

2017 No. 76

ROADS AND BRIDGES

The M9/A9 Trunk Road (Berriedale Braes Improvement) (Side Roads) Order 2017

Made - - - - *14th March 2017*

Coming into force - - *24th March 2017*

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 12(1) and (5) and 70(1) 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 will be provided before the roads are stopped up.

In accordance with section 71(3) of that Act, they are satisfied that another reasonably convenient means of access is available.

They determined that the project falls within Annex II to Directive 2011/92/EU of the European Parliament and of the Council(b), on the assessment of the effects of certain public and private projects on the environment and, having had regard to the selection criteria contained in Annex III to that Directive, that the project should not be made subject to an environmental impact assessment. They published notice of that determination on 21st November 2014.

This Order is made in compliance with the provisions of Parts I and III of schedule 1(c) of the Roads (Scotland) Act 1984.

Citation commencement and interpretation

1.—(1) This Order may be cited as the M9/A9 Trunk Road (Berriedale Braes Improvement) (Side Roads) Order 2017 and shall come into force on 24th March 2017.

(2) The definitions in schedule 1 of this Order have effect.

(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) O.J. L 26, 28.1.2012, p.1. Directive 2011/92/EU repealed and recast the provisions contained in Council Directive 85/337/EEC, O.J. L 175, 5.7.1985, p.40, as amended by Council Directive 97/11/EC, O.J. L 73,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, Directive 2003/35/EC of the European Parliament and of the Council, O.J. L 156, 26.6.2003, p.17 and Directive 2009/31/EC of the European Parliament and of the Council, O.J. L 140, 5.6.2009, p.114. Directive 2011/92/EU was amended by Directive 2014/52/EU of the European Parliament and of the Council, O.J. L 124, 25.4.2014, p.1.

(c) Part 1 of schedule 1 was 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, paragraphs 2 and 3 and schedule 3, paragraph 1 and S.S.I. 1999/1, 2006/614 and 2011/396. Part III of schedule 1 was amended by the New Roads and Street Works Act 1991 (c.22), schedule 8, paragraph 96 and the Transport and Works (Scotland) Act 2007 (asp 8), schedule 3, paragraph 1.

Stopping up and new means of access

2. The Scottish Ministers as roads authority are authorised—
- (a) to stop up the length of road described in schedule 2 of this Order when the new trunk road to be constructed in pursuance of the M9/A9 Trunk Road (Berriedale Braes Improvement) (Trunking) Order 2017^(a) is open for the purposes of through traffic;
 - (b) to stop-up the private means of access described in schedule 3 of this Order and;
 - (c) to provide the new means of access described in schedule 4.

Statutory Undertakers

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

Buchanan House,
Glasgow
14th March 2017

M F RENNIE
A member of the staff of the Scottish Ministers

^(a) S.S.I. 2017/75.

SCHEDULE 1

Article 1

INTERPRETATION

In these schedules—

“the trunk road” means the existing M9/A9 Edinburgh – Stirling - Thurso Trunk Road;

“new trunk road” means the length of road which will become a trunk road under, and is described in Part 2 of the schedule of, the M9/A9 Trunk Road (Berriedale Braes Improvement) (Trunking) Order 2017(a);

“the plan” means the plan marked “SR01” contained within the plan folio entitled “The M9/A9 Trunk Road (Berriedale Braes Improvement) (Side Roads) Order 2017” signed with reference to this Order and deposited at the offices of Transport Scotland, Major Transport Infrastructure Projects, Team 1, Buchanan House, 58 Port, Dundas Road, Glasgow, G4 0HF;

“Point A” means the most southerly corner of the building known as The White House, being the listed building formerly a Church of Scotland Manse which is located north of the Berriedale Village in the Parish of Berriedale and County of Caithness as shown on the plan; and

“Point B” means the north abutment of the bridge over the Berriedale Waters located at the entrance to the Berriedale Village in the parish of Berriedale and County of Caithness as shown on the plan.

(a) S.S.I. 2017/75.

SCHEDULE 2

Article 2(a)

ROAD TO BE STOPPED UP

That length of the trunk road from where it diverges from the route of the new trunk road 30 metres or thereby south of point A, in a generally southerly then south easterly direction for a distance of 222 metres or thereby, to a point on the trunk road 196 metres or thereby east of point B where it merges with the route of the new trunk road as shown by the zebra hatching between points numbered “1” and “4” including the lay-by between points numbered “2” and “3” on the plan.

SCHEDULE 3

Article 2(b)

PRIVATE MEANS OF ACCESS TO BE STOPPED UP

The private means of access to shore cottages from the trunk road at a point 230 metres or thereby south of point A, as shown by a solid black bar and numbered "5" on the plan.

SCHEDULE 4

Article 2(c)

NEW MEANS OF ACCESS TO BE PROVIDED

At a point 35 metres or thereby north of point B, as shown by a diagonal line hatching and numbered "6" on the plan.