

2012 No. 79

ROADS AND BRIDGES

**The M9/A90/M90 Trunk Road (Balmedie to Tippetty)
(Trunking and Detrunking) Order 2012**

Made - - - - *1st March 2012*

Coming into force - - *15th March 2012*

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 have taken into consideration the requirements of local and national planning, including the requirements of agriculture and industry and 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 85/337/EEC(d), as relevantly amended by Council Directive 97/11/EC(e) and Council Directive 2003/35/EC(f), on the assessment of the effects of certain public and private projects on the environment.

In accordance with sections 20A(2) and 55A(2) of that Act, they have prepared an environmental statement and published notice of it on 1st November 2007 and have complied with all other provisions of sections 20A and 55A of that Act.

This Order is made in compliance with the provisions of Parts I and III of Schedule 1(g) to that Act.

Citation and commencement

1. This Order may be cited as the M9/A90/M90 Trunk Road (Balmedie to Tippetty) (Trunking and Detrunking) Order 2012 and comes into force on 15th March 2012.

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- (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 1988 (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.
(e) O.J. L 73, 14.3.1997, p.5.
(f) O.J. L 156, 25.6.2003, p.17.
(g) 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 (asp3), schedule 7, paragraph 14, the Transport and Works (Scotland) Act 2007 (asp 8)n, section 24, schedule 2, paragraph 2 and schedule 3 and S.S.I. 1999/1 and 2006/614.

Trunk Road

2. The Scottish Ministers direct that the lengths of road (hereinafter referred to as “the new trunk road”) which they propose to construct along the routes described in Part 1 of the Schedule to this Order shall become a trunk road on the date this Order comes into force.

Road ceasing to be a 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 Part 2 of the Schedule shall cease to be a trunk road and Aberdeenshire Council^(a) shall become the roads authority for that length of road and shall enter the road in their list of public roads^(b).

Buchanan House
Glasgow
1st March 2012

A.C. MCLAUGHLIN
A member of the staff of the Scottish Ministers

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

(b) The list of public roads prepared and kept by the local roads authority under section 1(1) of the Roads (Scotland) Act 1984.

SCHEDULE

Articles 2 and 3

TRUNK ROAD INTERPRETATION

In this Schedule—

“the trunk road means” the existing M9/A90/M90 Edinburgh-Fraserburgh Trunk Road;

“point 1” means the north west corner of the building known as Almardo, Southfolds, Balmedie, Aberdeenshire, AB23 8YY;

“point 2” means the east corner of the Farmhouse known as Keir Farm, Balmedie, Aberdeenshire, AB23 8XR;

“point 3” means the north west corner of the building known as Kirkhill, Newburgh, Aberdeenshire, AB41 6BD;

“point 4” means the south east corner of the building known as Fountianbleau, Newburgh, Aberdeenshire, AB41 6AJ; and

“the plan” means the plan folio numbered RYC/G110/1 entitled “The M9/A90/M90 Trunk Road (Balmedie to Tipperty)(Trunking and Detrunking) Order 2012” 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.

PART 1

THE ROUTES OF THE NEW TRUNK ROAD

1. From a point on the trunk road carriageway, 313 metres or thereby north east of point 2, generally in a northerly, then north easterly, then north westerly direction for a distance of 9.1 kilometres or thereby to a point 928 metres or thereby north west of point 4, as shown by a heavy black line between points marked “A” and “B” on the plan.

2. From a point 556 metres or thereby south east of point 1 on the Aberdeen-bound carriageway of the trunk road, generally in a northerly direction then following the curve in a north easterly, then easterly, then northerly direction for a distance of 671 metres or thereby, to a point 176 metres or thereby east of point 1, as shown by a heavy black line between points marked “C” and “D” on the plan.

3. From a point 176 metres or thereby east of point 1, generally following the curve in a southerly, then westerly, then northerly direction for a distance of 495 metres or thereby, to a point on the Aberdeen-bound carriageway of the trunk road 445 metres or thereby south east of point 2, as shown by a heavy black line between points marked “D” and “E” on the plan.

4. From a point 267 metres or thereby south east of point 1 on the Fraserburgh-bound carriageway of the trunk road, generally in a northerly direction then following the curve in a westerly, then southerly direction for a distance of 496 metres or thereby, to a point 84 metres or thereby north west of point 1, as shown by a heavy black line between points marked “F” and “G” on the plan.

5. From a point 84 metres or thereby north west of point 2, generally following the curve in a northerly, then easterly, then northerly direction for a distance of 620 metres or thereby, to a point on the Fraserburgh-bound carriageway of the trunk road 192 metres or thereby south east of point 2, as shown by a heavy black line between points marked “G” and “H” on the plan.

6. From a point 343 metres or thereby south east of point 3, generally in a north easterly direction for a distance of 650 metres or thereby, to a point 545 metres or thereby north east of point 3 as shown by a heavy black line between points marked “I” and “J” on the plan.

7. From a point 272 metres or thereby south east of point 3, generally in a northerly direction for a distance of 579 metres or thereby, to a point 488 metres or thereby north east of point 3 as shown by a heavy black line between points marked “K” and “L” on the plan.

8. From a point 408 metres or thereby south east of point 4, generally in a north westerly direction for a distance of 760 metres or thereby, to a point 284 metres or thereby north west of point 4 as shown by a heavy black line between points marked “M” and “N” on the plan.

9. From a point 498 metres or thereby south east of point 4, generally in a north westerly direction for a distance of 571 metres or thereby, to a point 126 metres or thereby north east of point 4 as shown by a heavy black line marked between points “O” and “P” on the plan.

PART 2

LENGTH OF ROAD CEASING TO BE A TRUNK ROAD

10. That length of the existing trunk road from a Point “Q”, 532 metres or thereby north east of point 2, generally in a northerly direction, as indicated by the heavy black broken line, for a distance of 8.6 kilometres or thereby, to a point 692 metres north west of point 4, to a point marked “R” on the plan.