SCOTTISH STATUTORY INSTRUMENTS

2009 No. 357

ROADS AND BRIDGES

The A75 Trunk Road (Hardgrove to Kinmount Improvement) (Trunking and Detrunking) 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 section 5(2) and (6) of the Roads (Scotland) Act 1984(**a**) and all other powers enabling them to do so.

In accordance with section 5(2) of that Act, they are satisfied as to expediency.

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 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 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 asA75 Trunk Road (Hardgrove to Kinmount Improvement) (Trunking and Detrunking) Order and comes 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. L 73,14.3.1997,p.5) and Council Directive 2003/35/EC (O.J. L 156, 25.6.2003, 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.

Trunk road

2. The length of road (hereinafter referred to as "the new trunk road") which the Scottish Ministers propose to construct along the route described in Schedule 1 shall become a trunk road on the date of coming into force of this Order.

Road ceasing to be trunk road

3. On 1st April next after the date on which the new trunk road is open for the purpose of through traffic, the length of road described in Schedule 2 shall cease to be a trunk road and Dumfries and Galloway Council (**a**) shall become the Roads Authority for that length of road and shall enter that length of road in their list of public roads.

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

Transport Scotland
7th Floor North
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

TRUNK ROAD

INTERPRETATION

In this Schedule "the plan" means the plan numbered RYC/DG11/1 entitled "The A75 Trunk Road (Hardgrove to Kinmount Improvement) (Trunking and Detrunking) Order 2009", signed with reference to this Order and deposited at the offices of Transport Scotland, Major Transport Infrastructure Projects, Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF.

ROUTE OF THE NEW TRUNK ROAD

From a point on the A75 Gretna – Dumfries - Stranraer Trunk Road, 233 metres or thereby west of its junction with the B725 Road to Carrutherstown in a generally south easterly direction for a distance of 3.644km or thereby, to a point on that trunk road, 44 metres or thereby northwest of its junction with the access to Upper Mains Farm, Annan, DG12 5RR as shown by a heavy black line between points marked "A" and "B" on the plan.

SCHEDULE 2 Article 3

ROAD CEASING TO BE A TRUNK ROAD

INTERPRETATION

In this Schedule "the plan" has the same meaning as it has in Schedule 1.

LENGTH OF ROAD CEASING TO BE A TRUNK ROAD

That length of the A75 Gretna – Dumfries – Stranraer Trunk Road from a point 77 metres or thereby west of its junction with the B725 Road to Carrutherstown in a generally south easterly direction for a distance of 3.045km or thereby to a point 500 metres or thereby northwest of its junction with the access to Upper Mains Farm, Annan, DG12 5RR as shown by the black and white hatching between the points marked "C" and "D" on the plan.