SCOTTISH STATUTORY INSTRUMENTS

2009 No. 397

ROADS AND BRIDGES

The A9 Trunk Road (Moy) (Side Roads) Order 2009

Made	*10th November 2009*
Coming into force	*23rd November 2009*

The Scottish Ministers make the following Order in exercise of the powers conferred by section 12(1) and (5) 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 is available.

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 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 and the Special Roads and Trunk Roads (Procedure) (Scotland) Regulations 1985(**f**)

Citation, commencement and interpretation

1.—(1) This Order may be cited as the A9 Trunk Road (Moy) (Side Roads) Order 2009 and comes into force on 23rd November 2009.

(2) In this Order "the plan folio" means the plan folio numbered NW/A9/MOY/SRO/AM and entitled "The A9 Trunk Road (Moy) (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.

(a) 1984 c.54. The functions of the Secretary of State were transferred to the Scottish Ministers by section 53 of the Scotland Act 1998 (c.46). Section 143 was amended by the New Roads and Street Works Act 1991 (c.22) Schedule 8, paragraph 93.
(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,S.S.I. 1999/1 and S.S.I. 2006/614.
(f) S.I.1988/1156 (S.92).

Side roads

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 Schedule 1;

(b) to improve that length of road described in Schedule 2; and

(c) to stop up that length of road described in Schedule 3.

Statutory Undertakers

3. Where there is, immediately before the date of this Order, any apparatus of any statutory undertakers under, in, on, over, along or across those lengths of road described in the Schedules, any rights of the statutory undertakers 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 the Highland 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
10th November 2009

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

SCHEDULE 1 Article 2(a)

THE ROUTES OF THE NEW SIDE ROADS

1. From a point 213 metres or thereby generally southwest of the southwest corner of the west abutment of the rail bridge carrying the Perth to Inverness rail line in a generally southwesterly direction for a distance of 16 metres or thereby to a point 229 metres or thereby generally southwest of the southwest corner of the west abutment of the rail bridge carrying the Perth to Inverness rail line, as shown by stipple and numbered "1" on plan SR1 in the plan folio.

2. From a point 200 metres or thereby generally southwest of the southwest corner of the west abutment of the rail bridge carrying the Perth to Inverness rail line in a generally southwesterly direction for a distance of 9 metres or thereby to a point 209 metres or thereby generally southwest of the southwest corner of the west abutment of the rail bridge carrying the Perth to Inverness rail line, as shown by stipple and numbered "2" on plan SR1 in the plan folio.

3. From a point 200 metres or thereby generally southwest of the southwest corner of the west abutment of the rail bridge carrying the Perth to Inverness rail line in a generally southwesterly direction for a distance of 10 metres or thereby to a point 210 metres or thereby generally southwest of the southwest corner of the west abutment of the rail bridge carrying the Perth to Inverness rail line, as shown by stipple and numbered "3" on plan SR1 in the plan folio.

SCHEDULE 2 Article 2(b)

LENGTHS OF ROAD TO BE IMPROVED

1. From a point 200 metres or thereby generally southwest of the southwest corner of the west abutment of the rail bridge carrying the Perth to Inverness rail line in a generally southwesterly direction for a distance of 30 metres or thereby to a point 230 metres or thereby generally southwest of the southwest corner of the west abutment of the rail bridge carrying the Perth to Inverness rail line, as shown by cross hatching and numbered “4” on plan SR1 in the plan folio.

SCHEDULE 3 Article 2(c)

LENGTH OF ROAD TO BE STOPPED UP

1. That length of the U348 Lynebeg Road, Moy from its junction with the extended north kerbline of the M9/A9 Edinburgh – Stirling – Thurso Trunk Road extending in a generally northeasterly direction for a distance of 18 metres or thereby to a point on the existing U348 Lynebeg Road, Moy 172 metres or thereby generally southwest of the southwest corner of the west abutment of the railway bridge carrying the Perth to Inverness rail line as shown by zebra hatching numbered “5” on plan SR1 in the plan folio.