

ACQUISITION OF LAND (AUTHORISATION PROCEDURE) (SCOTLAND) ACT 1947

The A9 Trunk Road (Dalraddy to Slochd) (Extinguishment of Public Rights of Way) Order 2024

Made - - - - 13th November 2024

Coming into force - - 6th December 2024

The Scottish Ministers make the following Order in exercise of the powers conferred by section 3 of the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947(a) and all other powers enabling them to do so.

In accordance with section 3(1) of that Act, they are satisfied that suitable alternative rights of way will be provided, or that the provision of an alternative right of way is not required.

They have complied with all other provisions of section 3 of that Act.

Citation, commencement and interpretation

1. This Order may be cited as the A9 Trunk Road (Dalraddy to Slochd) (Extinguishment of Public Rights of Way) Order 2024 and comes into force on 6th December 2024.

2. The definitions in the schedule have effect.

Extinguishment of public right of way


3. The extinguishment of the public rights of way described in Part 1 of the schedule are hereby ordered when the related new public rights of way described in Part 2 of the schedule, which the Scottish Ministers consider are suitable alternatives, have been provided.

Statutory Undertakers

4. Where immediately before the date on which the foregoing public rights of way are extinguished under this Order there is on, over or under those public rights of way any apparatus belonging to a statutory undertaker, such statutory undertaker's rights in respect of such apparatus will be preserved.

(a) 1947 c. 42. Section 3 was amended by the Town and Country Planning (Scotland) Act 1947 (c. 53), schedule 8; the Telecommunications Act 1984 (c. 12), section 109, schedule 4, paragraph 23, schedule 5, paragraph 45; the Civil Aviation Act 1982 (c. 16), schedule 15, paragraph 2 and also by S.S.I. 1999/1820 and S.S.I. 2017/1285. 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).

Subscribed by **LAWRENCE SHACKMAN** being an officer of the Scottish Ministers at Glasgow on the Thirteenth day of November, Two Thousand and Twenty-Four before this witness **MICHAEL DUGUID** Civil Servant, George House, 2nd Floor, 36 North Hanover Street, Glasgow, G1 2AD.



L.Shackman



Witness

SCHEDULE 1

Articles 2 and 3

INTERPRETATION

In these schedules—

“the plan folio” means the plan folio comprised of the legend, keyplans 1 and 2, and the plans ROW1, ROW2 and ROW3 and entitled “The A9 Trunk Road (Dalraddy to Slochd) (Extinguishment of Public Rights of Way) Order 2024”, signed with reference to this Order and deposited at the offices of Transport Scotland, George House, 2nd Floor, 36 North Hanover Street, Glasgow, G1 2AD;

“Point A1” means the southern-most corner of the building known as Lynwilg Gardeners Cottage, A9, Aviemore, PH22 1PZ shown marked A1 on plan ROW1;

“Point A2” means the north-western-most corner of the building known as Balnabraich Cottage, Aviemore, PH22 1QD shown marked A2 on plan ROW2; and

“Point A3” means the northern-most corner of the building known as Ryna-Clarsach, Carrbridge, PH23 3AY shown marked A3 on plan ROW3.

PART 1

PUBLIC RIGHTS OF WAY TO BE EXTINGUISHED

1. The public right of way, not being a right of way enjoyable by vehicular traffic, from a point 525 metres or thereby east of Point A1 in a generally north-easterly, then north, north-easterly, then north-westerly, then north, north-easterly direction for a distance of 840 metres or thereby to a point 1200 metres or thereby east, north-east of Point A1 as shown by black and white hatching between points marked “Point A” and “Point B” and numbered “1” on plan ROW1 in the plan folio.

2. The public right of way, not being a right of way enjoyable by vehicular traffic, from a point 190 metres or thereby west, north-west of Point A2 in a generally east, south-easterly direction for a distance of 240 metres or thereby to a point 40 metres or thereby east of Point A2 as shown by black and white hatching between points marked “Point C” and “Point D” and numbered “2” on plan ROW2 in the plan folio.

3. The public right of way, not being a right of way enjoyable by vehicular traffic, from a point 1690 metres or thereby north, north-west of Point A3 in a generally north-easterly direction for a distance of 43 metres or thereby to a point 1695 metres or thereby north-west of Point A3 as shown by black and white hatching between points marked “Point E” and “Point F” and numbered “3” on plan ROW3 in the plan folio.

PART 2

ALTERNATIVE PUBLIC RIGHTS OF WAY TO BE PROVIDED

1. An alternative right of way will be provided from a point 525 metres or thereby east of Point A1 in a generally east, north-easterly, then north, north-easterly, then westerly direction for a distance of 830 metres or thereby to a point 1200 metres or thereby east, north-east of Point A1 as shown by stipple between points marked “Point A” and “Point B” and numbered “4” on plan ROW1 in the plan folio.

2. An alternative right of way will be provided from a point 190 metres or thereby west, north-west of Point A2 in a generally west, north-westerly, then north-easterly, then northerly then east, north-easterly, then south-easterly, then north-easterly, then east, south-easterly, then south, south-westerly direction for a distance of 2,440 metres or thereby to a point 40 metres or thereby east of Point A2 as shown by stipple between points marked “Point C” and “Point D” and numbered “5” on plan ROW2 in the plan folio.

3. An alternative right of way will be provided from a point 1690 metres or thereby north, north-west of Point A3 in a generally north-westerly, then north-easterly, then south-easterly, then north-easterly, then south-easterly direction for a distance of 430 metres or thereby to a point 1695 metres or thereby north-west of Point A3 as shown by stipple between points marked "Point E" and "Point F" and numbered "6" on plan ROW3 in the plan folio.