SCOTTISH STATUTORY INSTRUMENTS

2009 No. 358

ROADS AND BRIDGES

The A75 Trunk Road (Hardgrove to Kinmount Improvement) (Side Roads) Order 2009

Made	*16th October 2009*
Coming into force	*23rd October 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.

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

In accordance with sections 20A(**b**) and 55A(**c**) of the said Act, they have determined that the project falls 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 it should be made subject to an environmental impact assessment.

In accordance with sections 20A(2) and 55A(2) of that Act, they have prepared an environmental statement and published notice of it on 27th June 2008 and have complied with all other provisions of sections 20A and 55(A) 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 A75 Trunk Road (Hardgrove to Kinmount Improvement) (Side Roads) Order 2009 and shall come into force on 23rd October 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. No. 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 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. 1991/1, and S.S.I. 2006/614.

Side roads and means of access

2. The Scottish Ministers as the 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 through traffic;

(d) to stop up those private means of access described in Schedule 4 when the new means of access described in Part 5 have 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 belonging to a statutory undertaker, any rights of the statutory undertaker in respect of such apparatus shall be preserved.

Transfer of Roads

4. The new side roads shall be transferred to Dumfries and Galloway Council(**a**) as the roads authority therefor on the date when the new side roads are open for the purpose of through traffic.

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

Transport Scotland
Buchanan House
58 Port Dundas Road
GLASGOW
G4 0HF
16th October 2009

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

SCHEDULE 1 Article 2(a)

INTERPRETATION

In this Schedule-

"the existing trunk road" means the A75 Gretna – Dumfries - Stranraer Trunk Road, in the vicinity of Carrutherstown;

"the B725" means the existing B class road between Dumfries and Waterbeck, in the vicinity of Carrutherstown;

"the U81a" means the existing unclassified road between Gillhall and Newfield boundary north of Muirfield including boundary near Murraythwaite, in the vicinity of Carrutherstown;

"the plan" means the Plan Folio numbered RYC/DG11/3 entitled "A75 Trunk Road (Hardgrove to Kinmount Improvement) (Side Roads) Order 2009", signed with reference to this Order and deposited at the offices of Transport Scotland, Major Transport Infrastructure Services, Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF;

"point A" means the most southerly corner of Carrutherstown Hotel, Carrutherstown, DG1 4LD as shown on Plan No. SR1 in the plan;

"point B" means the most north easterly corner of the farm buildings known as Fostermeadow, Carrutherstown, DG1 4LG as shown on Plan No. SR1 and SR2 in the plan;

"point C" means the southerly corner of Oakbank Cottage, Carrutherstown, DG1 4LQ as shown on Plan No. SR1 in the plan;

"point D" means the most westerly corner of the building known as Stenries View, Carrutherstown, DG1 4LQ as shown on Plan No. SR1 in the plan;

"point E" means the most northerly corner of the western most outbuilding at Upper Mains Farm, Annan, DG12 5RR as shown on Plan No. SR1 in the plan.

THE ROUTES OF THE SIDE ROADS

1. From a point on the B725 100 metres or thereby south of point A generally in a southerly direction for a distance of 46 metres or thereby to a point on the B725 431 metres or thereby north west of point B as shown by stipple and numbered "1" on Plan No. SR1 in the plan.

2. From a point on the B725 58 metres or thereby south east of point A generally in a south, south westerly direction for a distance of 50 metres or thereby to a point on the existing trunk road 448 metres or thereby north, north west of point B as shown by stipple and numbered "2" on Plan No. SR1 in the plan.

3. From a point 132 metres or thereby south east of point A generally in a south easterly direction for a distance of 91 metres or thereby to a point 373 metres or thereby north of point B as shown by stipple and numbered "3" on Plan No. SR1 in the plan.

4. From a point 185 metres or thereby east, south east of point A generally in a south, south westerly direction for a distance of 15 metres or thereby to a point 400 metres

or thereby north of point B as shown by stipple and numbered “4” on Plan No. SR1 in the plan.

5. From a point 930 metres or thereby east of point B generally in a south, south westerly then easterly, then southerly, then easterly, then southerly direction for a distance of 326 metres or thereby to a point on the U81a 401 metres or thereby west of point C as shown by stipple and numbered “5” on Plan No. SR1 in the plan.

6. From a point 290 metres or thereby west, south west of point D generally in an east, south easterly, then southerly direction for a distance of 361 metres or thereby from a point 525 metres or thereby north, north west of point E as shown by stipple and numbered “6” on Plan No. SR1 in the plan.

7. From a point 261 metres or thereby south of point D generally in a south westerly direction for a distance of 3 metres or thereby to a point 527 metres or thereby north, north westerly west of point E as shown by stipple and numbered “7” on Plan No. SR1 in the plan.

SCHEDULE 2 Article 2(b)

INTERPRETATION

In this Schedule-

"the U103a" means the existing unclassified road between Carrutherstown and Whitecroftgate Cottage including the turning head; and

"the existing trunk road", "the B725", "the plan", "point A", "point B", "point C", "point D" and "point E" have the same meanings as they have in Schedule 1.

ROADS TO BE IMPROVED

1. That length of the B725 from a point 111 metres or thereby south, south westerly of point A generally in a south, south westerly direction for a distance of 78 metres or thereby to a point 405 metres or thereby north west of point B as shown by cross hatching and numbered "8" on Plan No. SR1 in the plan.

2. That length of the B725 from a point 64 metres or thereby south east of point A generally in a south, south westerly direction for a distance of 22 metres or thereby to a point 465 metres or thereby north, north west of point B as shown by cross hatching and numbered "9" on Plan No. SR1 in the plan.

3. That length of the U103a from a point 85 metres or thereby east, south east of point A generally in a east, south easterly direction for a distance of 60 metres or thereby to a point 436 metres or thereby north, north west of point B as shown by cross hatching and numbered "10" on Plan No. SR1 in the plan.

4. That length of the existing trunk road from a point 210 metres or thereby east, south east of point A generally in an east, south easterly direction for a distance of 98 metres or thereby to a point 348 metres or thereby north of point B as shown by cross hatching and numbered "11" on Plan No. SR1 in the plan.

5. From a point 1097 metres or thereby east, south east of point B generally in a south, south westerly direction for a distance of 38 metres or thereby to a point 399 metres or thereby west of point C as shown by cross hatching and numbered "12" on Plan No. SR1 in the plan.

6. From a point 350 metres or thereby west of point D generally in a south easterly direction for a distance of 178 metres or thereby to a point 742 metres or thereby north west of point E as shown by cross hatching and numbered "13" on Plan No. SR1 in the plan.

7. From a point 255 metres or thereby south of point D generally in a south, westerly direction for a distance of 7 metres or thereby to a point 524 metres or thereby north, north west of point E as shown by cross hatching and numbered "14" on Plan No. SR1 in the plan.

SCHEDULE 3 Article 2(c)

INTERPRETATION

In this Schedule-

"the existing trunk road", "the U81a", "the plan", "point A", "point B", "point C", "point D" and "point E" have the same meanings as they have in Schedule 1; and

"the U103a" has the same meaning as it has in Schedule 2.

LENGTHS OF ROAD TO BE STOPPED UP

1. That length of the existing trunk road from a point 180 metres or thereby west, south west of point A generally in east, south easterly direction for a distance of 187 metres or thereby to a point 468 metres or thereby north, north west of point B as shown by zebra hatching and numbered "15" on Plan No. SR1 in the plan.

2. That length of the existing trunk road from a point 85 metres or thereby south, south east of point A generally in an southerly direction, then east, south easterly direction for a distance of 220 metres or thereby to a point 350 metres or thereby north of point B as shown by zebra hatching and numbered "16" on Plan No. SR1 in the plan.

3. That length of the U103a from a point 107 metres or thereby east south east of point A generally in an east, south easterly direction for a distance of 31 metres or thereby to a point 443 metres or thereby north, north west of point B as shown by zebra hatching and numbered "17" on Plan No. SR1 in the plan.

4. That length of the U81a from a point 1101 metres or thereby east, south east of point B generally in a northerly direction for a distance of 83 metres or thereby to a point 397 metres or thereby west, north west of point C as shown by zebra hatching and numbered "18" on Plan No. SR1 in the plan.

5. That length of the existing trunk road from a point 308 metres or thereby west, south west of point D generally in a south easterly direction for a distance of 339 metres or thereby to a point 533 metres or thereby north, north west of point E as shown by zebra hatching and numbered "19" on Plan No. SR1 in the plan.

6. That length of the existing trunk road from a point 260 metres or thereby south of point D generally in a south easterly direction for a distance of 92 metres or thereby to a point 433 metres or thereby north, north west of point E as shown by zebra hatching and numbered "20" on Plan No. SR1 in the plan.

SCHEDULE 4 Article 2(d)

INTERPRETATION

In this Schedule-“ the existing trunk road”, “the plan”, “point B” and “point D” have the same meanings as they have in Schedule 1.

PRIVATE MEANS OF ACCESS TO BE STOPPED UP

1. That private means of access to Fostermeadow from the existing trunk road from a point 346 metres or thereby north of point B as shown by solid black infill and numbered “21” on Plan No. SR1 in the plan.

2. That private means of access to Stenries View from the existing trunk road from a point 218 metres or thereby south west of point D as shown by solid black infill and numbered “22” on Plan No. SR1 in the plan.

3. That private means of access to the farm buildings known as Topmuir from the existing trunk road from a point 241 metres or thereby south, south west of point D as shown by solid black infill and numbered “23” on Plan No. SR1 in the plan.

SCHEDULE 5 Article 2(e)

INTERPRETATION

In this Schedule-

"the B725"; "the plan", "point A"; "point B"; "point C"; "point D" and "point E" shall have the same meanings as they have in Schedule 1; and

"point F" means the most easterly corner of the farm buildings known as Searigg, Carrutherstown, DG1 4NX as shown on Plan No. SR2 in the plan.

NEW MEANS OF ACCESS TO BE PROVIDED

1. From a point on the B725 55 metres or thereby south east of point F generally in an easterly direction for a distance of 19 metres or thereby to a point 339 metres or thereby west, south west of point B as shown by hatching and numbered "24" on Plan No. SR2 in the plan.

2. From a point 124 metres or thereby east, south east of point A generally in a south westerly direction for a distance of 9 metres or thereby to a point 441 metres or thereby north, north west of point B as shown by hatching and numbered "25" on Plan No. SR1 in the Plan Folio.

3. From a point 208 metres or thereby east, south east of point A generally in a south, south westerly direction for a distance of 2 metres or thereby to a point 397 metres or thereby north of point B as shown by hatching and numbered "26" on Plan No. SR1 in the plan.

4. From a point 1012 metres or thereby east of point B generally in a north easterly direction for a distance of 6 metres or thereby to a point 477 metres or thereby west, north west of point C as shown by hatching and numbered "27" on Plan No. SR1 in the plan.

5. From a point 1090 metres or thereby east of point B generally in a south easterly direction for a distance of 44 metres or thereby to a point 357 metres or thereby west, north west of point C as shown by hatching and numbered "28" on Plan No. SR1 in the plan.

6. From a point 689 metres or thereby north, north west of point E generally in a north easterly direction for a distance of 29 metres or thereby to a point 173 metres or thereby south west of point D as shown by hatching and numbered "29" on Plan No. SR1 in the plan.

7. From a point 203 metres or thereby south west of point D generally in a south, south westerly direction for a distance of 14 metres or thereby to a point 667 metres or thereby north, north west of point E as shown by hatching and numbered "30" on Plan No. SR1 in the plan.

8. From a point 258 metres or thereby south, south west of point D generally in a south westerly direction for a distance of 55 metres or thereby to a point 560 metres or thereby north west of point E as shown by hatching and numbered “31” on Plan No. SR1 in the plan.