



**REPORT TO: ECONOMIC DEVELOPMENT AND INFRASTRUCTURE
SERVICES COMMITTEE ON 5 SEPTEMBER 2023**

SUBJECT: ROSARIE LEVEL CROSSING CLOSURE

**BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND
FINANCE)**

1. REASON FOR REPORT

1.1 To seek approval of the Committee to begin a new consultation process for a proposed Stopping Up Order of the C54H Crooksmill to Muldearie Road at the Rosarie Level Crossing under Section 68(1) of the Roads (Scotland) Act 1984:

“Moray Council (C54H Crooksmill to Muldearie Road (At Rosarie Level Crossing) – Stopping Up) Order 2023”.

1.2 This report is submitted to Committee in terms of Section III (F) (16) and (20) of the Council's Scheme of Administration relating to the duty of the Council as Roads Authority and its functions under the Roads (Scotland) Act 1984 and other relevant legislation and to make orders for the regulation of traffic.

2. RECOMMENDATION

2.1 It is recommended that Committee:-

- (i) approves the proposed Stopping Up Order at the location shown in Appendix 1 to this report and agrees to instruct the Head of Environmental and Commercial Services, the Head of Governance, Strategy and Performance and the Legal Services Manager to proceed with the statutory process; and**
- (ii) instruct the Head of Environmental and Commercial Services and the Legal Services Manager to make and implement the Order if, following the consultation period, there are no outstanding objections.**

3. BACKGROUND

3.1 Rosarie Level Crossing is located to the west of Keith on the main Aberdeen-Inverness rail line. A Location Plan is attached as **APPENDIX 1** with a General Location Plan attached as **APPENDIX 2**. The road crossing the

railway line is the C54H Crooksmill to Muldearie road. A recent traffic survey undertaken during spring 2023 found that the average number of vehicle movements over the level crossing was only 25 per day.

- 3.2 The Rosarie Level Crossing is of the Automatic Open Crossing Remotely Monitored (AOCR) type, and is the last such crossing on the national rail network. All other AOCRs on the Network Rail have been removed or upgraded after a serious accident at the AOCR crossing at Lockington in 1986. The protective measures at AOCRs are road traffic signals and audible warnings activated by the approaching train, signs and carriageway markings. There are no crossing barriers, and once the crossing is activated, a train is unlikely to be able to stop before reaching it.
- 3.3 Over the years, there have been a number of incidents at Rosarie Level Crossing that highlight the risks of this type of crossing. The Office of Rail and Road (ORR) has required Network Rail to either upgrade the crossing or remove the crossing as stated in the letter attached as **APPENDIX 3**.
- 3.4 Network Rail has explored upgrading options for the Rosarie Level Crossing, however no safe upgrade has been identified, as indicated in the statement from Network Rail attached as **APPENDIX 4**. The ORR therefore supports Network Rail seeking the closure of the crossing as the only safe alternative.
- 3.5 Network Rail has been working with Moray Council towards the promotion of a Stopping Up Order to close the level crossing. This process was commenced in 2018. However, due to several factors, including the COVID-19 pandemic, the process was not completed within the 2 year statutory period and therefore needs to begin again.
- 3.6 As part of the original proposed Stopping Up Order consultation undertaken in 2018, a number of objections were received from local residents, although the number of properties directly affected is only six. In the main, these objections related to the need to take an alternative route to join the A95/A96. There was some concern raised that the public road for the alternative route passes through Allanbuie Farm. Concerns were also raised about how, with the closure of the level crossing, larger vehicles would turn at the end of the stopped up road.
- 3.7 In response to the concerns, by way of mitigation, Network Rail commissioned design work for additional passing places on the public road and turning facilities where the road would be stopped up to ensure that the alternative route is suitable for all traffic. Copies of the relevant drawings showing Network Rail's draft proposals are attached as **APPENDIX 5**.
- 3.8 The Stopping Up of the C54H Crooksmill to Muldearie Road is required for rail safety reasons. A copy of the Statement of Reasons and Schedule for the proposed Stopping Up Order is attached as **APPENDIX 6**.

4. SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

The report encompasses the main aims of the Economic Development programmes by maintaining suitable transport facilities and infrastructure for their intended use.

(b) Policy and Legal

To close the relevant section of road, a Stopping Up Order is required. Section 68 of The Roads (Scotland) Act 1984 is the most relevant piece of legislation.

(c) Financial implications

There are no financial implications arising from this report as Network Rail has agreed to meet all costs in full relating to the processing of the Stopping Up Order and subsequent works to construct turning areas and passing places.

(d) Risk Implications

If the Stopping Up Order is not promoted there is a continual risk to rail and road users due to the existing design and operation of the Rosarie Level Crossing as highlighted to Network Rail by the Office of Rail and Road.

(e) Staffing Implications

There are no staffing implications as this process forms part of existing duties.

(f) Property

There are no property implications arising from this report.

(g) Equalities/Socio Economic Impact

An Equality Impact Assessment has been carried out. It has identified a minor impact in relation to the right to privacy and the right to property. It has been decided that these are justifiable as a proportionate means to a legitimate aim.

(h) Climate Change and Biodiversity Impacts

There will be Climate Change impacts from the creation of the turning areas and passing places but these would be minimal as a one off impact while improving the road infrastructure. Any biodiversity and flooding impacts of the alterations to the road should be highlighted and resolved as part of the planning application. The use of the alternative route will involve longer journeys for some residents which will have a climate change impact if the vehicles are using fossil fuels.

(i) Consultations

The Depute Chief Executive (Economy, Environment & Finance), Head of Environmental and Commercial Services, Legal Services Manager, Chief Finance Officer, Equalities Officer, Committee Services and Police Scotland have been consulted and any comments taken into consideration.

All Elected Members for the Speyside and Glenlivet, and the Keith and Cullen Wards have been advised of the proposals and any comments they have may be tabled at the meeting.

5. CONCLUSION

5.1 That committee approve the Stopping Up Order of Rosarie Level Crossing as specified in the schedule at APPENDIX 6 and the plans at APPENDICES 1 and 2 and authorises relevant officers to proceed with the statutory process.

Author of Report: Colin Matheson, Engineer (Traffic)

Background Papers:

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