

**2008 No. 337**

**ROADS AND BRIDGES**

**The A9 Trunk Road (Bankfoot Junction Improvement)  
(Side Roads) Order 2008**

*Made* - - - - *6th October 2008*

*Coming into force* - - *17th October 2008*

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 12(1) and (5), 70(1) and 145 of the Roads (Scotland) Act 1984(a) and all other powers enabling them to do so.

In accordance with section 12(3) of that Act, they are satisfied that another reasonably convenient route is available or will be provided before any road is stopped up pursuant to this Order.

In accordance with section 71(3) of that Act, they are satisfied that another access will be provided before the access is stopped up.

In accordance with sections 20A(b) and 55A(c) of that Act, they have determined that the project falls within Annex II to Council Directive 85/337/EEC(d) on the assessment of the effects of certain public and private projects on the environment but having regard to the selection criteria contained in Annex III it should not be made subject to an environmental impact assessment in accordance with the Directive.

They have complied with the requirements of Part I of Schedule 1(e) to that Act.

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(a) 1984 c.54. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(b) Section 20A was substituted by S.S.I. 1999/1 and was amended by S.S.I. 2006/614.

(c) Section 55A was substituted by S.S.I. 1999/1 and was amended by S.S.I. 2006/614.

(d) O.J. L 175, 5.7.1985, p.40 as amended by Council Directive 97/11/EC (O.J. L 73, 14.3.1997, p.5) and Council Directive 2003/35/EC (O.J. L 156, 25.6.2003, p.17).

(e) Part I of Schedule 1 was relevantly amended by the Local Government etc. (Scotland) Act 1994 (c.39), Schedule 13, Paragraph 135, the Water Industry (Scotland) Act 2002 (asp 3), Schedule 7, paragraph 14, the Transport and Works (Scotland) Act 2007 (asp 8), section 24, Schedule 2, paragraph 2 and Schedule 3, S.S.I. 1999/1 and S.S.I. 2006/614.

## **Citation, commencement and interpretation**

1. (1) This Order may be cited as the A9 Trunk Road (Bankfoot Junction Improvement) (Side Roads) Order 2008 and shall come into force on 17<sup>th</sup> October 2008.  
  
(2) In this Order “the plan folio” means the plan folio numbered NW/A9/BANKFOOT/SRO/EO and entitled “The A9 Trunk Road (Bankfoot Junction Improvement) (Side Roads) Order 2008”, signed with reference to this Order and deposited at the offices of Transport Scotland, Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF.

## **Side roads and means of access**

2. The Scottish Ministers as roads authority are authorised-
  - (a) to construct those lengths of road (hereinafter referred to as “the new side roads”) along the routes described in Schedule 1;
  - (b) to improve those lengths of road described in Schedule 2;
  - (c) to stop up those lengths of road described in Schedule 3 when the new side roads are open for the purposes of through traffic;
  - (d) to stop up that private means of access described in Schedule 4 when the new means of access described in paragraph 8 of Schedule 5 has been provided; and
  - (e) to provide those new means of access described in Schedule 5.

## **Statutory Undertakers**

3. Where immediately before the date this Order comes into force there is under, in, on, over, along or across any of the lengths of road described in Schedules 2 and 3 any apparatus of a statutory undertaker, any rights of the statutory undertaker in respect of such apparatus shall be preserved.

## **Transfer of Roads**

4. On 1<sup>st</sup> April next after the date on which the new side roads are all open for the purposes of through traffic, the new side roads shall be transferred to Perth & Kinross Council(a) as roads authority for those roads.

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(a) A council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 (c.39).

## **Revocation of Previous Orders**

- 5.** The A9 Trunk Road (Bankfoot Junction Improvement) (Side Roads) Order 2003(**a**) is hereby revoked.

J G BARTON  
A member of staff of the Scottish Ministers

Transport Scotland  
Buchanan House  
58 Port Dundas Road  
Glasgow  
G4 0HF  
6th October 2008

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**(a)** S.S.I 2003/186.

## THE ROUTES OF THE NEW SIDE ROADS

1. From a point 182 metres or thereby south-east of the south-eastern-most corner of the building known as Hilton Bungalow, Bankfoot, Perth, PH1 4EB in a generally north-westerly then westerly direction for a distance of 124 metres or thereby to a point 73 metres or thereby south, south-east of the south-eastern-most corner of the building known as Hilton Bungalow, Bankfoot, Perth, PH1 4EB as shown by stipple and numbered “1” on plan SR1 in the plan folio.
2. From a point 69 metres or thereby south, south-east of the south-eastern-most corner of the building known as Hilton Bungalow, Bankfoot, Perth, PH1 4EB in a generally north westerly direction for a distance of 51 metres or thereby to a point 36 metres or thereby south, south-west of the south-eastern-most corner of the building known as Hilton Bungalow, Bankfoot, Perth, PH1 4EB as shown by stipple and numbered “2” on plan SR1 in the plan folio.
3. From a point 44 metres or thereby east, south-east of the south-eastern-most corner of the building known as Hilton Bungalow, Bankfoot, Perth, PH1 4EB in a generally south, south-westerly then west, south-westerly direction for a distance of 52 metres or thereby to a point 54 metres or thereby south, south-east of the south-eastern-most corner of the building known as Hilton Bungalow, Bankfoot, Perth, PH1 4EB as shown by stipple and numbered “3” on plan SR1 in the plan folio.
4. From a point 434 metres or thereby south, south-east of the south-western-most corner of the building known as Broompark Cottage, Bankfoot, Perth, PH1 4DY, in a generally south, south-westerly direction for a distance of 119 metres or thereby to a point 538 metres or thereby south of the south-western-most corner of the building known as Broompark Cottage, Bankfoot, Perth, PH1 4DY as shown by stipple and numbered “4” on plan SR2 in the plan folio.
5. From a point 375 metres or thereby south, south-east of the south-western-most corner of the building known as Broompark Cottage, Bankfoot, Perth, PH1 4DY in a generally south-westerly direction for a distance of 120 metres or thereby and then in a generally south, south-easterly direction for a distance of 17 metres or thereby to a point 431 metres or thereby south of the south-western-most corner of the building known as Broompark Cottage, Bankfoot, Perth, PH1 4DY as shown by stipple and numbered “5” on plan SR2 in the plan folio.
6. From a point 388 metres or thereby south-east of the south-western-most corner of the building known as Broompark Cottage, Bankfoot, Perth, PH1 4DY in a generally west, south-westerly direction for a distance of 58 metres or thereby to a point 381 metres or thereby south, south-east of the south-western-most corner of the building known as Broompark Cottage, Bankfoot, Perth, PH1 4DY as shown by stipple and numbered “6” on plan SR2 in the plan folio.
7. From a point 392 metres or thereby south-east of the south-western-most corner of the building known as Broompark Cottage, Bankfoot, Perth, PH1 4DY in a generally west, south-westerly direction for a distance of 51 metres or thereby to a point 380 metres or thereby south-east of the south-western-most corner of the building known as Broompark Cottage, Bankfoot, Perth, PH1 4DY as shown by stipple and numbered “7” on plan SR2 in the plan folio.

## LENGTHS OF ROAD TO BE IMPROVED

1. From a point 71 metres or thereby south, south-east of the south-eastern-most corner of the building known as Hilton Bungalow, Bankfoot, Perth, PH1 4EB in a generally southerly direction for a distance of 22 metres or thereby to a point 92 metres or thereby south, south-east of the south-eastern-most corner of the building known as Hilton Bungalow, Bankfoot, Perth, PH1 4EB as shown by cross hatching and numbered “8” on plan SR1 in the plan folio.
2. From a point 30 metres or thereby south, south-west of the south-eastern-most corner of the building known as Hilton Bungalow, Bankfoot, Perth, PH1 4EB in a generally south-easterly and then in an easterly direction for a distance of 87 metres or thereby to a point 76 metres or thereby south-east of the south-eastern-most corner of the building known as Hilton Bungalow, Bankfoot, Perth, PH1 4EB as shown by cross hatching and numbered “9” on plan SR1 in the plan folio.
3. From a point 82 metres or thereby east, south-east of the south-eastern-most corner of the building known as Hilton Bungalow, Bankfoot, Perth, PH1 4EB in a generally north-easterly direction for a distance of 11 metres or thereby to a point 87 metres or thereby east, south-east of the south-eastern-most corner of the building known as Hilton Bungalow, Bankfoot, Perth, PH1 4EB as shown by cross hatching and numbered “10” on plan SR1 in the plan folio.
4. From a point 510 metres or thereby south of the south-western-most corner of the building known as Broompark Cottage, Bankfoot, Perth, PH1 4DY in a generally south-westerly direction for a distance of 88 metres or thereby to a point 585 metres or thereby south of the south-western-most corner of the building known as Broompark Cottage, Bankfoot, Perth, PH1 4DY as shown by cross hatching and numbered “11” on plan SR2 in the plan folio.
5. From a point 540 metres or thereby south of the south-western-most corner of the building known as Broompark Cottage, Bankfoot, Perth, PH1 4DY in a generally easterly direction for a distance of 44 metres or thereby to a point 545 metres or thereby south of the south-western-most corner of the building known as Broompark Cottage, Bankfoot, Perth, PH1 4DY as shown by cross hatching and numbered “12” on plan SR2 in the plan folio.
6. From a point 431 metres or thereby south of the south-western-most corner of the building known as Broompark Cottage, Bankfoot, Perth, PH1 4DY in a generally southerly direction for a distance of 6 metres or thereby to a point 437 metres or thereby south of the south-western-most corner of the building known as Broompark Cottage, Bankfoot, Perth, PH1 4DY as shown by cross hatching and numbered “13” on plan SR2 in the plan folio.
7. From a point 394 metres or thereby south-east of the south-western-most corner of the building known as Broompark Cottage, Bankfoot, Perth, PH1 4DY in a generally west, south-westerly direction for a distance of 119 metres or thereby to a point 382 metres or thereby south, south-east of the south-western-most corner of the building known as Broompark Cottage, Bankfoot, Perth, PH1 4DY as shown by cross hatching and numbered “14” on plan SR2 in the plan folio.

## LENGTHS OF ROAD TO BE STOPPED UP

1. That length of the existing B867 Road from a point 36 metres or thereby south of the south-eastern-most corner of the building known as Hilton Bungalow, Bankfoot, Perth, PH1 4EB in a generally south-easterly direction for a distance of 27 metres or thereby to a point 54 metres or thereby south, south-east of the south-eastern-most corner of the building known as Hilton Bungalow, Bankfoot, Perth, PH1 4EB as shown by zebra hatching and numbered “15” on plan SR1 in the plan folio
2. That length of the existing private access track serving Ardonachie Farm, Bankfoot, Perth, PH1 4DY from a point 549 metres or thereby south of the south-western-most corner of the building known as Broompark Cottage, Bankfoot, Perth, PH1 4DY in a generally east, north-easterly direction for a distance of 19 metres or thereby to a point 544 metres or thereby south of the south-western-most corner of the building known as Broompark Cottage, Bankfoot, Perth, PH1 4DY as shown by zebra hatching and numbered “16” on plan SR2 in the plan folio.
3. That length of the existing Pitcairngreen – Stewart Tower Road (C408) from a point 435 metres or thereby south of the south-western-most corner of the building known as Broompark Cottage, Bankfoot, Perth, PH1 4DY in a generally south, south-westerly direction for a distance of 104 metres or thereby to a point 528 metres or thereby south of the south-western-most corner of the building known as Broompark Cottage, Bankfoot, Perth, PH1 4DY as shown by zebra hatching and numbered “17” on plan SR2 in the plan folio.
4. That length of the existing Pitcairngreen – Stewart Tower Road (C408) from a point 381 metres or thereby south, south-east of the south-western-most corner of the building known as Broompark Cottage, Bankfoot, Perth, PH1 4DY in a generally south-westerly direction for a distance of 116 metres or thereby to a point 431 metres or thereby south, south-east of the south-western-most corner of the building known as Broompark Cottage, Bankfoot, Perth, PH1 4DY as shown by zebra hatching and numbered “18” on plan SR2 in the plan folio.
5. That length of the existing Pitcairngreen – Stewart Tower Road (C408) from a point 380 metres or thereby south, south-east of the south-western-most corner of the building known as Broompark Cottage, Bankfoot, Perth, PH1 4DY in a generally west, south-westerly direction for a distance of 47 metres or thereby to a point 375 metres or thereby south, south-east of the south-western-most corner of the building known as Broompark Cottage, Bankfoot, Perth, PH1 4DY as shown by zebra hatching and numbered “19” on plan SR2 in the plan folio.

## SCHEDULE 4

Article 2(d)

### PRIVATE MEANS OF ACCESS TO BE STOPPED UP

The private means of access on the north side of the existing Pitcairngreen – Stewart Tower Road (C408) at a point 540 metres or thereby south of the south-western-most corner of the building known as Broompark Cottage, Bankfoot, Perth, PH1 4DY as shown by a solid black bar and numbered “20” on plan SR2 in the plan folio.

## NEW MEANS OF ACCESS TO BE PROVIDED

1. From a point 76 metres or thereby south, south-east of the south-eastern-most corner of the building known as Hilton Bungalow, Bankfoot, Perth, PH1 4EB in a generally south-westerly direction for a distance of 11 metres or thereby to a point 78 metres or thereby south, south-east of the south-eastern-most corner of the building known as Hilton Bungalow, Bankfoot, Perth, PH1 4EB as shown by single hatching and numbered “21” on plan SR1 in the plan folio.
2. From a point 65 metres or thereby south, south-east of the south-eastern-most corner of the building known as Hilton Bungalow, Bankfoot, Perth, PH1 4EB in a generally southerly direction for a distance of 20 metres or thereby to a point 83 metres or thereby south, south-east of the south-eastern-most corner of the building known as Hilton Bungalow, Bankfoot, Perth, PH1 4EB as shown by single hatching and numbered “22” on plan SR1 in the plan folio.
3. From a point 87 metres or thereby east, south-east of the south-eastern-most corner of the building known as Hilton Bungalow, Bankfoot, Perth, PH1 4EB in a generally north-easterly direction for a distance of 7 metres or thereby to a point 88 metres or thereby east, south-east of the south-eastern-most corner of the building known as Hilton Bungalow, Bankfoot, Perth, PH1 4EB as shown by single hatching and numbered “23” on plan SR1 in the plan folio.
4. From a point 78 metres or thereby east, south-east of the south-eastern-most corner of the building known as Hilton Bungalow, Bankfoot, Perth, PH1 4EB in a generally easterly direction for a distance of 10 metres or thereby to a point 86 metres or thereby east, south-east of the south-eastern-most corner of the building known as Hilton Bungalow, Bankfoot, Perth, PH1 4EB as shown by single hatching and numbered “24” on plan SR1 in the plan folio.
5. From a point 544 metres or thereby south of the south-western-most corner of the building known as Broompark Cottage, Bankfoot, Perth, PH1 4DY in a generally easterly direction for a distance of 32 metres or thereby to a point 547 metres or thereby south of the south-western-most corner of the building known as Broompark Cottage, Bankfoot, Perth, PH1 4DY as shown by single hatching and numbered “25” on plan SR2 in the plan folio.
6. From a point 529 metres or thereby south of the south-western-most corner of the building known as Broompark Cottage, Bankfoot, Perth, PH1 4DY in a generally southerly then easterly direction for a distance of 47 metres or thereby to a point 544 metres or thereby south of the south-western-most corner of the building known as Broompark Cottage, Bankfoot, Perth, PH1 4DY as shown by single hatching and numbered “26” on plan SR2 in the plan folio.
7. From a point 532 metres or thereby south of the south-western-most corner of the building known as Broompark Cottage, Bankfoot, Perth, PH1 4DY in a generally west, north-westerly direction for a distance of 9 metres or thereby to a point 527 metres or thereby south of the south-western-most corner of the building known as Broompark Cottage, Bankfoot, Perth, PH1 4DY as shown by single hatching and numbered “27” on plan SR2 in the plan folio.
8. From a point 395 metres or thereby south, south-east of the south-western-most corner of the building known as Broompark Cottage, Bankfoot, Perth, PH1 4DY in a generally north-westerly direction for a distance of 12 metres or thereby to a point 384 metres or thereby south, south-east of the south-western-most corner of the building known as Broompark Cottage, Bankfoot, Perth, PH1 4DY as shown by single hatching and numbered “28” on plan SR2 in the plan folio.