances and in particular to-
- Whether it is reasonably practicable to make the crossing safe for use by the public, and
 - What arrangements have been made for ensuring that, if the order is confirmed, any appropriate barriers and signs are erected and maintained.

If the order is confirmed, signs should be erected at both ends of the extinguished way informing users of the extinguishment. Section 118A(5) of the Act provides that the Council may require the railway operator to enter into an agreement to defray or contribute towards any expenses incurred in connection with the erection or maintenance of any barriers or signs.

In the event of objections to the order, the order will be sent to the Secretary of State for determination. If no objections are received it is recommended that the Director of Environment, be given delegated authority to determine whether it is expedient to confirm the order, as otherwise this decision would have to be taken at a future meeting of the TRO Panel, adding unnecessary delay to the process. (A Evans)

8 **Co-operative Implications**

- 8.1 The proposals set out in this report would lead to an improved timetable and a more frequent train service, as well as safer crossing for residents at Moorgate Halt crossing. This will incentivise further use of public transport and active travel, both which are in line with our cooperative agenda. (James Mulvaney, Policy Manager)

9 **Human Resource Implications**

- 9.1 None.

10 **Risk Assessments**

- 10.1 The introduction of a Rail Crossing Extinguishment Order of the footpath at this location will improve safety for users of the crossing in line with Section 118A of the Highways Act 1980 which recommends that crossing of a railway line unless by a tunnel or a bridge should be stopped. There could be reputation risks around the Order as objections have been received from a number of walking groups objecting and there is a requesting for a footbridge at the location, this is mitigated from a Council perspective as it is the Railways authority to look at any alternative proposals for crossing their land. There is also a risk that members of the public would still try and cross the railway even with the Order in place this is mitigated from a Council perspective as it is the Railway Authority's responsibility to ensure that appropriate barriers/fencing/signage is provided at the location to stop public access.

Vicki Gallacher (Head of Insurance and Information Governance)

11 **IT Implications**

- 11.1 None.

12 **Property Implications**

- 12.1 None.

13 **Procurement Implications**

- 13.1 None.

14 **Environmental and Health & Safety Implications**

- 14.1 None.

15 **Community cohesion, including crime and disorder implications in accordance with Section 17 of the Crime and Disorder Act 1998**

- 15.1 None.

16 **Oldham Equality Impact Assessment, including implications for Children and Young People**

- 16.1 No

17 **Key Decision**

- 17.1 No

18 **Key Decision Reference**

- 18.1 N/A

19 **Background Papers**

- 19.1 None.

20 **Appendices**

- 20.1 1) Application
 2) IRA for Moorgate Halt Final
 3) Additional Information Moorgate

Schedule 1 – Description of Existing Footpath Route – Drawing 764/A4/244/1

Existing Footpath 209 Saddleworth commences at (GR SD99534 05657) at the junction of Moorgate Street and Den Lane, Uppermill proceeding in a southwesterly direction along Dark Lane for a distance of approximately 49 metres to point A (GR SD99495 05628), continuing in a south westerly direction for a distance of approximately 34 metres to point B (GR SD99469 05607) 118 metres northeast of Ladcastle Road, Uppermill. The route continues southwest along Dark Lane to cross Ladcastle Road then in a westerly direction for a distance of approximately 384 metres (Dry Clough Lane) to its junction with Footpath 117 Saddleworth at GR SD99007 05464. The route proceeds in a general south westerly direction for a further (approximately) 694 metres to its junction with Footpath 116 Saddleworth at GR SD98393 05219, continuing south west for a distance of approximately 134 metres to its junction with Footpath 208 Saddleworth at GR SD98271 05166 then proceeding west for a distance of approximately 157 metres to terminate at Burnedge Lane at GR SD98114 05164.

Schedule 2 – Description of Proposed Extinguishment Route – Drawing 764/A4/244/1

Part of existing Footpath 209 Saddleworth commencing on Dark Lane at point A (GR SD99495 05628) 49 metres southwest of the junction of Moorgate Street and Den Lane, Uppermill proceeding in a south westerly direction across the railway line for a distance of approximately 34 metres to point B (GR SD99469 05607) on Dark Lane 118 metres northeast of Ladcastle Road, Uppermill.

Schedule 3 – Current Definitive Statement

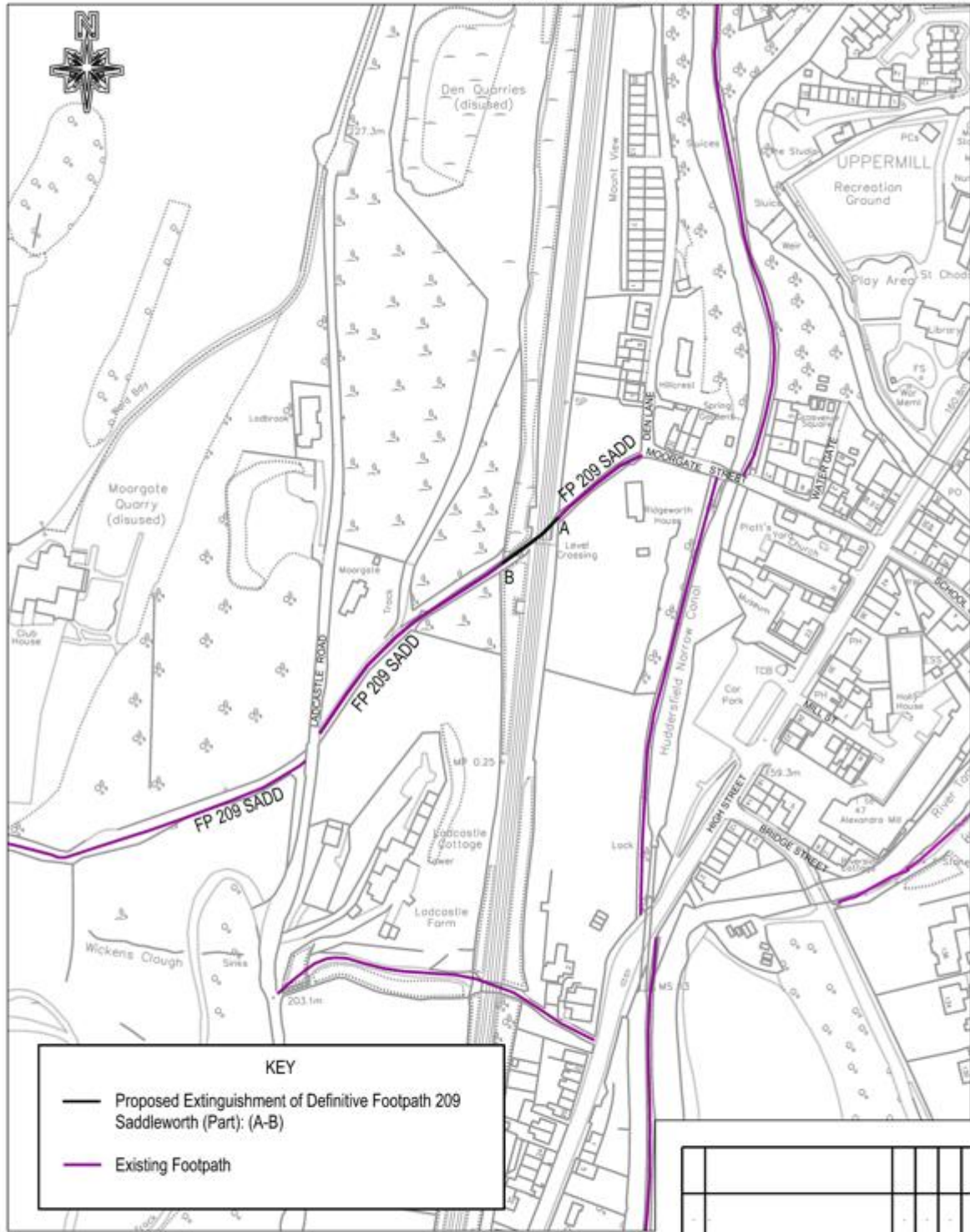
District and path number	Page Number	Status	Length (m)	Description	Comments
SADDLEWORTH 209	6	Footpath	1850	Footpath along Dry Clough Lane commencing at its junction with Moorgate Street and proceeding westward to its junction with Burn Edge Lane.	1.2m wide 3 Field Gates

Schedule 4 – Modification of Definitive Statement

See below table. Additions in bold

District and path number	Page Number	Status	Length (m)	Description	Comments
SADDLEWORTH 209	6	Footpath	1487	Footpath commences on Dark Lane (GR SD99469 05607) 118 metres northeast of Ladcastle Road, Uppermill proceeding in a southwesterly direction for a distance of approximately 118 metres to cross Ladcastle Road at (GR SD99383 05227) then proceeding in a generally westerly direction for a distance of approximately 384 metres (Dry Clough Lane) to its junction with Footpath 117 Saddleworth at GR SD99007 05464. The route proceeds in a general south westerly direction for a further (approximately) 694 metres to its junction with Footpath 116 Saddleworth at GR SD98393 05219, continuing south west for a distance of approximately 134 metres to its	1.2m wide 3 Field Gates

				<p>junction with Footpath 208 Saddleworth at GR SD98271 05166 then proceeding west for a distance of approximately 157 metres to terminate at Burnedge Lane at GR SD98114 05164.</p>	
<p>SADDLEWORTH 209A</p>	<p>6</p>	<p>Footpath</p>	<p>49</p>	<p>Footpath commences at (GR SD99537 05657) at the junction of Moorgate Street and Den Lane, Uppermill proceeding along Dark Lane in a southwesterly direction for a distance of approximately 49 metres to terminate at the railway line (GR SD99495 05628)</p>	



KEY

- Proposed Extinguishment of Definitive Footpath 209 Saddleworth (Part): (A-B)
- Existing Footpath

Rev	Revision details	By	Chk	App	Date

<p>Place and Economic Growth HIGHWAYS & ENGINEERING Henshaw House, Cheapside, Oldham OL1 1NY</p>	Client Oldham MBC	<p>Title Extinguishment of Public Highway Combined Order s118a Highways Act 1980 (inserted by the Transport and Works Act 1992) Extinguishment of Public Footpath 209 Saddleworth (part) and Wildlife and Countryside Act 1981 S53(2) Modification of the Definitive Map and Statement</p>									
	Project Application for Rail Crossing Extinguishment and Definitive Map and Statement Modification Order Definitive Footpath 209 Saddleworth (part), at Moorgate Halt, Uppermill.										
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Drawing No. 764/A4/244/1	Rev. .										

APPENDIX A
APPLICATION

REQUEST FOR A RAIL CROSSING EXTINGUISHMENT ORDER TO BE MADE UNDER SECTION 118A OF THE HIGHWAYS ACT 1980 (INSERTED BY THE TRANSPORT AND WORKS ACT 1992).

The following questions are to be answered and the information and maps requested to be supplied by the applicant to the council which is to be requested to make the order.

FOR AUTHORITY'S USE ONLY

File Ref: / /

Date acknowledged:

SUMMARY OF APPLICATION

Please include a plain-English summary of the reason(s) for the proposed Rail Crossing Extinguishment Order. This should clearly and succinctly show the rationale for extinguishing the route, and for raising it to the Secretary of State. This should be around 1-2 paragraphs in length and may use bullet-points.

Network Rail are applying for an extinguishment of the public footpath over Moorgate Halt level crossing on the following basis.

- The Transpennine Route Upgrade Project will electrify and re-signal the railway at this location, which will permit the delivery of an improved timetable and a more frequent train service that will travel at a greater line speed than present.
- Moorgate Halt crossing is currently an unprotected 'passive crossing meaning that there is no active warning of a train approaching. Users are required to decide themselves whether to cross by looking in both directions.
- The crossing receives a very high volume of usage. The most recent 9 day census recorded 434 movements over the crossing in 11 days, and a high proportion of this use was by vulnerable users.
- There is already a sighting deficiency when approaching and crossing from Ladcastle Road, but the high number of vulnerable users has meant that a temporary speed restriction is in place over the crossing, to mitigate this risk.
- The TRU Project will increase the current line speed and improve the frequency of services on the network, and the full benefit of the TRU Project cannot be achieved with a temporary speed restriction in place.
- In addition, as part of the re-signalling of the line, there will be an additional signal installed close to the crossing that will result in trains stopping and fouling the crossing when the signal is at red.
- All available mitigation measures have been considered and discounted where they are not technically feasible. The only viable option at the crossing is closure.

1. RAIL CROSSING TO BE EXTINGUISHED

- (a) Name and location of rail crossing (including reference and parish or district in which it is located).**

Moorgate Halt level crossing on MVL3 at 13m 26c and located between Moorgate Street and Ladcastle Road, Uppermill OL3 6DE. Grid Reference SD994056

- (b) Name(s) and number(s) of any footpaths and/or bridleways leading to the crossing to be extinguished. (Indicate whether footpath or bridleway.)**

Footpath 209SADD at the railway boundary fence at approximately SD994056 – fingertip.chatting.pouting (w3w), in a northerly direction for approximately 18m, then crossing the railway for approximately 11m, and then continuing in a northerly direction for another 11m to the railway boundary at approximately SD994056 – expiring.taker.river (w3W)

- (c) Length in metres of any path or way to be extinguished.**

Approximately 42.5m in total.

- (d) Description of length of any path or way to be extinguished by reference to terminal points shown on a map to be supplied and attached by the applicant which must be to a scale of not less than 1:2500 or, if no such map is available, on the largest scale readily available.**

From point A over unregistered land to point B on land within the ownership of Network Rail. Please see Map 1 (2024).

- (e) List the name(s) and address(es) of the owners, lessees and occupiers of the land on either side of any path or way to be extinguished.**

The land that the line of footpath 209SADD follows is unregistered but is recorded as having been a full public highway historically. This is now considered to be a Restricted Byway. The land between the railway boundary is also unregistered but is owned by Network Rail.

- (f) Have you obtained the written consent of every person having an interest in the land over which any path or way to be extinguished passes: in so far as such consent is needed?**

See previous.

- (g) Are you prepared to enter into an agreement with the council in accordance with section 118A(5)?**

Yes.

- (h) Give reasons for the proposed extinguishment or the rail crossing (use separate sheets if necessary). Include information about:**

- (i) the use currently made of the existing path, including numbers and types of users, and whether there are significant seasonal variations, giving the source for this information (any circumstances preventing or inhibiting such use must also be mentioned);

Moorgate Halt level crossing is located between Greenfield and Marsden stations on the edge of Uppermill village on the Huddersfield to Manchester railway.



Ariel view of Moorgate Halt LC



Ordnance Survey Map view of Moorgate Halt LC

The approach to the crossing on the east from Uppermill village centre is from Moorgate Street, up a steep narrow track to the railway boundary, then through a pedestrian gate to reach the decking.



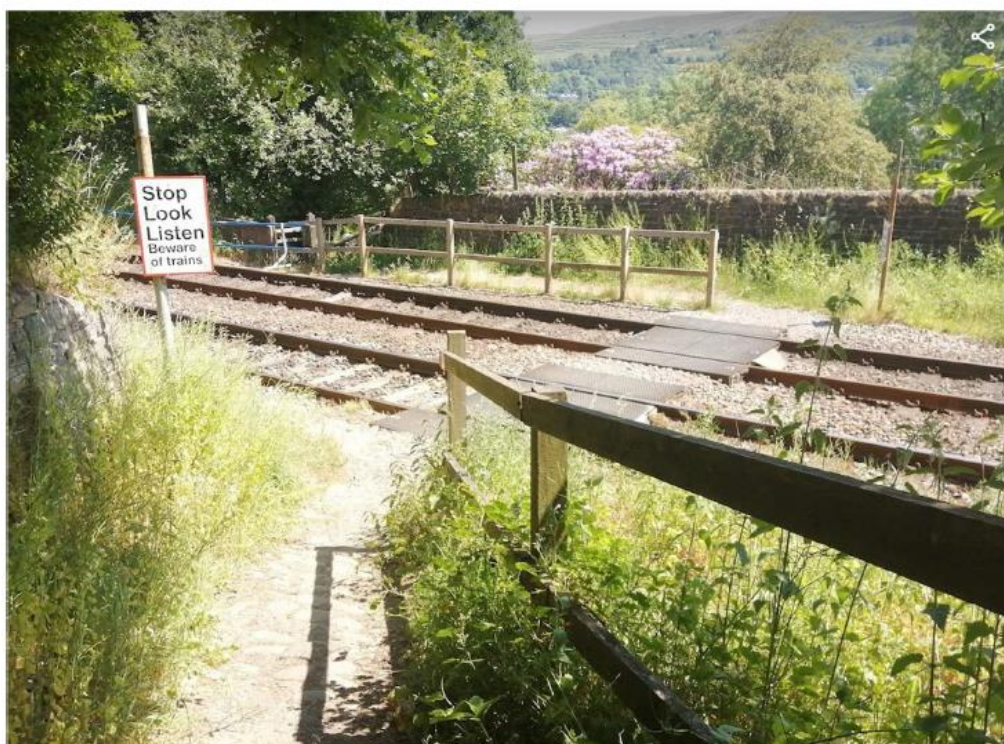
View of approach (looking towards Moorgate St, and pedestrian gate at railway boundary)

The approach to the crossing from west, from Ladcastle Road, is down a steep track, partly surfaced, through a wooded area, then a narrowed section down to the railway boundary and pedestrian gate.



View of approach down to crossing with pedestrian gate and signage at crossing

On entering through the gates either side, there is fencing that directs users to the decking to cross and signs to inform users to stop look and listen before crossing. There are also whistle boards located in each direction to prompt train drivers to sound their horns to alert users of an approaching train.



View of crossing from west approach showing fencing and signage on either side of the crossing

A census was conducted at the crossing between 25th March and 4th April 2022, which recorded 434 pedestrian movements across the crossing. The breakdown of usage is as follows:

- 418 adults
- 8 unaccompanied children
- 8 accompanied children
- 82 dogs on a lead
- 2 dogs not on a lead
- 2 cyclists

There was a high number of users classed as vulnerable and 6 of the crossings were between the hours of midnight and 06.00hrs.

In addition, there is a long history of misuse at this crossing. There are 36 reported incidents in total dating back to 1994, including 3 fatalities. All of these incidents are detailed in the accompanying Impact Risk Assessment.

- (ii) **the risk to the public of continuing to use the present crossing and the circumstances that have given rise to the need to make the proposed order;**

Whistle Boards and Night-Time Use

Whistle Boards place the onus on the train driver to sound a warning which can sometimes lead to either no warning or inconsistent warning times. Furthermore, during the night-time quiet period (NTQP) which is between 00.00hrs and 06.00hrs, drivers are no longer able to sound their horns, so no warning is given to any users who may be crossing between those times. During the last census, 6 pedestrians during an eleven day period were seen to cross during the night-time quiet period.

Normal passenger services run between 06.00 and 22.00hrs, but freight trains run through the full 24 hour period over this crossing. This can fluctuate depending on operational requirements and will increase to 15 once the line upgrade is complete.

Along with the increased line speed, much quieter and more frequent trains will travel over the crossing as a result of the electrification of the line. In addition to the already secluded location of the crossing that has no ambient lighting, this results in a significant increase in risk to users of the crossing.

Sighting

Sighting time is the amount of time in seconds from which the full front of a train is visible to a user to its arrival at the crossing. For sighting to be compliant, the time that it takes to cross from one side of a crossing to a place of safety on the other side should be less than the sighting time of the fastest train.

At Moorgate Halt, for users crossing from west of the railway, the sighting when looking for trains approaching from the direction of Greenfield is significantly less than the minimum 330m required at just 286 metres. This gives users 1.51 seconds less to cross safely. There is currently a speed restriction from 65mph to 55mph in place to mitigate this.

The upgrade to the line will only be achieved by electrification allowing an increase in line speed. Based on an increased line speed up to 80mph, the minimum required sighting will be 406m. This will further increase the deficiency where it will be short by 120 metres giving users 3.35 seconds less than the required time to cross.

Second Train Coming

At Moorgate Halt level crossing, there is the possibility of a second train passing on the other line within 20 seconds of the first train. This poses a significant risk to users where the second train may be hidden from view for several seconds both whilst the first train passes and for several seconds afterwards. Also, the noise from the first train can mask the sound of the second train.

Signal Positioning

The re-signalling and electrification of the line at this location to facilitate the upgrades to the network will involve the installation of a new signal in close

proximity to the crossing. When trains stop at a red signal, they will stop over and block the crossing. This introduces a significant risk to users, who will not be prevented from entering the crossing because it is unprotected.

This may encourage people to either pass beneath the standing train, or to walk down the track to the end of the standing train, in order to cross the line. Not only does this pose a significant risk, as explained above, the chances of a second train passing are high at this location, and they may not see the approaching train.

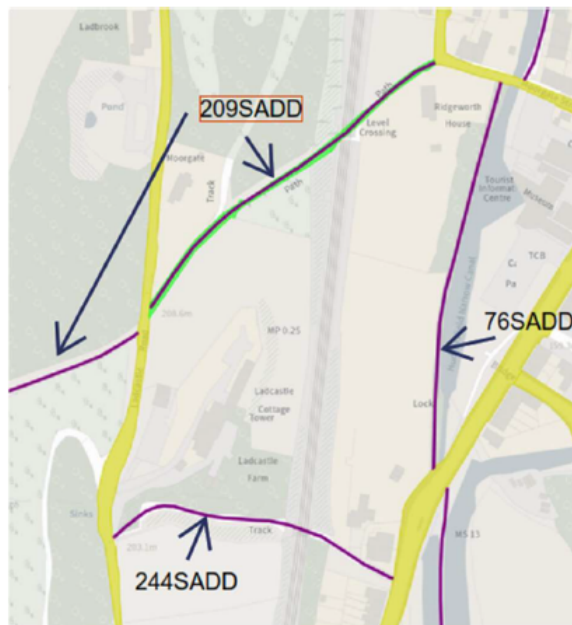
Other risk factors

At this location at certain times of the year there are issues with visibility due to fog and equally at other times of the year sun glare, that both impact the ability of users to see approaching trains.

With all of these factors taken into account and inputted into ALCRM, the risk ranking of the crossing increases significantly from its current risk score of a C4 to that of a B3. This equates to an 80% increase in risk to users of the crossing.

- (iii) the effect of the loss of the crossing on users, in particular whether there are alternative rights of way, the safety or these relative to the existing rail crossing, and the effect on any connecting rights of way and on the network as a whole;

Below is an overview of the current rights of way network near to Moorgate Halt LC. Footpath 209SADD can be seen stretching from Moorgate Street on the east of the railway to the other side of Ladcastle Road on the west. The application will seek to extinguish the section highlighted green between Moorgate Street and Ladcastle Road.



Footpath 76SADD provides a route between Moorgate Street and Oldham Road to the south of approximately 43m. This a pleasant route that takes users along the Huddersfield Narrow Canal, where once on Oldham Road, they can link into footpath 244SADD after a short distance of approximately 26m.

Footpath 244SADD stretches between Oldham Road and Ladcastle Road for a distance of approximately 173 metres, beneath railway underbridge 29 and through the former Wickens Quarry. Bridge 29 was constructed by the railway company to give private access to the quarry, and the public right of way has been claimed since then.

On the east side of the railway the land upon which the route passes is unregistered, but on the west beyond the bridge is privately owned. The route is steep beyond the bridge and the surface uneven in places. Towards the higher end, there is a set of stone steps that takes users up to the adopted highway that is Ladcastle Road.



View looking up to Ladcastle Road and down the steps from Ladcastle Rd

The route is passable, but could be difficult for some users, and Network Rail have agreed that some work could be undertaken to improve the route somewhat – although the extent of this is not yet agreed with either the landowner or the Highway Authority.

Network Rail appreciate that Moorgate Halt is a heavily used crossing that provides a vital link into the centre of the village for residents along Ladcastle Road, as well as leisure users such as walkers, runners, and cyclists. We also recognise that alternative path through the former quarry is currently not ideal to be used in lieu of that at Moorgate Halt.

However, it is hoped that with some improvement works to footpath 244SAD, this would make the route more accessible for potential users. The small section of road that would need to be used between the canal towpath and the beginning of

244SAD on Oldham Road is already public highway with a footway for pedestrians, and as mentioned previously, Ladcastle Road is also an adopted public highway.

Network Rail believe that this route in lieu of that at Moorgate Halt, with some improvement works would provide a much safer method of crossing from one side of the railway to the other.

(iv) the opportunity for taking alternative action to remedy the problem such as a diversion, bridge or tunnel, or the carrying out of safety improvements to the existing crossing;

The enhancement to the railway at this location including new signalling and electrification involves new signal positions and stanchions to support the overhead line equipment (OLE). This will affect the options that are available at this crossing. The various options are considered below

Pedestrian Underpass

This would remove the risk at the crossing entirely, but due to the steep approaches and ground conditions at the location, it presents considerable Civil Engineering difficulties. Any such structure would have to be constructed considerably deeper than is usual, creating long gradients either side for the approaches. This would require a considerable amount of land take, it would potentially be susceptible to flooding and because it is an underpass, this often attracts anti-social behaviour issues.

VAMOS

This is an overlay miniature stop light (MSL) system that does not require integration into the signalling system, but instead uses a treadle on the rack so that when a train passes and strikes the system, the warning lights will show red warning users at the crossing not to cross. Once the train has passed, the lights will show green again, informing users that it is safe to cross.

However, it is not possible to install this system at this location due to the new signal positions which are within the 'strike' point, meaning that a train could be held at the signal whilst the light system is showing red. This would switch the system into 'dark mode' with no lights being shown at all. Users at the crossing would not know if it was safe or not to cross, and this further increases the risk.

MSL's (integrated)

This system is similar to VAMOS but is integrated into the signalling system, and at this location, due to the new signalling, it is not technically possible to install this system at this location.

Permanent Speed Reduction and keep the crossing 'as is'

There is currently a temporary speed restriction in place at the crossing to mitigate the deficient sighting from one side. The goal of the Transpennine Route Upgrade Project is to enhance the railway at this location and deliver a faster, quieter, more

efficient and frequent train service for the public. Permanently reducing the speed limit over the crossing, is incompatible with the aims of the Project.

After the enhancements are complete the risk to users at the crossing will increase by 80%. There will be an increase in the line speed, deficient sighting for users due to the position of stanchions on the railway to support the OLE, and the position of new signals that will result in trains having to stop on the crossing and block the public footpath.

Pedestrian Overbridge

The option of a pedestrian overbridge was the first choice of the Transpennine Route Upgrade Project, however, upon exploring this further, it has become evident that delivering this is not feasible at this location.

The railway corridor at this location is very narrow, and because of this, platforms would need to be constructed to protect the piers of a bridge where they would fall within a collision protection zone. In addition, the erection of a footbridge would block the signal sighting for oncoming train drivers. There are 3 signals in the vicinity of the bridge, two of which cannot be moved as they protect train movements over the new junction. The third cannot be moved because this would impact the signals further along the line

Any bridge would have to be high enough to clear the OLE, and this would mean the construction of a large bridge that would impact the amenity, especially for the lineside neighbours immediately adjacent to the railway. Additionally, access would be required to their land in order to construct the footbridge.

It is not possible to move any proposed footbridge slightly either. The geography of the location near the crossing is complex and any re-location would still affect the signal sighting.

Furthermore, other Civil Engineering issues have arisen such as recent ground investigations at the proposed location of a pedestrian overbridge, have found that the piling of the bridge would be required. This has significantly increased the costs for delivering a footbridge.

Extinguishment of footpath over the railway

After careful consideration of the possible measures available, the only remaining viable option to close the crossing is the Extinguishment of the public right of way. There are alternative nearby public footpaths that can be utilised by people wishing to cross from one side of the railway to the other, that with some improvements would provide a much safer alternative. This has been discussed in previous sections of this document.

(v) the estimated cost of any practicable measures identified under (iv) above;

Section 10 of the accompanying Impact Risk Assessment explores fully the use of the Gross Disproportionality Test to be able to produce a cost benefit analysis of the feasible options, not all of which are suitable for this location in any case. However, the costs are as follows;

Pedestrian Underpass	£2,500,000
VAMOS	£500,000
MSL's	£1,200,000
Speed Reduction	£u/k
Pedestrian Footbridge	£3,000,000
Extinguishment of path	£25,000

(vi) the barriers and/or signs that would need to be erected at the crossing or the point from which any path or way is to be extinguished, assuming the order is confirmed.

Extinguishment of the public right of way would be from its junction with Moorgate Street on the east of the railway to its junction with Ladcastle Road on the west side of the railway. Please see Map 1. The gates at either side of the crossing will be removed and replaced with appropriate fencing and all crossing furniture and signage removed.

2. NAMES AND ADDRESSES OF PUBLIC UTILITY UNDERTAKERS IN AREA (whether or not their apparatus is likely to be affected):

- (a) Public gas supplier - Cadent Gas Ltd 0800 688 588 or plantprotection@cadentgas.com
- (b) Public electricity supplier - Electricity North West, 304 Bridgewater Place, Birchwood Park, Warrington WA3 6XG – 0800 195 4141
- (c) Water undertaker - United Utilities, Haweswater House, Lingley Mere Business Park, Gt Sankey, Warrington WA5 3LP – 0345 026 8989
- (d) Sewerage undertaker – as above
- (e) Public telecommunications operator - British Telecom – 0330 1234 150

3. MAPS AND PLANS

List or insert all maps and plans accompanying this request giving details of their scale and content. In addition to the map mentioned in paragraph 1(d), this must include a map of a scale not less than 1:25,000 or, if no such map is available, on the largest scale readily available, showing the crossing and any paths or ways to be extinguished (represented by a bold continuous line), and any connecting paths or ways, within the context of the general rights of way network. The map should show a breakdown of existing and new routes into clearly labelled sections (e.g. A-B, B-C). Information about local landmarks or features, junctions with other highways or any other information that would assist with orienting the description in the Order would be welcomed.

Map 1 (2024) – MVL3 13m 26c Moorgate Halt LC – s.118A Rail Crossing Extinguishment Order

4. OTHER INFORMATION


Please refer to the accompanying document the Impact Risk Assessment for further detailed information.

DECLARATION

I/We

- (a) understand that no authority for the extinguishment or obstruction of any path or way in this itchiest is conferred unless or until a Rail Crossing Extinguishment order has been confirmed and come into force;
- (b) request that a Rail Crossing Extinguishment order be made to stop up the crossing and any path or way described in Section 1 above; and
- (c) declare that, to the best of my/our knowledge and belief, the factual information included in this form is correct.

Signed:

A handwritten signature in black ink on a light-colored background. The signature is written in a cursive style and appears to read 'Vmbentley'.

Name in Capitals: VICKI BENTLEY

On behalf of (name of railway or tramway operator): Network Rail

Address: Network Rail, First Floor, Square One, 4 Travis Street, Manchester M1 2NY

Position held: Liability Negotiations Adviser

Date: 4th August 2023

Please note the council will need all relevant information to enable them to proceed.