

201[] No.

ROADS AND BRIDGES

**The A76 Trunk Road (Enterkinfoot to Thornhill) (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 that another reasonably convenient route 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 that another reasonably convenient means of access to the land is available.

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, having had regard to the selection criteria contained in Annex III to that Directive, that the project should not be made subject to an environmental impact assessment. They published notice of that determination on [] 201[].

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 A76 Trunk Road (Enterkinfoot to Thornhill) (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 Directive 2011/92/EU repealed and recast the provisions contained in Council Directive 85/337/EEC, O.J. L 175, 5.7.1985, p.40, as amended by Council Directive 97/11/EC, O.J. L 73,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.

(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, S.S.I. 2006/614 and S.S.I. 2011/396. Amendments made by S.S.I. 2017/137 do not apply. 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

2. The definitions in schedule 1 of this Order have effect.

Stopping up and new means of access

3. The Scottish Ministers as roads authority are authorised to stop up the length of road described in schedule 2 of this Order when the new trunk road to be constructed in pursuance of the A76 Trunk Road (Enterkinfoot to Thornhill) (Trunking) Order 201[] is open for the purposes of through traffic.

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

2018

SCHEDULE 1

Article 2

INTERPRETATION

In schedule 2—

“the trunk road” means the existing A76 Dumfries - to Kilmarnock Trunk Road between Enterkinfoot and Thornhill, Dumfries and Galloway;

“new trunk road” means the length of road which will become a trunk road under, and is described in Part 2 of the schedule of, the A76 Trunk Road (Enterkinfoot to Thornhill) (Trunking) Order 201[](a);

“the plan SR1” means the plan marked “SR1” contained within the plan folio entitled “A76 Trunk Road (Enterkinfoot to Thornhill) (Side Roads) Order 201[]” signed with reference to this Order and deposited at the offices of Transport Scotland, Trunk Roads and Bus Operations, Buchanan House, 58 Port, Dundas Road, Glasgow, G4 0HF; and

“Point A” means the northern extent of the layby beside the northbound lane of the A76 Dumfries – Kilmarnock Trunk Road 2.5 kilometres or thereby north of the Drumlanrig Castle entry road.

(a) S.S.I. 2018/

SCHEDULE 2

Article 3

LENGTH OF ROAD TO BE STOPPED UP

The length of the trunk road from where it diverges from the route of the new trunk road, 152 metres or thereby north of Point A, in a generally south, south west direction for a distance of 638 metres or thereby, to a point 486 metres or thereby south, south west of Point A where it merges with the route of the new trunk road, as shown by the zebra hatching and numbered '1' on the plan SR1.