S C O T T I S H S T A T U T O R Y I N S T R U M E N T S

2009 No. 249

ROADS AND BRIDGES

The A702 Trunk Road Improvement (Candymill Bend and Edmonston Brae) (Side Roads) Order 2009

Made	*22nd June 2009*
Coming into force	*29th June 2009*

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 12(1), (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 the said 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 the said Act, they are satisfied that other reasonably convenient means of access will be provided before any private means of access is stopped up pursuant to this Order

In accordance with section 20A(**b**) and 55A(**c**) of the said 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 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.

Citation and commencement

1. This Order may be cited as the A702 Trunk Road Improvement (Candymill Bend and Edmonston Brae) (Side Roads) Order 2009 and comes into force on 29th June 2009.

(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, and by S.S.I. 1999/1 and S.S.I. 2006/614.

Side roads and new 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 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 road is 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 of the Schedule have been provided; and

(e) to provide those new means of access described in Part 5 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 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 South Lanarkshire 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
22nd June 2009

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

SCHEDULE

INTERPRETATION

In this Schedule the following expressions shall have the following meanings:

"the plan" means the plan numbered 07/SE/0901/003/001 and entitled "The A702 Trunk Road Improvement (Candymill Bend and Edmonston Brae) (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;

"the existing A702 Trunk Road" means the A702 Edinburgh to Abington Trunk Road;

"Candymill Road" means the road between the existing A702 Trunk Road and Candy Cottage.

Article 2(a)

PART 1

ROUTES OF THE NEW SIDE ROADS

1. From a point marked 'A' on the plan at the junction between the existing A702 Trunk Road and Candymill Road in a south easterly direction for a distance of 33 metres or thereby to a point marked 'B' on the plan, as shown stippled and numbered "1" on the plan.

2. From a point marked 'K' on the plan 130 metres, or thereby north east of the junction between the exiting A702 Trunk Road and Candymill Road in an easterly direction for a distance of 4 metres or thereby to a point marked 'J' on the plan, as shown stippled and numbered "2" on the plan.

Article 2(b)

PART 2

LENGTHS OF ROAD TO BE IMPROVED

That length of Candymill Road from a point marked 'A' on the plan at it's junction with the existing A702 Trunk Road in a northerly direction for a distance of 20 metres or thereby to a point marked 'C' on the plan, as shown by cross hatching and numbered "3" on the plan.

Article 2(c)

PART 3

LENGTHS OF ROAD TO BE STOPPED UP

1. That length of the existing A702 Trunk Road from a point marked 'A' on the plan at it's junction with Candymill Road, in a south westerly direction for a distance of 210 metres or thereby to a point marked 'H' on the plan, as shown by zebra hatching and numbered "4" on the plan.

2. That length of the existing A702 Trunk Road from a point marked ‘N’ on the plan on the existing A702 Trunk Road 660 metres or thereby north of its junction with Candymill Road, in a northerly direction for a distance of 480 metres or thereby to a point, marked “P” on the plan, as shown by zebra hatching and numbered “5” on the plan.
3.

Article 2(d)

PART 4

PRIVATE MEANS OF ACCESS TO BE STOPPED UP

1. The private means of access to Candyburn at its junction with the A702 Trunk Road, as shown by a solid black bar and numbered “6” on the plan.

2. The private means of access to Brownsbank Farm at it’s junction with the existing A702 Trunk Road, as shown by a solid black bar and numbered “7” on the plan.

3. The private means of access to the field on the west of the existing A702 Trunk Road, 837 metres or thereby north of Candymill Cottage, as shown by a solid black bar and numbered “8” on the plan.

Article 2(e)

PART 5

NEW MEANS OF ACCESS

1. From a point on the plan on the existing A702 Trunk Road marked ‘L’ 190 metres or thereby, north east of its junction with Candymill Road in an easterly then northerly direction for a distance of 100 metres or thereby to a point marked ‘M’ on the plan as shown by hatching and numbered “9” on the plan.

2. From a point marked ‘D’ on the plan 50 metres or thereby, south of Candymill Cottage in a southerly direction for a distance of 55 metres or thereby to a point marked ‘E’ on the plan as shown by hatching and numbered “10” on the plan.

3. From a point marked ‘F’ on the plan 60 metres or thereby, south east of Candymill Cottage in an easterly direction for a distance of 22 metres or thereby to a point marked ‘G’ on the plan as shown by hatching and numbered “11” on the plan.

4. From a point on the existing A702 Trunk Road marked ‘R’ on the plan 1068 metres or thereby, north west of its junction with Candymill Road in a westerly direction for a distance of 10 metres or thereby to a point marked ‘S’ as shown by hatching and numbered “12” on the plan.