

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

**The M9/A9 Trunk Road (Winchburgh Junction 1B at the B8020)
(Extinguishment of Public Rights of Way) Order 2021**

Made - - - - - *17th November 2021*

Coming into force - - - - - *25th November 2021*

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. (1) This Order may be cited as the M9/A9 Trunk Road (Winchburgh Junction 1B at the B8020) (Extinguishment of Public Rights of Way) Order 2021 and comes into force on 25th November 2021
- (2) The schedule of this Order has effect.

Extinguishment of public right of way

2. The extinguishment of the public right of way described in Part 1 of the schedule is hereby ordered when the related new public right of way described in Part 2 of the schedule, which the Scottish Ministers consider is a suitable alternative, has been provided.

(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. 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).

Statutory Undertakers

3. 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 shall be preserved.

Subscribed by being an officer of the Scottish Ministers at Glasgow on the 17th day of November 2021 before this witness , Buchanan House, 58 Port Dundas Road, Glasgow G4 0HF

_____ (witness)

SCHEDULE INTERPRETATION

Article 2

In this schedule—

“B8020 link road” means the proposed new road linking the existing B8020 south of the M9 to the B8020 north of the M9;

“M9” means the M9/A9 Edinburgh – Stirling – Thurso Trunk Road;

“Reference Point A” means the point of the intersection of the centreline of the proposed B8020 link road and the M9 overbridge as shown on the plan ROW1;

“the plan” means the plan numbered ROW1 and entitled “The M9/A9 Trunk Road (Winchburgh Junction 1B at B8020) (Extinguishment of Public Rights of Way) Order 202[]”, signed with reference to this Order and deposited at the offices of Transport Scotland, Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF.

PART 1

PUBLIC RIGHTS OF WAY TO BE EXTINGUISHED

1. From a point 80 metres or thereby south of Reference Point A, in a south easterly direction for a distance of 690 metres or thereby to a point 750 metres or thereby south east of Reference Point A as shown numbered “1” on the plan.

PART 2

ALTERNATIVE RIGHTS OF WAY TO BE PROVIDED

2. From a point 172 metres or thereby south of Reference Point A, in a south easterly direction for a distance of 642 metres or thereby to a point 750 metres or thereby south east of Reference Point A as shown numbered “2” on the plan.