

2014 No. 246

ROADS AND BRIDGES

**The A9 Trunk Road (Kincaig to Dalraddy) (Side Roads) Order
2014**

Made - - - - *17th September 2014*

Coming into force - - *23rd September 2014*

The Scottish Ministers make the following order in exercise of the powers conferred by sections 12(1), 70(1) and 145 of the Roads (Scotland) Act 1984(a), and of all other powers enabling them to do so.

In accordance with section 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 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 1st November 2013.

They prepared an environmental statement and published notice of it on 1st November 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 A9 Trunk Road (Kincaig to Dalraddy) (Side Roads) Order 2014 and comes into force on 23rd September 2014.

Side roads and new means of access

2. The definitions in Schedule 1 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 Directive 2011/92/EU repealed and recast the provisions contained in Council Directive 85/337/EC, O.J. L 175, p.40, as amended by Council Directive 97/11/EC, O.J. L 73, 14.3.1997, p.5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.

(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, and S.S.I. 1999/1 and S.S.I. 2006/614.

3. The Scottish Ministers as roads authority are authorised—
 - (a) to stop-up the private means of access described in Schedule 2 when the new means of access described in Schedule 3 have been provided; and
 - (b) to provide those new means of access described in Schedule 3.
4. The A9 Trunk Road (Kincaig to Dalraddy) (Side Roads) Order 2009^(a) is revoked.

A C MCLAUGHLIN

A member of the staff of the Scottish Ministers

Transport Scotland,
Buchanan House
58 Port Dundas Road
Glasgow
G4 0HF
17th September 2014

^(a) S.S.I. 2009/366.

SCHEDULE 1

Article 2

DEFINITIONS

- 1.** “The trunk road” means the existing M9/A9 Edinburgh - Stirling - Thurso Trunk Road in the vicinity of Alvie Estate, Kingussie, Highlands.
- 2.** “The Plan Folio” means the Plan numbered OTG/1490A/3 comprised of the key plan and plans SR1 to SR6 and entitled “The A9 Trunk Road (Kincraig to Dalraddy) (Side Roads) Order 2014”, 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;
- 3.** “Point A” means the point at the intersection of the existing junction of the trunk road and the existing access to Dunachton Gate Lodge as shown in plan SR1 in the Plan Folio;
- 4.** “Point B” means the point at the intersection of the existing junction of the trunk road and the existing access to Leault Farm as shown in plan SR 2 in the Plan Folio;
- 5.** “Point C” means the point at the intersection of the existing junction of the trunk road and the existing access opposite Alvie Primary School as shown in plan SR3 in the Plan Folio;
- 6.** “Point D” means the point at the intersection of the existing junction of the trunk road and the existing access to Alvie House as shown in plan SR4 in the Plan Folio;
- 7.** “Point E” means the point at the intersection of the existing junction of the trunk road and the existing access to Wester Delfour as shown in plan SR5 in the Plan Folio;
- 8.** “Point F” means the point at the intersection of the existing junction of the trunk road and the existing access to Wester Delfour as shown in plan SR6 in the Plan Folio.

SCHEDULE 2

Article 3

PRIVATE MEANS OF ACCESS TO BE STOPPED UP

- 1.** That private means of access to Dunachton Lodge, Kincaig, Kingussie, PH21 1NA from a point 21 metres or thereby north west of point A on the northbound trunk road, as shown by a solid black bar and numbered “01” on plan SR 1 in the Plan Folio.
- 2.** That private means of access to Dunachton Gate Lodge, Kincaig, Kingussie, PH21 1NA at point A on the southbound trunk road, as shown by a solid black bar and numbered “02” on plan SR1 in the Plan Folio.
- 3.** That private means of access to Cardingmill Cottages, Kincaig, Kingussie, PH21 1NA from a point 793 metres or thereby north east of point A on the northbound trunk road, as shown by solid black bar and numbered “03” on plan SR1 in the Plan Folio.
- 4.** That private means of access to the B9152 Side Road from a point 792 metres or thereby north east of point A on the southbound trunk road, as shown by solid black bar and numbered “04” on plan SR1 in the Plan Folio.
- 5.** That private means of access to the B9152 Side Road from a point 21 metres or thereby south east of point B on the southbound trunk road, as shown by solid black bar and numbered “05” on plan SR2 in the Plan Folio.
- 6.** That private means of access to the B9152 side road from a point 284 metres or thereby south west of point C on the southbound trunk road, as shown by solid black bar and numbered “06” on plan SR3 in the Plan Folio.
- 7.** That private means of access to Dunachton House, Kincaig, Kingussie, PH21 1NA, from a point 285 metres or thereby south west of point C on the northbound trunk road, as shown by solid black bar and numbered “07” on plan SR3 in the Plan Folio.
- 8.** That private means of access to Alvie Primary School, Kincaig, Kingussie, PH21 1ND, from a point 24 metres or thereby south east of point C on the southbound trunk road, as shown by solid black bar and numbered “08” on plan SR3 in the Plan Folio.
- 9.** That private means of access at point C on the northbound trunk road, as shown by solid black bar and numbered “09” on plan SR3 in the Plan Folio.
- 10.** That private means of access to Alvie Gate Lodge, Kincaig, Kingussie, PH21 1ND, from a point 210 metres or thereby south west of point D on the southbound trunk road, as shown by solid black bar and numbered “10” on plan SR4 in the Plan Folio.
- 11.** That private means of access to Alvie House, Kincaig, Kingussie, PH21 1NE, from a point 212 metres or thereby south west of point D on the northbound trunk road, as shown by solid black bar and numbered “11” on plan SR4 in the Plan Folio.
- 12.** That private means of access to Alvie Gate Lodge, Kincaig, Kingussie, PH21 1ND, from a point 22 metres or thereby south east of point D on the southbound trunk road, as shown by solid black bar and numbered “12” on plan SR4 in the Plan Folio.
- 13.** That private means of access to Alvie House, Kincaig, Kingussie, PH21 1NE, at point D on the northbound trunk road, as shown by solid black bar and numbered “13” on plan SR4 in the Plan Folio.
- 14.** That private means of access to Dalraddy Moor, from a point 23 metres or thereby south east of point E on the southbound trunk road, as shown by solid black bar and numbered “14” on plan SR5 in the Plan Folio.

15. That private means of access to Wester Delfour, Kincaig, Kingussie, PH21 1NE, at point E on the northbound trunk road, as shown by solid black bar and numbered “15” on plan SR5 in the Plan Folio.

16. That private means of access to Wester Dalraddy Cottage, Kincaig, Kingussie, PH22 1QB, from a point 22 metres or thereby south east of point F on the southbound trunk road, as shown by solid black bar and numbered “16” on plan SR6 in the Plan Folio.

17. That private means of access to Wester Delfour, Kincaig, Kingussie, PH21 1NE, at point F on the northbound trunk road, as shown by solid black bar and numbered “17” on plan SR6 in the Plan Folio.

SCHEDULE 3

Article 3

NEW MEANS OF ACCESS TO BE PROVIDED

1. From a point 466 metres or thereby north east of point A to a point 543 metres or thereby north north east of point A, generally in a north westerly direction for a distance of 147 metres or thereby as shown by hatching between the points marked “18” and “19” on plan SR1 in the Plan Folio

2. From a point at point B to a point 37 metres or thereby north west of point B, generally in a north westerly direction for a distance of 37 metres or thereby as shown by hatching between the points marked “20” and “21” on plan SR2 in the Plan Folio.

3. From a point 293 metres or thereby south of point C to a point 330 metres or thereby south west of point C, generally in a north westerly then south westerly direction for a distance of 290 metres or thereby as shown by hatching between points “22” and “23” on plan SR3 in the Plan Folio.

4. From a point 468 metres or thereby south west of point D to a point 364 metres or thereby west south west of point D, generally in a north westerly then north easterly direction for a distance of 278 metres or thereby as shown by hatching between points “24” and “25” on plan SR4 in the Plan Folio.

5. From a point 119 metres or thereby south south west of point E to a point 106 metres or thereby south west of point E, generally in a north westerly direction for a distance of 53 metres or thereby as shown by hatching between points “26” and “27” on plan SR5 in the Plan Folio.

6. From a point 660 metres or thereby south east of point F to a point 30 metres north west of point F, generally in a northerly then north westerly then north easterly then westerly then south westerly direction for a distance of 1373 metres or thereby as shown by hatching between points “28” and “29” on plan SR6 in the Plan Folio.

7. From a point 375 metres or thereby north east of point F to a point 588 metres or thereby north east of point F, generally in a north easterly direction for a distance of 227 metres or thereby as shown by hatching between the points marked “30” and “31” on plan SR6 in the Plan Folio.