

2017 No. 75

ROADS AND BRIDGES

**The M9/A9 Trunk Road (Berriedale Braes Improvement)
(Trunking) Order 2017**

Made - - - - *14th March 2017*

Coming into force - - *24th March 2017*

The Scottish Ministers make the following Order in exercise of the powers conferred by section 5(2) 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 have taken into consideration the requirements of local and national planning, including the requirements of agriculture and industry and are satisfied as to expediency.

They determined that the project falls within Annex II to Directive 2011/92/EU of the European Parliament and of the Council(b), on the assessment of the effects of certain public and private projects on the environment and, having had regard to the selection criteria contained in Annex III to that Directive, that the project should not be made subject to an environmental impact assessment. They published notice of that determination on 21st November 2014.

This Order is made in compliance with the provisions of Parts I and III of schedule 1(c) of the Roads (Scotland) Act 1984.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the M9/A9 Trunk Road (Berriedale Braes Improvement) (Trunking) Order 2017 and comes into force on 24th March 2017.

(2) The definitions in Part 1 of the schedule of this Order have effect.

(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) O.J. L 26, 28.1.2012, p.1. Directive 2011/92/EU repealed and recast the provisions contained in Council Directive 85/337/EEC, O.J. L 175, 5.7.1985, p.40, as amended by Council Directive 97/11/EC, O.J. L 73,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, Directive 2003/35/EC of the European Parliament and of the Council, O.J. L 156, 26.6.2003, p.17, and Directive 2009/31/EC of the European Parliament and of the Council, O.J. L 140, 5.6.2009, p.114. Directive 2011/92 /EU was amended by Directive 2014/52/EU of the European Parliament and of the Council, O.J. L 124, 25.4.2014, p.1.

(c) 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, paragraphs 2 and 3 and schedule 3, paragraph 1 and S.S.I. 1999/1, 2006/614 and 2011/396. Part III of schedule 1 was amended by the New Roads and Street Works Act 1991 (c.22), schedule 8, paragraph 96 and the Transport and Works (Scotland) Act 2007 (asp 8), schedule 3, paragraph 1.

Trunk Road

2. The Scottish Ministers direct that the length of road (hereinafter referred to as “the new trunk road”) which they propose to construct along the route described in Part 2 of the schedule of this Order shall become a trunk road on the date this Order comes into force.

Buchanan House,
Glasgow
14th March 2017

M F RENNIE
A member of the staff of the Scottish Ministers

SCHEDULE

Articles 1 and 2

PART 1

INTERPRETATION

In this schedule—

“the trunk road” means the existing M9/A9 Edinburgh – Stirling - Thurso Trunk Road;

“the plan” means the plan marked “TR01” contained within the plan folio entitled “The M9/A9 Trunk Road (Berriedale Braes Improvement)(Trunking) Order 2017” signed with reference to this Order and deposited at the offices of Transport Scotland, Major Transport Infrastructure Projects, Team 1, Buchanan House, 58 Port, Dundas Road, Glasgow, G4 0HF; and

“Point A” means the most southerly corner of the building known as The White House, being the listed building formerly a Church of Scotland Manse which is located north of the Berriedale Village in the Parish of Berriedale and County of Caithness as shown on the plan; and

“Point B” means the north abutment of the bridge over the Berriedale Waters located at the entrance to the Berriedale Village in the parish of Berriedale and County of Caithness as shown on the plan.

PART 2

ROUTE OF THE NEW TRUNK ROAD

From a point on the trunk road, opposite point A, in a south easterly then southerly then south westerly direction for a distance of 330 metres or thereby, to a point on the trunk road 194 metres or thereby east of point B as shown by the heavy black line between points marked “1” and “2” on the plan.