

2010 No. 170

ROADS AND BRIDGES

**The A96 Trunk Road (Threapland Junction Improvements)
(Side Roads) Order 2010**

Made

28th April 2010

Coming into force

14th May 2010

The Scottish Ministers have made 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 pursuant to this Order.

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

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 No 85/337/EEC^(d) on the assessment of the effects of certain public and private projects on the environment and that having regard to the selection criteria contained in Annex III it has been made subject to an environmental impact assessment in accordance with the Directive.

In accordance with sections 20A(2) and 55A(2) of that Act, they have prepared an Environmental Statement and Environmental Statement Addendum and published notice of them on 14 October 2008 and 27 January 2010 respectively and have complied with all other provisions of sections 20A and 55A of that Act.

They have complied with the requirements of Parts I and III 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 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 3 and schedule 3; and by S.S.I.1999/1 and 2006/614.

Citation and commencement

1. This Order may be cited as the A96 Trunk Road (Threapland Junction Improvements) (Side Roads) Order 2010 and comes into force on 14th May 2010.

Side roads and 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 to this Order;
 - (b) to stop up those lengths of road described in Part 2 of the Schedule when the new side roads are open for through traffic;
 - (c) to stop up the private means of access described in Part 3 of the Schedule when the new means of access described in Part 5 of the Schedule have been provided;
 - (d) to construct the length of temporary road along the route described in Part 4 of the Schedule and to close that temporary length of road after the duration of the works; and
 - (e) to provide the 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, along or across any of the lengths of road described in Parts 2 to 4 of the Schedule to this Order 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 Moray 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
28th April 2010

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

SCHEDULE

INTERPRETATION

In this Schedule:

“the plan folio” means the plan folio numbered OTG/1590/3 entitled “The A96 Trunk Road (Threapland Junction Improvements) (Side Roads) Order 2010”, signed with reference to this Order and deposited at the offices of Transport Scotland, Buchanan House, 58 Port Dundas Road, Glasgow.

“Point 1” means the point of intersection of the existing centrelines of the A96 Inverness to Aberdeen Trunk Road and Loch Oire Road as shown on plan SR1 in the Plan Folio.

“Point 2” means the point of intersection of the existing centrelines of the A96 Inverness to Aberdeen Trunk Road and the existing C-class road, south of the existing A96 Trunk Road, between the Threapland junction and Loch Oire Road as shown on plan SR1 in the Plan Folio.

Article 2(a)

Part 1

THE ROUTES OF THE NEW SIDE ROADS

1. From a point 113 metres or thereby west north-west of point 2, to a point 175 metres or thereby south south-west of point 2, generally in a south then south-easterly then south then south south-westerly direction for a distance of 260 metres or thereby, as shown by stipple and marked “A” on plan SR1 in the plan folio.
2. From a point 28 metres or thereby south east of point 1, to a point 42 metres or thereby south-west of Point 1, generally in a westerly direction for a distance of 60 metres or thereby, as shown by stipple and marked “B” on plan SR1 in the plan folio.
3. From a point 28 metres or thereby north-west of point 2, to a point 117 metres or thereby north north-west of point 2, generally in a north north-easterly then north north-westerly direction for a distance of 98 metres or thereby, as shown by stipple and marked “C” on plan SR1 in the plan folio.

Article 2(b)

Part 2

LENGTHS OF ROAD TO BE STOPPED UP

1. That length of the south leg of the Threapland junction from a point 8 metres or thereby south-west of point 2, to a point 72 metres or thereby south of point 2, generally in a south south-westerly then southerly direction for a distance of 66 metres or thereby, as shown by zebra hatching and marked “H” on plan SR1 in the plan folio.

2. That length of the existing Loch Oire Road from a point 4 metres or thereby south of point 1, to a point 14 metres or thereby south south-east of point 1, generally in a south south-easterly direction for a distance of 10 metres or thereby, as shown by zebra hatching and marked “I” on plan SR1 in the plan folio.

Article 2(c)

Part 3

PRIVATE MEANS OF ACCESS TO BE STOPPED UP

That private means of access at the point on the access track 204 metres or thereby west south-west of point 1 as shown by a solid black band and marked “J” on plan SR1 in the plan folio.

Article 2(d)

Part 4

LENGTH OF TEMPORARY ROAD

From a point 156 metres or thereby west south-west of point 1, to a point 159 metres or thereby east north-east of point 1, generally in a north-easterly then east north-easterly then easterly direction for a distance of 293 metres or thereby, as shown by stipple and marked “K” on plan SR1 in the plan folio.

Article 2(e)

Part 5

NEW MEANS OF ACCESS

1. From a point 196 metres or thereby west south-west of point 1, to a point 192 metres or thereby west south-west of point 1, generally in a south south-easterly direction for a distance of 26 metres or thereby, as shown by hatching and marked “L” on plan SR1 in the plan folio.

2. From a point 150 metres or thereby west south-west of point 1, to a point 151 metres or thereby west south-west of point 1, generally in a south south-easterly direction for a distance of 9 metres or thereby, as shown by hatching and marked “M” on plan SR1 in the plan folio.

3. From a point 23 metres or thereby west of point 1, to a point 55 metres or thereby north north-west of point 1, generally in a northerly then north-easterly direction for a distance of 58 metres or thereby, as shown by hatching and marked “N” on plan SR1 in the plan folio.