

2010 No. 295

**ROADS AND BRIDGES**

**SPECIAL ROADS**

The M876 (Glenbervie Connecting Roads)  
Side Roads Order 2010

*Made* 10th August 2010

*Coming into force* 17th August 2010

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 9(1)(c), (d) and (f), and 70(1) of the Roads (Scotland) Act 1984(a), and all other powers enabling them to do so.

In accordance with 71(3) of that Act, they are satisfied that another reasonably convenient means of access to the land will be provided.

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.

In accordance with Sections 20A(2) and 55A(2) of that Act, they have determined that it is a relevant project and having had regard to the selection criteria contained in Annex III of that Directive, it should be made subject to an environmental impact assessment and have prepared an environmental statement and published notice of it on 17th May 2007 and have complied with all other provisions of sections 20A and 55A of that Act.

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

**Citation and Commencement**

1. This Order may be cited as the M876 (Glenbervie Connecting Roads) Side Roads Order 2010 and comes into force on 17th August 2010.

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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, 5.6.1985, p.40, as relevantly amended by Council Directive 97/11/EC (O.J. L 73, 14.3.1997, p.4) and Council Directive 2003/35/EC (O.J. L 156, 25.6.2003, p.17).

(e) Part 1 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 3 and schedule 3, and S.S.I. 1999/1 and 2006/614.

## **Side Roads**

**2.** The Scottish Ministers as special road authority are authorised-

- (a) to construct that length of road (hereinafter referred to as “the new side road”) along the route described in Part 1 of the Schedule;
- (b) to improve those lengths of road described in Part 2 of the Schedule;
- (c) to stop up those private means of access described in Part 3 of the Schedule when the new means of access described in Part 4 of the Schedule have been provided; and
- (d) to provide those new means of access described in Part 4 of the Schedule.

## **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 Schedule 2 any apparatus of a statutory undertaker, any rights of the statutory undertaker in respect of such apparatus shall be preserved.

## **Transfer of new Side Road to Falkirk Council**

**4.** On 1st April next after the date on which the new side road is open for the purpose of through traffic, the new side road shall be transferred to Falkirk Council<sup>(a)</sup> as roads authority for that road.

J G BARTON  
A member of the staff of the Scottish Ministers

Transport Scotland  
Buchanan House  
58 Port Dundas Road  
Glasgow  
G4 0HF  
10th August 2010

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

## SCHEDULE

In this Schedule “the plan” means the plan numbered RTC/C58/3 and entitled “The M876 (Glenbervie Connecting Roads) Side Roads Order 2010 ”signed with reference to this Order and deposited at the offices of Transport Scotland, Buchanan House, 58 Port Dundas Road, Glasgow G4 0HF.

### PART 1

Article 2(a)

#### THE ROUTE OF THE NEW SIDE ROAD

From a point on the existing Stirling Road (A9) 150 metres or thereby southeast of the existing access to Glenbervie Golf Club, Stirling Road, Larbert FK5 4SJ, in a generally northerly direction for a distance of 80 metres or thereby including the new roundabout as shown by stipple and marked “1” on the plan to a point 155 metres or thereby southeast of the southeastmost corner of the clubhouse at Glenbervie Golf Club or thereby.

### PART 2

Article 2(b)

#### LENGTHS OF ROAD TO BE IMPROVED

1. That length of the existing Stirling Road (A9) from a point 160 metres or thereby southeast of the existing access to Glenbervie Golf Club in a generally northwesterly direction for a distance of 110 metres or thereby to a point 266 metres or thereby of the northwest gatepost of number 85 Stirling Road as shown by cross hatching and marked “2” on the plan.

2. That length of the existing Stirling Road (A9) from a point 305 metres or thereby southeast of the existing access to Glenbervie Golf Club in a generally northwesterly direction for a distance of 60 metres or thereby to a point 72 metres or thereby northwest of the northwest gatepost of number 85 Stirling Road as shown by cross hatching and marked “3” on the plan.

### PART 3

Article 2(c)

#### PRIVATE MEANS OF ACCESS TO BE STOPPED UP

1. From a point 75 metres or thereby southeast of the southeastmost corner of the Club House at Glenbervie Golf Club at the junction with Stirling Road (A9) as shown by a solid black band and numbered “4” on the plan.

2. From a point on the access to Glenbervie House 100 metres or thereby northeast of its junction with the existing Stirling Road (A9) as shown by a solid black band and numbered “5” on the plan.

3. From a point on the access to Glenbervie House 10 metres or thereby generally east of its junction with Stirling Road (A9) as shown by a solid black band and numbered “6” on the plan.

4. From a point 160 metres or thereby southeast of the southeastmost corner of the Club House at Glenbervie Golf Club at the junction with the existing Stirling Road (A9) as shown by a solid black band and numbered “9” on the plan.

#### PART 4

#### Article 2(d)

#### NEW MEANS OF ACCESS

1. From a point 155 metres or thereby southeast of the southeastmost corner of the Club House at Glenbervie Golf Club in a generally northwesterly direction for a distance of 40 metres or thereby to a point 122 metres or thereby southeast of the southeastmost corner of the clubhouse at Glenbervie Golf Club as shown by hatching and marked “7” on the plan.

2. From a point 175 metres or thereby southeast of the southeastmost corner of the Club House at Glenbervie Golf Club in a generally easterly then northeasterly direction for a distance of 45 metres or thereby to a point 195 metres or thereby southeast of the southeastmost corner of the clubhouse at Glenbervie Golf Club as shown by hatching and marked “8” on the plan.

3. From a point 194 metres or thereby south east of the southeastmost corner of the Club House at Glenbervie Golf Club in a generally south westerly direction for a distance of 15 metres or thereby to a point 196 metres or thereby south east of the southeastmost corner of the Club House at Glenbervie Golf Club as shown by hatching and marked ‘10’ on the plan.