

201[] No. []

ROADS AND BRIDGES

**The A76 Trunk Road (Enterkinfoot to Thornhill) (Trunking)
Order 201[]**

Made - - - - []

Coming into force - - []

The Scottish Ministers make the following Order in exercise of the powers conferred by section 5(2) of the Roads (Scotland) Act 1984(a) and all other powers enabling them to do so.

In accordance with section 5(2) of that Act, they have taken into consideration the requirements of local and national planning, including the requirements of agriculture and industry and are satisfied as to expediency.

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, commencement and interpretation

1.—(1) This Order may be cited as the A76 Trunk Road (Enterkinfoot to Thornhill) (Trunking) Order 201[] and comes into force on [].

(2) The schedule of this Order has 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 Directive 2011/92/EU repealed and recast the provisions contained in Council Directive 85/337/EEC, O.J. L 175, 5.7.1985, p.40, as amended by Council Directive 97/11/EC, O.J. L 73,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, 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. 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. 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.

Trunk Road

2. The Scottish Ministers direct that the length of road (hereinafter referred to as “the new trunk road”) which the Scottish Ministers propose to construct along the route described in Part 2 of the schedule of this Order will become a trunk road on the date this Order comes into force.

Buchanan House,
Glasgow

2018

Name
A member of the staff of the Scottish Ministers

SCHEDULE

Articles 1 and 2

PART 1

INTERPRETATION

In this schedule—

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

“plan TR1” means the plan marked “TR1” contained within the plan folio entitled “A76 Trunk Road (Enterkinfoot to Thornhill) (Trunking) Order 201[]” signed with reference to this Order and deposited at the offices of Transport Scotland, 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 north of the Drumlanrig Castle entry road.

PART 2

ROUTE OF THE NEW TRUNK ROAD

From a point on the trunk road, 182 metres or thereby north of point A, in a southerly direction for a distance of 753 metres or thereby, to a point on the trunk road 571 metres or thereby south of point A as shown by the heavy black line between points marked “1” and “2” on plan TR1.