

2009 No.11

**ROADS AND BRIDGES
SPECIAL ROADS**

The M8 (Junction 4a at Whitburn Connecting Roads)
Side Roads Order 2009

Made 12th January 2009

Coming into force 26th January 2009

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 9(1)(c), (d) and (f) and 70(1) of the Roads (Scotland) Act 1984(a) and all other powers enabling them to do so.

In accordance with section 9(3) of that Act, they are satisfied that another reasonably convenient route will be provided before the road is stopped up.

In accordance with sections 71(3) of that Act, they are satisfied that another access will be provided before the access is stopped up.

In accordance with sections 20A(b) and 55A(c) of that Act, they have determined that the project falls within Annex II to Council Directive No 85/337/EEC(d) on the assessment of the effects of certain public and private projects on the environment and that it should be made subject to an environmental impact assessment.

In accordance with sections 20A(2) and 55A(2) of that Act, they have prepared an environmental statement and published notice of it on 29th July 2008 and have complied with all other provisions of sections 20A and 55A of that Act.

They have complied with the requirements of Part I of Schedule 1(e) to that Act.

(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) Section 20A was substituted by S.S.I. 1999/1 and was amended by S.S.I. 2006/614.

(c) Section 55A was substituted by S.S.I. 1999/1, and was amended by S.S.I. 2006/614.

(d) 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) and Council Directive 2003/35/EC (O.J. L 156, 25.6.2003, p.17).

(e) Part I 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, paragraph 3 and schedule 3; S.S.I. 1999/1 and 2006/614.

Citation and commencement

1. This Order may be cited as the M8 (Junction 4a at Whitburn Connecting Roads) Side Roads Order 2009 and shall come into force on 26th January 2009.

Side roads and means of access

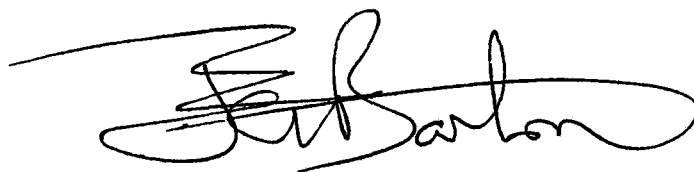
2. The Scottish Ministers as special road authority are hereby authorised—
- (a) to construct that length of road (hereinafter referred to as “the new side road”) along the route described in Part 1 of the Schedule to this Order;
 - (b) to stop up those private means of access described in Part 2 of the Schedule when the new means of access described in Part 3 of the Schedule has been provided; and
 - (c) to provide those new means of access described in Part 3 of the Schedule.

Statutory undertakers

3. Where immediately before the date this Order comes into force there is under, in, on, over, along or across any lengths of road described in Part 1 of the Schedule any apparatus of a statutory undertaker, any rights of the statutory undertaker in respect of such apparatus shall be preserved.

Transfer of roads

4. On 1st April next after the date on which the new side road along the route described in Part 1 of the Schedule is open for the purpose of through traffic, the new side road shall be transferred to West Lothian Council(a) as roads authority for those roads.



J G BARTON
A member of staff of the Scottish Ministers

Transport Scotland
Buchanan House
58 Port Dundas Road
Glasgow
G4 0HF
12th January 2009

(a) A Council constituted under Section 2 of the Local Government etc. (Scotland) Act 1994 (c.39)

SCHEDULE

INTERPRETATION

In this Schedule:-

“the plan” means the plan numbered UM/NSE/M8/J4A(SR)/MP SR1 and entitled “The M8 (Junction 4A at Whitburn Connecting Roads) Side Roads Order 2009”, signed with reference to this Order and deposited at the offices of Transport Scotland, Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF.

“Reference Point B” means the point of the intersection of the M8 and the centre line of the Balgornie Farm Access Overbridge as shown on the plan.

Article 2(a) and 4

PART 1

THE ROUTE OF THE NEW SIDE ROAD

1. From a point on the proposed roundabout 23 metres or thereby North of the M8 and 170 metres or thereby East of Reference Point B in a Southerly direction for a distance of 85 metres or thereby to a point on the proposed roundabout 23 metres or thereby South of the M8 and 170 metres or thereby East of Reference Point B and including the new roundabouts as shown stippled and numbered “1” on the plan.
2. From a point 215 metres or thereby South East of Reference Point B in a South Easterly direction for a distance of 18 metres or thereby as shown stippled and numbered “2” on the plan.
3. From a point 78 metres or thereby South of the M8 and 170 metres or thereby East of Reference Point B in a South Westerly direction for a distance of 170 metres or thereby as shown stippled and numbered “3” on the plan.

Article 2(b)

PART 2

PRIVATE MEANS OF ACCESS TO BE STOPPED UP

1. The private means of access to Balgornie Farm from a point 65 metres or thereby North of Reference Point B as shown by solid black infill and numbered “4” on the plan.
2. The private means of access to Balgornie Farm from a point 95 metres or thereby South of Reference Point B as shown by solid black infill and numbered “5” on the plan.

PART 3

NEW MEANS OF ACCESS

1. From a point on the existing Balgornie Farm Access road 110 metres or thereby North of Reference Point B in a South then generally Easterly direction for a distance of 200 metres or thereby as shown by single hatching and numbered "6" on the plan.

ROADS (SCOTLAND) ACT 1984

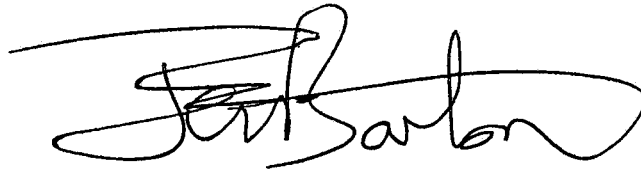
THE M8 (JUNCTION 4A AT WHITBURN CONNECTING ROADS) SIDE ROADS ORDER 2009

NOTICE IS HEREBY GIVEN, that the Scottish Ministers have made the following Order under sections 9 and 70(1) of the Roads (Scotland) Act 1984:-

The M8 (Junction 4a at Whitburn Connecting Roads) Side Roads Order 2009 the general effect of which will be to provide for the construction of new lengths of side road, the stopping up of a private means of access; and the provision of a new means of access.

COPIES of the Order as made and the relevant plans may be inspected, free of charge, during normal business hours from 20th January 2009 until 3rd March 2009 at the offices of Transport Scotland, Buchanan House, Reception, 9th Floor, 58 Port Dundas Road, Glasgow, G4 0HF; Whitburn Library, West Main Street, Whitburn, West Lothian, EH47 0AR; West Lothian Council, Whitburn Town Hall, 5 East Main Street, Whitburn, West Lothian, EH47 0RA; Whitburn Post Office, 56 East Main Street, Whitburn, West Lothian, EH47 0RD and West Lothian Council, County Buildings, High Street, Linlithgow, EH49 7EZ.

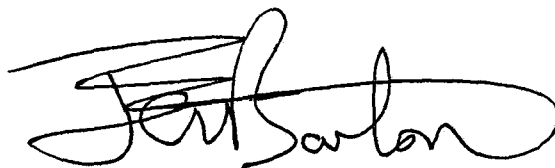
ANY PERSON aggrieved by the Order who desires to question the validity thereof, or of any provision therein on the grounds that they are not within the powers of the Roads (Scotland) Act 1984 or that any requirement of the said Act has not been complied with in relation to the Order may within 6 weeks of 20th January 2009 make application to the Court of Session for the suspension of the operation of, or the quashing of, the Order or any provision contained therein.



J G BARTON
A member of the staff of the Scottish Ministers

Transport Scotland
Trunk Roads: Network Management
Buchanan House
58 Port Dundas Road
Glasgow
G4 0HF

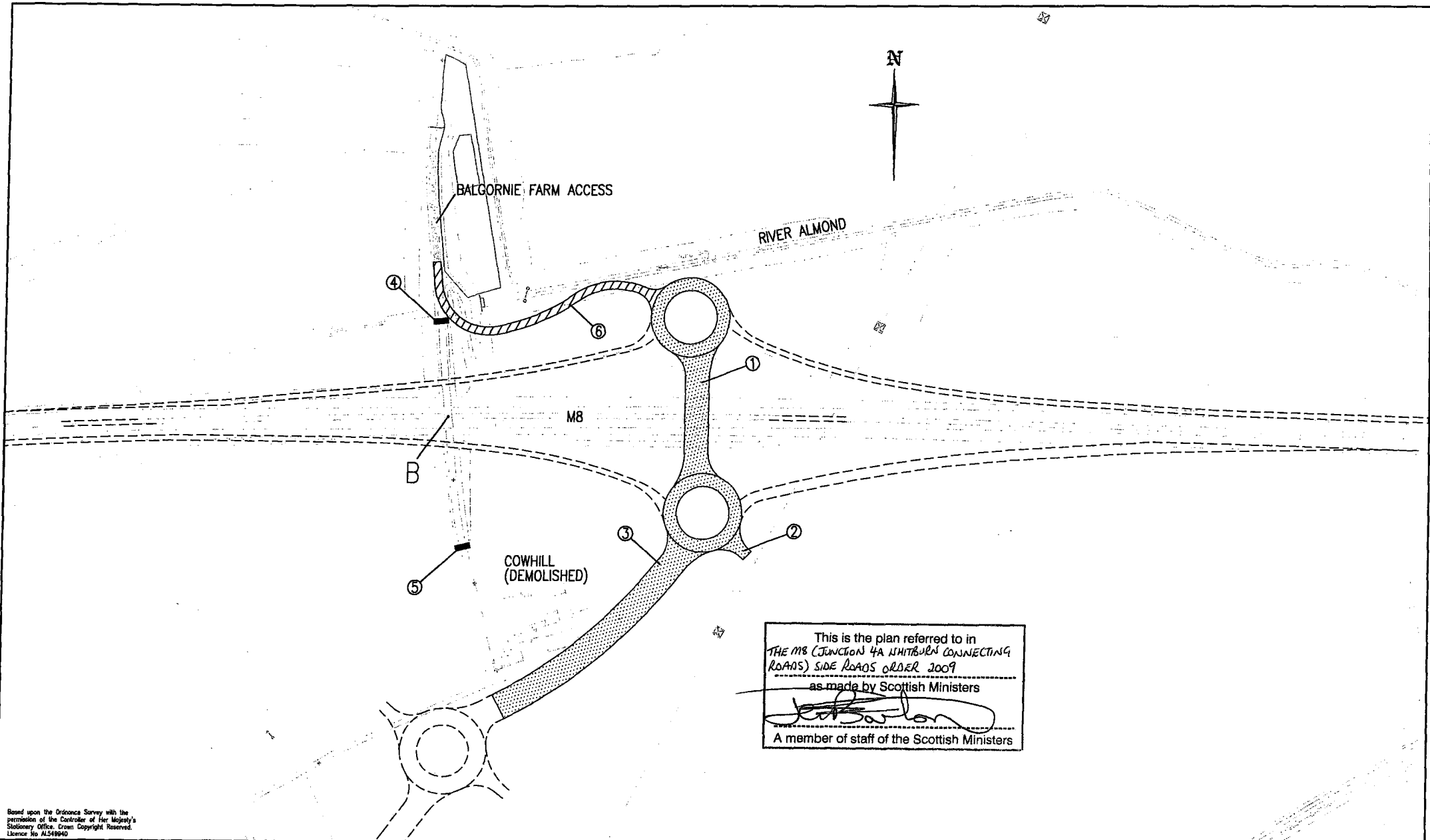
It is certified that the instrument known as the The M8 (Junction 4a At Whitburn Connecting Roads) Side Roads Order 2009 is a local instrument.

A handwritten signature in black ink, appearing to read 'J G Barton'. The signature is fluid and cursive, with a large initial 'J' and 'B'.

J G BARTON

A member of the staff of the Scottish Ministers

Transport Scotland
Buchanan House
58 Port Dundas Road
Glasgow
G4 0HF
12th January 2009



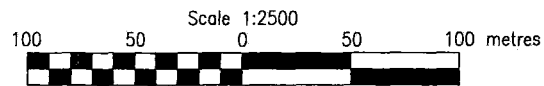
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An agency of The Scottish Government

KEY

- NEW SIDE ROADS
- NEW MEANS OF ACCESS
- ACCESS TO BE STOPPED UP
- ASSOCIATED ROAD PROPOSALS



PLAN REFERRED TO IN THE M8
 (JUNCTION 4A AT WHITBURN
 CONNECTING ROADS) SIDE ROADS
 ORDER 2009

UM/NSE/M8/J4A(SR)/MP SR1