

2013 No. 296

ROADS AND BRIDGES

The A96 Trunk Road (Inveramsay Bridge Improvement) (Side Roads) Order 2013

Made - - - - *17th October 2013*

Coming into force - - *31st October 2013*

The Scottish Ministers make the following Order in exercise of the powers conferred by section 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 the roads are stopped up.

In accordance with sections 71(3) of that Act, they are satisfied that another reasonably convenient means of access is available or will be provided in pursuance of this Order before the accesses are stopped up pursuant to this Order.

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 have published notice of that determination on 11th April 2013.

They prepared an environmental statement and published notice of it on 11th April 2013. This Order is made in compliance with the provisions of Parts I and III of Schedule 1(c) to the Roads (Scotland) Act 1984.

Citation and commencement

1. This Order may be cited as the A96 Trunk Road (Inveramsay Bridge Improvement) (Side Roads) Order 2013 and shall come into force on 31st October 2013.

(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 Directive 2011/92/EU repealed and recast the provisions contained in Council Directive 85/337/EEC, O.J. L 175, 5.7.1985 p.40, as amended by Council Directive 97/11/EC, O.J. L 73, 14.3.1997,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, 25.6.2003, p.17, and Directive 2009/31/EC of the European Parliament and of the Council, O.J. L 140, 5.6.2009, p.114.

(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.

Side roads and new means of access

2. The meanings in Schedule 1 to this Order have effect.
3. 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 2 to this Order;
 - (b) to improve those lengths of road described in Schedule 3 to this Order;
 - (c) to stop up those lengths of road described in Schedule 4 to this Order when the new side roads are open for the purposes of through traffic;
 - (d) to stop-up the private means of access described in Schedule 5 to this Order when the new means of access described in Schedule 6 have been provided; and
 - (e) to provide those new means of access described in Schedule 6.

Statutory Undertakers

4. Where immediately before the date this Order comes into force there is under, in, on, over, along or across any of the lengths of road described in Schedules 2 to 4 any apparatus belonging to a statutory undertaker, any rights of the statutory undertaker in respect of such apparatus shall be preserved.

Transfer of Roads

5. 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 Aberdeenshire Council^(a) as the roads authority for those roads and they shall enter those roads in their list of public roads^(b).

R BRANNEN

A member of the staff of the Scottish Ministers

Transport Scotland,
Major Transport Infrastructure Projects
Buchanan House
58 Port Dundas Road
Glasgow
G4 0HF
17th October 2013

(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 1

Article 2

INTERPRETATION

1. In these Schedules—

“the trunk road” means the existing A96 Aberdeen - Inverness Trunk Road;

“the plan” means the plan numbered SR01 and entitled “The A96 Trunk Road (Inveramsay Bridge Improvement) (Side Roads) Order 2013”, 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;

“point A” means the point of intersection of the centreline of the Trunk Road and the centre line of the existing Aberdeen to Inverness Railway at the existing Inveramsay Bridge, as shown in the plan;

“point B” means the most north westerly corner of the building known as Uryview, Milton of Inveramsay, Pitcaple, Inverurie, AB51 5DQ, as shown in the plan;

“existing Inveramsay Rail Bridge” means the bridge carrying the Aberdeen to Inverness Rail Line over the A96 Aberdeen to Inverness Trunk Road;

“Milton of Inveramsay Farmhouse” means the property known as Milton of Inveramsay Farmhouse, Pitcaple, Inverurie, AB51 5DQ;

“U81C Harlaw Road” means the unclassified road adjoining the A96 Aberdeen to Inverness Trunk Road running eastwards to the settlement of Harlaw;

“Milton Cottage” means the property known as Milton Cottage, Milton of Inveramsay, Pitcaple, Inverurie, AB51 5DQ.

SCHEDULE 2

Article 3(a)

THE ROUTES OF THE NEW SIDE ROADS

1. From a point 22 metres or thereby north east of point A, generally in a north easterly direction for a distance of 18 metres or thereby, to a point 945 metres or thereby north north west of point B as shown by stipple and numbered '1' on the plan.

2. From a point 818 metres or thereby south east of point A, generally in southerly direction for a distance of 32 metres or thereby, to a point 114 metres or thereby north north west of point B as shown by stipple and numbered '2' on the plan.

SCHEDULE 3

Article 3(b)

ROADS TO BE IMPROVED

1. That length of the Trunk Road from a point 25 metres or thereby north north east of point A, generally in a south south westerly direction for a distance of 58 metres or thereby, to a point 937 metres or thereby north north west of point B as shown by cross hatching and numbered '3' on the plan.

2. That length of the U81C Harlaw Road from a point 966 metres or thereby south south east of point A to the east of the Trunk Road, generally in an easterly direction for a distance of 60 metres or thereby, to a point 45 metres or thereby south east of point B as shown by cross hatching and numbered '4' on the plan.

3. That length of the Trunk Road from a point 819 metres or thereby south south east of point A, generally in an southerly direction for a distance of 22 metres or thereby, to a point 124 metres or thereby north north west of point B as shown by cross hatching and numbered '5' on the plan.

SCHEDULE 4

Article 3(c)

LENGTHS OF ROAD TO BE STOPPED UP

1. That length of the Trunk Road from a point 225 metres or thereby north west of point A, in a south easterly direction for a distance of 215 metres or thereby, to a point 963 metres or thereby north west of point B as shown by zebra hatching '6' on the plan.

2. That length of the Trunk Road from a point 819 metres or thereby south east of point A, generally in a southerly direction for a distance of 192 metres or thereby, to a point 69 metres or thereby south west of point B as shown by zebra hatching and numbered '7' on the plan.

SCHEDULE 5

Article 3(d)

PRIVATE MEANS OF ACCESS TO BE STOPPED UP

1. The private means of field access from the existing Trunk Road from a point 64 metres or thereby south west of point B, as shown by solid black bar and numbered '8' on the plan.
2. The private means of field access from the existing Trunk Road from a point 52 metres or thereby west north west of point B, as shown by solid black bar and numbered '9' on the plan.
3. The private means of access to Milton Cottage and Milton of Inveramsay Farmhouse from the existing Trunk Road from a point 38 metres or thereby west north west of point B, as shown by solid black bar and numbered '10' on the plan.
4. The private means of field access from the existing Trunk Road from a point 63 metres or thereby north of point A, as shown by solid black bar and numbered '11' on the plan.

SCHEDULE 6

Article 3(e)

NEW MEANS OF ACCESS TO BE PROVIDED

1. From a point 11 metres or thereby north east of point A in a south easterly direction for a distance of 37 metres or thereby, to a point 925 metres or thereby north north west of point B as shown by diagonal line hatching and numbered '12' on the plan.

2. From a point 64 metres or thereby east north east of point A in a north easterly direction for a distance of 17 metres or thereby, to a point 938 metres or thereby north north west of point B as shown by diagonal line hatching and numbered '13' on the plan.

3. From a point 760 metres or thereby south south east of point A in a south south easterly direction for a distance of 80 metres or thereby, then in a south westerly direction for a distance of 135 metres or thereby, then in a south easterly direction for a distance of 25 metres or thereby, to a point 17 metres or thereby north east of point B as shown by diagonal line hatching and numbered '14' on the plan.

4. From a point 843 metres or thereby south east of point A in a southerly direction for a distance of 141 metres or thereby, then in a south westerly direction for a distance of 18 metres or thereby, to a point 84 metres or thereby west south west of point B as shown by diagonal hatching and numbered '15' on the plan.

5. From a point 174 metres or thereby south south east of point A in a south south easterly direction for a distance of 60 metres or thereby, then in an easterly direction for a distance of 50 metres or thereby, then in a south south easterly direction for a distance of 25 metres or thereby, to a point 699 metres or thereby north north west of point B as shown by diagonal line hatching and numbered '16' on the plan.

6. From a point 998 metres or thereby south south east of point A in a southerly direction for a distance of 18 metres or thereby, to a point 59 metres or thereby south of point B as shown by diagonal line hatching and numbered '17' on the plan.