

Introduction

My name is Vicki Bentley, and I am a Liability Negotiations Adviser for Network Rail. I submitted the s.118A application to extinguish the restricted byway over Moorgate Halt level crossing on the 4th August 2023, the justification for which can be found within my application and its supporting documents.

Pre-consultation

Planning permission was previously granted for a footbridge; but this was only a consideration at that time. During the detailed design process, various engineering difficulties came to light, which have driven up the costs from £1.5M to approximately, £4.5M. As a public body, Network Rail must adhere to the Treasury's Managing Public Money Principles and had to consider more cost-effective options.

There have been several meetings and discussions on the matter with Oldham Council and various footpath user groups. In June 2023, I met with the Rights of Way Officer, and we walked along footpath FP244 SADD that uses Bridge No.29 beneath the railway, just south of Moorgate.

It has since been agreed that this route is treacherous, steep, and unstable in places, and would require significant improvement works to bring it up to a suitable standard. Network Rail have since written to the landowner whose land this footpath traverses asking if they would agree in principle to some improvement works, but unfortunately, they were reluctant to agree to this as they felt it would change the nature and use of the footpath to their detriment.

The s.118A application

After the application was submitted, a meeting was held on the 25th August at the crossing between Network Rail, Oldham Council, and representatives from some of the footpath user groups, to discuss some concerns that had been raised.

Network Rail were asked to explore a possible diversionary route to the north via Den Lane beneath Bridge No.30, and to clarify the engineering difficulties associated with constructing a footbridge.

Network Rail explored the feasibility of the alternative route, including meeting with affected landowners, but unfortunately, one of the landowners would not agree to this. In addition, Network Rail were later informed by Oldham Council that this route was too long to be considered as a feasible diversion.

The 'Additional Information' document was collated from several people involved in the project and aims to clarify the engineering difficulties of constructing a footbridge. responded to.

In January 2024, Oldham Council agreed that the s.118A application met the first legal test which is *"that it appears expedient in the interests of the safety of the members of the public using it or likely to use it that a restricted byway in their area which crosses a railway, otherwise than by a tunnel or bridge, should be stopped up"* and the Council agreed to progress the s.118A application.

Conclusion

Network Rail is an arm's length department of the Department for Transport, and is publicly funded by the taxpayer. It has a duty of care to the Managing Public Money principles and the significant cost to the tax-payer in constructing a footbridge at this location cannot be justified. Therefore, the extinguishment of the restricted byway over the level crossing, is the only option to close the level crossing and keep the public safe.

I respectfully ask that you agree with your Officers recommendation, to make the Order.

Thank you for listening.