

## **POLICY NOTE**

### **THE RAILWAY CLOSURES (EXCLUSION) (SCOTLAND) ORDER 2017**

**SSI 2017/280**

#### **Description**

1. The above instrument is made by the Scottish Ministers in exercise of the powers conferred by section 38(1)(c) of the Railways Act 2005 (“the 2005 Act”). The instrument is subject to the negative procedure.

#### **Policy Objective**

2. These Regulations will exclude Forres railway station from the application of the statutory railway station closure process outlined in the 2005 Act.

#### **Policy Background**

3. The 2005 Act governs the process that a proposer of a scheme must adhere to when a station is being closed. It governs the discontinuance of network services and stations (or any part of them) and is designed to ensure that the public interest in the retention of these services and facilities is safeguarded. In the case of Forres station, there will be no discontinuance of services as the station building is being replaced by a much improved facility a short distance away, with access by car, bus and foot.

4. The requirement to follow the statutory closure process is subject to certain exceptions. One of those exceptions is if the station is excluded by Order made under section 38(1)(c) of the Railways Act 2005. The exclusion order procedure is relatively uncommon but there is precedent for its use in Scotland. It was undertaken in 2009 in respect of the relocation of stations at Drumgelloch and Bathgate (The Railway Closures (Exclusion) Scotland Order 2009 - SSI 2009/371). Those stations were relocated by 550 metres and 400 metres respectively, as part of the Airdrie to Bathgate project.

#### **Consultation**

5. The relocation of the station has been an important aspect of the project from the early stages. Transport Scotland and Network Rail are confident that sufficient and appropriate public and stakeholder consultation has taken place on the A-I project to determine the principle of relocating the station. The detail of where it will move to has also been widely established and details have been made widely known on the level of service passengers can expect upon completion of the project.

6. A process of on-going NR engagement with regards to Forres station relocation commenced in May 2015 and has involved:

- Project briefs to Head of Infrastructure at Moray Council as well as senior council officials, elected members and council community planning officers;
- Meetings with the Heads of Transportation, Environmental Health and & Health and Social Services for Moray Council.
- Presentation to public session of Forres Community Council;
- Monthly community drop in events held on-site in Forres and in Elgin;
- Meeting with Forres Area Community Trust;

- Meeting with Moray Area Disability Group;
  - Posters and leaflets displayed and distributed to all of the stations along the route in October 2015. The leaflets detailed the improvements that the projects will deliver and also advised the relocation of the station; and
  - TS and NR presentation to a wide range of groups affected by the proposals.
7. A dedicated twitter feed provides regular project updates to the general public, line residents and other stakeholders. In addition, NR arranged the following consultations during 2016:
- Meeting with Moray Council Head of Transportation on 13 January;
  - Meetings with Moray Council Transport Teams on 3 and 20 February;
  - Meetings with SUSTRANS on 11 and 24 February;
  - Public drop in event in Forres on 18 February;
  - Dyke and Landward Community Council briefed on 2 March; and
  - Follow-up meeting with Moray Area Disability Group on 23 March.
8. NR's Diversity Impact Assessment for Forres station relocation was completed as part of the relocation research and the following parties were consulted:
- Equalities Manager, Moray Council;
  - Moray Resource Centre;
  - Moray Disability Forum; and
  - Epilepsy Moray.

### **Impact Assessment**

9. A Business Regulatory Impact Assessment is not required for this project as the station relocation will not impose additional costs, or reduce existing costs on businesses or the third sector. It will not involve redistribution, nor will it impose additional costs on public sector organisations that deliver public services.
10. An equality impact assessment is deemed as not being required in light of the above. The relocated station will comply with the joint Department for Transport/Transport Scotland Code of Practice on rail station accessibility.
11. An Environmental Impact Assessment is not required for the new station as it falls under Schedule 1(11), paragraph 29 of the Town and Country Planning (General Permitted Development) Scotland Order 1992.

### **Financial Effects**

12. No financial effects are anticipated from this instrument.

### **Monitoring**

13. All elements of the station relocation, including the impact of this instrument, will be monitored by Transport Scotland officials.