

201[] No.

ROADS AND BRIDGES

**The A830 Trunk Road (Shlatach Rail Bridge Replacement)
(Side Roads) Order 201[]**

Made - - - - 201[]

Coming into force - - 201[]

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 12(1), (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, as the case requires, that another reasonably convenient route is available or 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, as the case requires, that no access to the land is reasonably required or another reasonably convenient means of access to the land 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 but having regard to the selection criteria contained in Annex III that it should not be made subject to an environmental impact assessment in accordance with the Directive and have published notice of that determination on 31 January 2019.

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 and commencement

1. This Order may be cited as the A830 Trunk Road (Shlatach Rail Bridge Replacement) (Side Roads) Order 201[] and comes into force on [].

(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 Directive 2011/92/EU repealed and recast the provisions contained in Council Directive 85/337/EEC, O.J. L 175, 5.7.1985 p.40, as amended by Council Directive 97/11/EC, O.J. L 73, 14.3.1997,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. 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. Amendments made by S.S.I. 2017/137 do not apply. Part III of schedule 1 was amended by the New Road 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 of this Order have effect.

3. The Scottish Ministers as roads authority are authorised -

- (a) to stop up those lengths of road described in schedule 2 of this Order where another reasonably convenient route is available or has been provided pursuant to this Order;
- (b) to stop up those private means of access described in schedule 3 of this Order where another reasonably convenient means of access to the affected land is available or has been provided pursuant to this Order; and
- (c) to provide those new means of access described in schedule 4 of this Order.

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 schedule 2 any apparatus belonging to a statutory undertaker, any rights of the statutory undertaker in respect of such apparatus shall be preserved.

A member of the staff of the Scottish Ministers

Transport Scotland
Buchanan House
58 Port Dundas Road
Glasgow
G4 0HF

201[]

SCHEDULE 1

Article 2

INTERPRETATION

In these schedules-

“the plan folio” means the plan folio entitled “The A830 Trunk Road (Shlatach Rail Bridge Replacement) (Side Roads) Order 201[]” signed with reference to this Order and deposited at the offices of Transport Scotland, 5th Floor Reception, Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF;

“the existing A830 Trunk Road” means the existing A830 Fort William – Mallaig Trunk Road; and

“point A” means the north-west corner of the property known as Blythwood Cottage, Glenfinnan, PH37 4LS, shown marked “point A” on plan SR1 and on plan SR2 in the plan folio.

SCHEDULE 2

Article 3(a)

LENGTHS OF ROAD TO BE STOPPED UP

1. That length of the existing A830 Trunk Road from a point 85 metres or thereby west of point A in a generally north north-westerly, then north-westerly direction for a distance of 130 metres or thereby to a point 190 metres or thereby north-west of point A as shown by zebra hatching and numbered “1” on plan SR1 in the plan folio.
2. That length of road from a point 20 metres or thereby west south-west of point A in a generally west north-westerly direction for a distance of 85 metres or thereby to a point 95 metres or thereby west north-west of point A as shown by zebra hatching and numbered “2” on plan SR1 in the plan folio.

SCHEDULE 3

Article 3(b)

PRIVATE MEANS OF ACCESS TO BE STOPPED UP

1. The private means of access on the south side of the existing A830 Trunk Road, from a point 120 metres or thereby west of point A as shown by a solid black bar and numbered “3” on plan SR1 in the plan folio.
2. The private means of access on the south side of the existing A830 Trunk Road, from a point 135 metres or thereby west north-west of point A as shown by a solid black bar and numbered “4” on plan SR1 in the plan folio.
3. The private means of access on the north side of the existing A830 Trunk Road, from a point 20 metres or thereby south-west of point A as shown by a solid black bar and numbered “5” on plan SR1 in the plan folio.

NEW MEANS OF ACCESS TO BE PROVIDED

1. From a point 100 metres or thereby west of point A in a generally south-westerly, then westerly, then north-westerly, then north north-westerly, then west north-westerly direction for a distance of 95 metres or thereby to a point 165 metres or thereby west north-west of point A as shown by single hatching and numbered “6” on plan SR1 in the plan folio.
2. From a point 130 metres or thereby west of point A in a generally south south-westerly direction for a distance of 20 metres or thereby to a point 140 metres or thereby west of point A as shown by single hatching and numbered “7” on plan SR1 in the plan folio.
3. From a point 140 metres or thereby west of point A in a generally westerly direction for a distance of 30 metres or thereby to a point 170 metres or thereby west of point A as shown by single hatching and numbered “8” on plan SR1 in the plan folio.
4. From a point 15 metres or thereby west south-west of point A in a generally west north-westerly direction for a distance of 20 metres or thereby to a point 35 metres or thereby west of point A as shown by single hatching and numbered “9” on plan SR2 in the plan folio.
5. From a point 40 metres or thereby west south-west of point A in a generally northerly, then north north-westerly direction for a distance of 20 metres or thereby to a point 40 metres or thereby west of point A as shown by single hatching and numbered “10” on plan SR2 in the plan folio.
6. From a point 130 metres or thereby north-west of point A in a generally westerly direction for a distance of 5 metres or thereby to a point 130 metres or thereby north-west of point A as shown by single hatching and numbered “11” on plan SR2 in the plan folio.
7. From a point 130 metres or thereby west north-west of point A in a generally north north-westerly, then westerly direction for a distance of 55 metres or thereby to a point 180 metres or thereby north-west of point A as shown by single hatching and numbered “12” on plan SR2 in the plan folio.