2009 No. 11

ROADS AND BRIDGES
SPECIAL ROADS

The M8 (Junction 4a at Whitburn Connecting Roads)
Side Roads Order 2009

Made	*12th January 2009*
Coming into force	*26th January 2009*

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 9(1)(c), (d) and (f) and 70(1) of the Roads (Scotland) Act 1984(**a**) and all other powers enabling them to do so.

In accordance with section 9(3) of that Act, they are satisfied that another reasonably convenient route will be provided before the road is stopped up.

In accordance with sections 71(3) of that Act, they are satisfied that another access will be provided before the access is stopped up.

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 29th 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 I 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, 25.6.2003, p.17).

(**e**) Part I 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 3 and schedule 3; S.S.I. 1999/1 and 2006/614.

Citation and commencement

1. This Order may be cited as the M8 (Junction 4a at Whitburn Connecting Roads) Side Roads Order 2009 and shall come into force on 26th January 2009.

Side roads and means of access

2. The Scottish Ministers as special road authority are hereby authorised–
(a) to construct that length of road (hereinafter referred to as "the new side road") along the route described in Part 1 of the Schedule to this Order;
(b) to stop up those private means of access described in Part 2 of the Schedule when the new means of access described in Part 3 of the Schedule has been provided; and
(c) to provide those new means of access described in Part 3 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 lengths of road described in Part 1 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 road along the route described in Part 1 of the Schedule is open for the purpose of through traffic, the new side road shall be transferred to West Lothian Council(**a**) as roads authority for those roads.

J G BARTON
A member of staff of the Scottish Ministers

Transport Scotland
Buchanan House
58 Port Dundas Road
Glasgow
G4 0HF
12th January 2009

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

SCHEDULE

INTERPRETATION

In this Schedule:-

“the plan” means the plan numbered UM/NSE/M8/J4A(SR)/MP SR1 and entitled ”The M8 (Junction 4A at Whitburn Connecting Roads) 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.
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“Reference Point B” means the point of the intersection of the M8 and the centre line of the Balgornie Farm Access Overbridge as shown on the plan.

Article 2(a) and 4

PART 1

THE ROUTE OF THE NEW SIDE ROAD

1. From a point on the proposed roundabout 23 metres or thereby North of the M8 and 170 metres or thereby East of Reference Point B in a Southerly direction for a distance of 85 metres or thereby to a point on the proposed roundabout 23 metres or thereby South of the M8 and 170 metres or thereby East of Reference Point B and including the new roundabouts as shown stippled and numbered “1” on the plan.

2. From a point 215 metres or thereby South East of Reference Point B in a South Easterly direction for a distance of 18 metres or thereby as shown stippled and numbered “2” on the plan.

3. From a point 78 metres or thereby South of the M8 and 170 metres or thereby East of Reference Point B in a South Westerly direction for a distance of 170 metres or thereby as shown stippled and numbered “3” on the plan.

Article 2(b)

PART 2

PRIVATE MEANS OF ACCESS TO BE STOPPED UP

1. The private means of access to Balgornie Farm from a point 65 metres or thereby North of Reference Point B as shown by solid black infill and numbered “4” on the plan.

2. The private means of access to Balgornie Farm from a point 95 metres or thereby South of Reference Point B as shown by solid black infill and numbered “5” on the plan.

Article 2(c)

PART 3

NEW MEANS OF ACCESS

1. From a point on the existing Balgornie Farm Access road 110 metres or thereby North of Reference Point B in a South then generally Easterly direction for a distance of 200 metres or thereby as shown by single hatching and numbered “6” on the plan.