SCOTTISH STATUTORY INSTRUMENTS

2009 No. 251

ROADS AND BRIDGES

The A68 Trunk Road (Pathhead to Tynehead Junction Improvement) (Side Roads) Order 2009

Made *18th June 2009*

Coming into force *26th June 2009*

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 any road is stopped up pursuant to this Order.

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

In accordance with sections 20A(**b**) and 55A(**c**) of that Act, they have determined that the project is a relevant project falling within Annex II to Council Directive No 85/337/EEC(**d**) on the assessment of the effects of certain public and private projects on the environment and that having regard to the selection criteria contained in Annex III it should be made subject to an environmental impact assessment in accordance with the Directive.

In accordance with sections 20A(2) and 55A(2) of that Act, they have prepared an environmental statement and published notice of it on 17 July 2008 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.

(**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, 26.6.2003, p.17).
(**e**) 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, paragraph 2 and schedule 3, S.S.I.1999/1; and 2006/614.

Citation and commencement

1. This Order may be cited as the A68 Trunk Road (Pathhead to Tynehead Junction Improvement) (Side Roads) Order 2009 and comes into force on 26th June 2009.

Side roads and means of access

2. The Scottish Ministers as roads authority are hereby authorised -

(a) to construct those lengths of road (hereinafter referred to as "the new side roads") along the routes 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 lengths of road described in Part 3 of the Schedule when the new side roads are open for the purposes of through traffic;

(d) to stop up those private means of access described in Part 4 of the Schedule when the new means of access described in Part 5 have been provided; and

(e) to provide those new means of access to land described in Part 5 to 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 Parts 2 and 3 of the Schedule 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 1st 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 Midlothian Council (**a**) as roads authority for those roads.

A C MCLAUGHLIN
A member of the staff of the Scottish Ministers

Transport Scotland
Buchanan House
58 Port Dundas Road
Glasgow
G4 0HF
18th June 2009

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

Article 2

SCHEDULE

INTERPRETATION

In this Schedule-

"the plan folio" means the plan folio numbered RYC/B48/15 and entitled "The A68 Trunk Road (Pathhead to Tynehead Junction Improvement) (Side Roads) Order 2009", signed with reference to this Order and deposited at the offices of Transport Scotland, Buchanan House, 58 Port Dundas Road, Glasgow G4 0HF, and "Plan No. 1 of 2" and "Plan No. 2 of 2" mean respectively the plans so numbered in the plan folio;

"the A68 Trunk Road" means the A68 Edinburgh-Carter Bar Trunk Road between Fala Tunnel, approximately 1015m south of the Tynehead Junction B6458 with the A68 and a point approximately 325m north of the junction of the U60 with the A68;

"the U60" means the existing unclassified road from the A68 Trunk Road to the junction with B6367;

"the U77" means the existing unclassified road from the A68 Trunk Road to the junction with the B6457 at Fala;

"the U78" means the unclassified road from the A68 Trunk Road to the junction with the U77;

"the B6458 Tynehead Junction" means the existing B class road from the A68 Trunk Road to the junction with the B6367 at Tynehead;

"point A" means the junction of the new layby with the new private means of access through Magazine Wood as shown by diagonal hatching and numbered "102" on Plan No 1 of 2;

"point B" means the junction of the A68 Trunk Road with the U60;

"point C" means the junction of the A68 Trunk Road with the U77;

"point D" means a point on the centreline of the U77 205m or thereby southeast of the junction of the A68 Trunk Road with the U77;

"point E" means the junction of the A68 Trunk Road with the new side road as shown by stippling and numbered "115" on Plan No. 1 of 2;

"point F" means a point on the centreline of the U77 approximately 100m northwest of the junction of the U77 with U78;

"point G" means the junction of the A68 Trunk Road with the B6458; and

"point H" means the junction of the A68 Trunk Road with the U78.

Article 2(a)

Part 1

THE ROUTES OF THE NEW SIDE ROADS

1. From a point 55 metres or thereby southeast of point C, generally in a south easterly direction for a distance of 110 metres or thereby to a point 55 metres or thereby northwest of point D as shown by stippling and numbered “112” on Plan No. 1 of 2.

2. From a point 2 metres or thereby north of point E, generally in a north easterly direction for a distance of 300 metres or thereby to a point 50 metres or thereby northwest of point F as shown by stippling and numbered “115” on Plan No. 1 of 2.

3. From a point 20 metres or thereby southeast of point C, generally in a south easterly direction for a distance of 40 metres or thereby to a point 60 metres or thereby southeast of point C as shown by stippling and numbered “111” on Plan No. 1 of 2.

4. From a point 31 metres or thereby northwest of point H, generally in an easterly direction for a distance of 17 metres or thereby to a point 24 metres or thereby north of point H as shown by stippling hatching and numbered “202” on Plan No. 2 of 2.

Article 2(b)

Part 2

LENGTHS OF ROAD TO BE IMPROVED

1. That length of the U60 from point B, generally in a south westerly direction for a distance of 115 metres or thereby as shown by cross-hatching and numbered "106" on Plan No. 1 of 2.

2. That length of the U77 from point D, generally in a north westerly direction for a distance of 55 metres or thereby as shown by cross-hatching and numbered "113" on Plan No. 1 of 2.

3. That length of the U77 from a point 90 metres or thereby northwest of point F, generally in a north westerly direction for a distance of 30 metres or thereby to a point 120 metres or thereby northwest of point F as shown by cross-hatching and numbered "117" on Plan No. 1 of 2.

4. That length of the U77 from point F, generally in a north westerly direction for a distance of 70 metres or thereby as shown by cross-hatching and numbered "119" on Plan No. 1 of 2.

5. That length of the B6458 from a point 15 metres or thereby southwest of point G, generally in a south westerly direction for a distance of 135 metres or thereby to a point 150 metres or thereby southwest of point G as shown by cross-hatching and numbered "201" on Plan No. 2 of 2.

Article 2(c)

Part 3

LENGTHS OF ROAD TO BE STOPPED UP

1. That length of the U77 from a point 15 metres or thereby northwest of point C, generally in a south easterly direction for a distance of 190 metres or thereby to a point 175 metres or thereby southeast of point C as shown by zebra hatching and numbered "110" on Plan No. 1 of 2.

2. That length of the U77 from a point 63 metres or thereby northwest of point F, generally in a north westerly direction for a distance of 31 metres or thereby to a point 94 metres or thereby northwest of point F as shown by zebra hatching and numbered "118" on Plan No. 1 of 2.

3. That length of U78 from point 4 metres or thereby north of point H, generally in a north easterly direction for a distance of 8 metres or thereby to a point 12 metres or thereby north of point H as shown by zebra hatching and numbered "203" on Plan No. 2 of 2.

Article 2(d)

Part 4

PRIVATE MEANS OF ACCESS TO BE STOPPED UP

1. The private means of access to farm field at a point 165 metres or thereby northwest of point A, on the northern boundary of the A68 Trunk Road as shown by a solid black bar and numbered “101” on Plan No. 1 of 2.

2. The private means of access to farm field at a point 50 metres or thereby northwest of point B, on the northern boundary of the A68 Trunk Road as shown by a solid black bar and numbered “103” on Plan No. 1 of 2.

3. The private means of access to farm field at a point 28 metres or thereby northwest of point B, on the southern boundary of the A68 Trunk Road as shown by a solid black bar and numbered “104” on Plan No. 1 of 2.

4. The private means of access to farm field at a point 20 metres or thereby southwest of point B, on the southern boundary of the A68 Trunk Road as shown by a solid black bar and numbered “105” on Plan No. 1 of 2.

5. The private means of access to farm field at a point 45 metres or thereby northwest of point C, on the northern boundary of the A68 Trunk Road as shown by a solid black bar and numbered “107” on Plan No. 1 of 2.

6. The private means of access to farm field at a point 25 metres or thereby west of point C, on the southern boundary of the A68 Trunk Road as shown by a solid black bar and numbered “108” on Plan No. 1 of 2.

7. The private means of access to farm field at a point 145 metres or thereby northwest of point E, on the northern boundary of the A68 Trunk Road as shown by solid black bar and numbered “114” on Plan No. 1 of 2.

8. The private means of access to farm field at a point 80 metres or thereby southeast of point E, on the northern boundary of A68 Trunk Road as shown by a solid black bar and numbered “116” on Plan No. 1 of 2.

9. The private means of access to farm field at a point 175 metres or thereby southeast of point H, on the southern boundary of A68 Trunk Road as shown by a solid black bar and numbered “204” on Plan No. 2 of 2.

10. The private means of access to farm field at a point 325 metres or thereby southeast of point H, on the northern boundary of A68 Trunk Road as shown by a solid black bar and numbered “205” on Plan No. 2 of 2.

11. The private means of access to farm field at a point 465 metres or thereby southeast of point H, on the southern boundary of the A68 Trunk Road as shown by a solid black bar and numbered “206” on Plan No. 2 of 2.

12. The private means of access to farm field at a point 490 metres or thereby southeast of point H, on the northern boundary of the A68 Trunk Road as shown by a solid black bar and numbered “207” on Plan No. 2 of 2.

Article 2(e)

Part 5

NEW MEANS OF ACCESS TO BE PROVIDED

1. From a point 18 metres or thereby east of point A, generally in a south easterly direction for a distance of 150 metres or thereby to a point 50 metres or thereby north of point B, a new means of access as shown by single hatching and marked "102" on Plan No. 1 of 2.

2. From a point 20 metres or thereby northeast of point C, generally in a south easterly direction for a distance of 50 metres or thereby to a point 55 metres or thereby southeast of point C, a new private means of access as shown by single hatching and marked "109" on Plan No. 1 of 2.