# **The Highland Council**

# City of Inverness Area Committee 2 September 2014

Agenda Item	8
Report No	CIA/36/14

### Inverness West Link - Publication of Road Orders

# Report by Director of Development and Infrastructure

# Summary

The Inverness West Link was granted Planning Permission at the South Planning Applications Committee meeting on 8 April 2014 and the Compulsory Purchase Order, for the land required for the project, is currently being progressed.

This report advises Members on the proposal to publish the proposed Road Orders for Stage 1 of the Inverness West Link.

Members are asked to recommend that the Stage 1 proposed Road Orders are published.

## 1. Introduction

- 1.1 The Highland Council, at its meeting on 5 September 2013:-
  - (i) APPROVED the layout drawings for the Inverness West Link and AGREED to authorise the making of a Planning Application and a Scheduled Monument Consent Application for the Inverness West Link;
  - (ii) RESOLVED to make a Compulsory Purchase Order to acquire all of the land required for the Inverness West Link and AGREED to authorise the Director of Transport, Environmental and Community Services and the Head of Legal & Democratic Services to advertise the Compulsory Purchase Order and take all necessary steps to obtain title; and
  - (iii) AGREED to authorise the Director of Transport, Environmental and Community Services to undertake negotiations through the District Valuer of any claims for compensation and costs payable to owners, lessees and occupiers of the land required for the Inverness West Link.
- 1.2 Item 7.4 in the Report No. HC/31/13 prepared by Director of Transport, Environmental & Community Services for the Council meeting of 5 September 2013 advised:-

The new road scheme will require a number of Road Traffic Orders and these will include:

- Stopping up Orders
- Speed Restrictions
- Re-determination of Public Rights of Passage

These will be published nearer the time of construction following receipt of planning consent and the conclusion of the CPO processes. The Traffic Orders will follow the normal process used for such Orders.

## 2. Road Orders

- 2.1 The following Road Orders will be required for the Inverness West Link:-
  - (i) Road Stopping Up;
  - (ii) Private Means of Access Stopping Up;
  - (iii) Footpaths Stopping Up and Diversions;
  - (iv) Speed Restrictions.

Road Stopping Up, Private Means of Access Stopping Up and Speed Restriction Orders will be promoted under the Roads (Scotland) Act 1984, and Footpaths Stopping Up and Diversion Orders will be promoted under the Town and Country Planning (Scotland) Act 1997.

2.2 The Inverness West Link overall works will require to be carefully phased to ensure that all businesses and sporting activities can continue to operate throughout the period of road construction and this will require some advance works. It is proposed to build the new road in two Stages.

Stage 1:-

Dores Road Roundabout to Glenurquhart Road (A82) including the new crossing of the River Ness

Stage 2:-

The new Caledonian Canal crossing, including the tandem bridge arrangements at Torvean.

2.3 As advised in item 1.2 above the publication of the Road Orders was planned for nearer the time of construction following receipt of planning consent and the conclusion of the CPO processes.

Legal advice has directed that the relevant proposed Road Orders, required to be in place for the Stage 1 construction for the project, should be published earlier than originally proposed.

With planning consent having been granted it is proposed that, those proposed Road Orders required for the construction for the Stage 1 works' are published.

The relevant Orders are as follows:-

- (i) The Highland Council (Proposed West Link Road Stage 1 Sections Of Bught Road (U3823) And Ness Side Road (U2238), Inverness) (Stopping Up) Order 2014;
- (ii) The Highland Council (Proposed West Link Road Stage 1 Private Means Of Access From Bught Road (U3823) And Ness Side Road (U2238), Inverness) (Stopping Up Of Accesses) Order 2014;
- (iii) The Highland Council (Proposed West Link Road Stage 1 Various Footpaths, Inverness) (Stopping Up) Order 2014.
- 2.4 Following publication of the Orders, if representations are received the next stages will be as follows:

Proposed Road Orders items (i) and (ii) above:

The representations are forwarded to the Scottish Ministers. There is no statutory right to a hearing and the Ministers may confirm the Order with or without modification or refuse to confirm it.

Footpath Orders item(iii) above:

The representations are forwarded to the Scottish Ministers. An opportunity to be

heard will be offered to those making representations before a Reporter determines whether or not to recommend, to Ministers, that the Order should be confirmed with or without modification.

If no representations are received, the next stages will be as follows:

Proposed Road Orders items (i) and (ii) above:

The roads authority can confirm the Order.

Footpath Orders item(iii) above:

The planning authority can confirm the Order.

# 3. Implications

- 3.1 The Inverness West Link project is included in the Council's 10 year capital programme with an allocation of £25.935m.
- 3.2 There are legal implications in relation to land acquisition and these will be dealt with through the normal process which will involve the District Valuer. In order to progress land acquisition a Compulsory Purchase Order has been published and this is running in parallel with the land acquisition.
- 3.3 The design will take into account access requirements for people with disabilities.
- 3.4 The Inverness West Link will reduce traffic congestion, improve journey times and support active travel through cycling and walking and thereby reduce the carbon footprint for traffic in and around the City of Inverness.
- 3.5 The risk implications are being managed through standard project management procedure and a risk register as required by good management practice.

# 4. Recommendations

- 4.1 Members are asked to recommend that the following proposed Road Orders as detailed in **Appendix A** are published:-
  - (i) The Highland Council (Proposed West Link Road Stage 1 Sections Of Bught Road (U3823) And Ness Side Road (U2238), Inverness) (Stopping Up) Order 2014;
  - (ii) The Highland Council (Proposed West Link Road Stage 1 Private Means Of Access From Bught Road (U3823) And Ness Side Road (U2238), Inverness) (Stopping Up Of Accesses) Order 2014;
  - (iii) The Highland Council (Proposed West Link Road Stage 1 Various Footpaths, Inverness) (Stopping Up) Order 2014.

Designation: Director of Development & Infrastructure

Date: 19 August 2014

Report Author: J Smith Principal Engineer / C Howell Head of Infrastructure

# **APPENDIX A**

- (i) The Highland Council (Proposed West Link Road Stage 1 Sections Of Bught Road (U3823) And Ness Side Road (U2238), Inverness) (Stopping Up) Order 2014;
- (ii) The Highland Council (Proposed West Link Road Stage 1 Private Means Of Access From Bught Road (U3823) And Ness Side Road (U2238), Inverness) (Stopping Up Of Accesses) Order 2014;
- (iii) The Highland Council (Proposed West Link Road Stage 1 Various Footpaths, Inverness) (Stopping Up) Order 2014.

# ROADS (SCOTLAND) ACT 1984

THE HIGHLAND COUNCIL (PROPOSED WEST LINK ROAD (A6128), STAGE 1 - SECTIONS OF BUGHT ROAD (U3823) AND NESS-SIDE ROAD (U2238), INVERNESS) (STOPPING UP) ORDER 2014.

The Highland Council in exercise of the powers conferred on them by Section 68(1) of the Roads (Scotland) Act 1984 and of all other powers enabling them in that behalf, and having considered that the roads specified in Part I of the Schedule to this order will become unnecessary and that suitable alternative roads will exist, hereby make the following order:-

- 1. This order may be cited as "The Highland Council (Proposed West Link Road (A6128), Stage 1 Sections of Bught Road (U3823) and Ness-Side Road (U2238), Inverness) (Stopping Up) Order 2014" and shall come into operation when the alternative roads specified in Part II of the Schedule to this order are completed and open to traffic.
- 2. The stopping up of the sections of the roads in the Tomnahurich and Ness-Side areas of Inverness specified in Part I of the Schedule to this order are hereby ordered subject to reservation of a means of passage for pedestrians and pedal cyclists specified in that part of the Schedule.
- 3. Where there is, immediately before the date on which the said roads are stopped up under this order, any apparatus belonging to any statutory undertakers under, in, on, over, along or across the roads for the purpose of carrying on their undertaking, the said statutory undertakers shall after the commencement of this order continue to have all rights in respect of said apparatus as they had immediately before that date.

Sealed with the Common Seal of The Highland Council and subscribed for them and on their behalf by Stewart David Fraser, Head of Corporate Governance and Proper Officer, at Inverness on \*\*\*\*.

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This is the Schedule referred to in the foregoing The Highland Council (Proposed West Link Road (A6128), Stage 1 - Sections of Bught Road (U3823) and Ness-Side Road (U2238), Inverness) (Stopping Up) Order 2014.

#### **SCHEDULE**

## PART I

## SECTIONS OF ROADS TO BE STOPPED UP

- 1. The length of the existing Ness-Side Road (U2238), a single track road extending to include adjacent verges and roadside earthworks, commencing at a point 53 metres or thereby south west of the Ness-Side mini roundabout (U2238), extending in a westerly direction as a single track road 3 metres or thereby wide with passing places for a distance of 355 metres or thereby as shown by zebra hatching in red and numbered XA on plan no: HRS7126/SUS1 annexed and executed as relative hereto.
- 2. The length of the existing Bught Road (U3823), a double lane road extending to include adjacent verges and roadside earthworks, commencing at a point 20 metres or thereby south east of its junction with Glenurquhart Road (A82 T), extending in a south easterly direction for a distance of 155 metres or thereby as shown by zebra hatching in red continuing for a distance of 85 metres or thereby a reservation of a means of passage for pedestrians and pedal cyclists only to its junction with Bught Lane (U4690) as shown by zebra hatching in blue and numbered XB on plan no: HRS7126/SUS1 annexed and executed as relative hereto.

## PART II

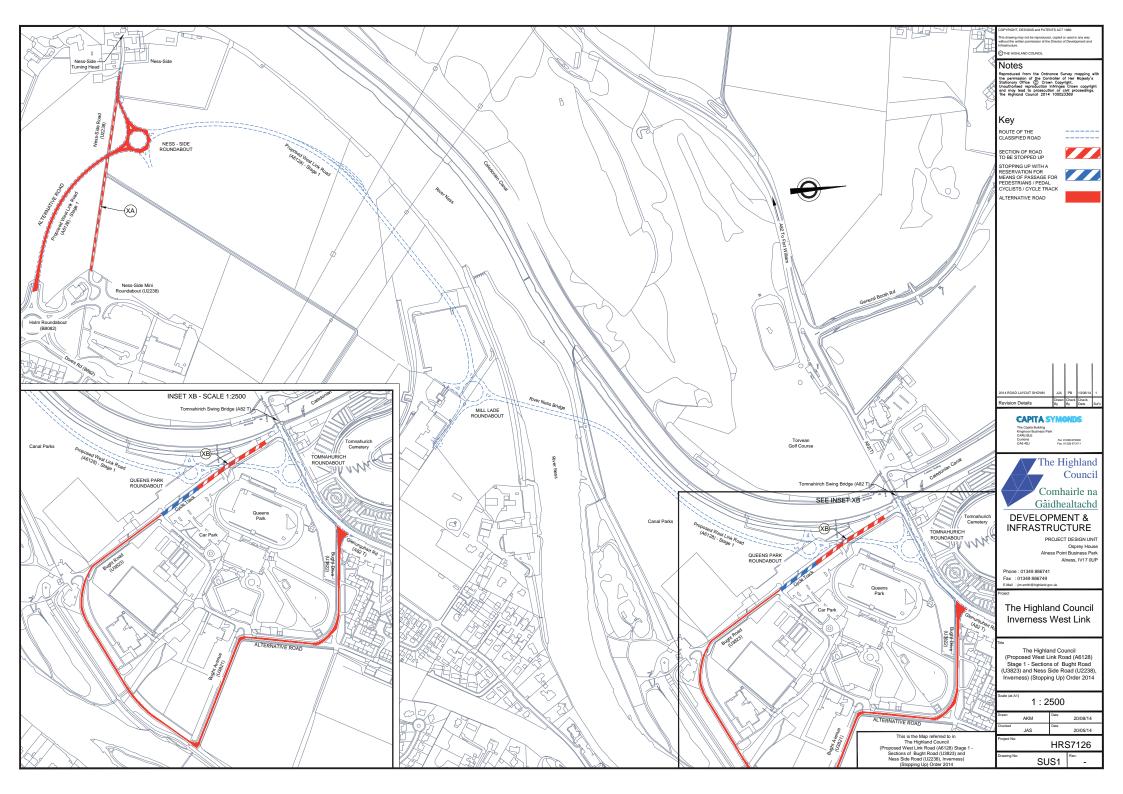
## **ALTERNATIVE ROADS**

- 1. Commencing at Holm Roundabout (B8082), the proposed West Link Road (A6128), the double lane carriageway extending to include adjacent footpath, verges & roadside earthworks extends in a westerly / north westerly direction for a distance of 331 metres or thereby to the proposed Ness-Side Roundabout (A6128), then extending in a south westerly direction for a distance of 120 metres or thereby as shown by a solid red bar on plan no: HRS7126/SUS1 annexed and executed as relative hereto.
- 2. Commencing at a point 200 metres or thereby east of the Tomnahurich Swing Bridge (A82 T) at its double junction with Glenurquhart Road (A82 T), Bught Drive (U3822), a double lane carriageway extending to include adjacent verges & roadside earthworks extends in a south easterly and southerly westerly direction for a distance of 460 metres or thereby to its conjunction with Bught Avenue (U3821), extending in a south easterly direction for a distance of 254 metres or thereby to its junction with Bught Road (U3823) as shown by a solid red bar on plan no: HRS7126/SUS1 annexed and executed as relative hereto.

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# STATEMENT OF REASONS

As a result of the proposed West Link Road, the Sections of Bught Road (U3823) and Ness-Side Road (U2238) specified in Part I of this Schedule shall become unnecessary and will require to be stopped up. This order shall come into operation when the alternative roads specified in Part II of the Schedule to this order are completed and open to traffic.



# ROADS (SCOTLAND) ACT 1984

THE HIGHLAND COUNCIL (PROPOSED WEST LINK ROAD (A6128), STAGE 1 - PRIVATE MEANS OF ACCESS FROM BUGHT ROAD (U3823) AND NESS-SIDE ROAD (U2238), INVERNESS) (STOPPING UP OF ACCESSES) ORDER 2014

The Highland Council in exercise of the powers conferred on them by Section 69(1) of the Roads (Scotland) Act 1984, and all other powers enabling them in that behalf, and having considered that the private means of access from Bught Road (U3823) and Ness-Side Road (U2238) specified in Part I of the Schedule to this order are likely to interfere unreasonably with traffic on the road specified in Part II of the Schedule to this order and being satisfied that other reasonably convenient means of access will be provided, hereby make the following order:-

- 1. This order may be cited as "The Highland Council (Proposed West Link Road (A6128), Stage 1 Private Means of Access From Bught Road (U3823) and Ness-Side Road (U2238), Inverness) (Stopping Up of Accesses) Order 2014" and shall come into operation when the road specified in Part II of the Schedule to this order is completed and open to traffic.
- 2. The stopping up of the private accesses to Bught Road (U3823) and Ness-Side Road (U2238) in the Tomnahurich and Ness-Side areas of Inverness specified in Part I of the Schedule to this Order is hereby ordered.
- 3. The Highland Council shall provide the new means of access specified in Part III of the Schedule to this Order.

Sealed with the Common Seal of The Highland Council and subscribed for them and on their behalf by Stewart David Fraser, Head of Corporate Governance and Proper Officer, at Inverness on \*\*\*\*.

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This is the Schedule referred to in the foregoing The Highland Council (West Link Road Stage 1 - Private Means of Access From Bught Road (U3823) and Ness-Side Road (U2238), Inverness) (Stopping Up of Accesses) Order 2014

#### **SCHEDULE**

#### PART I

## PRIVATE MEANS OF ACCESS TO BE STOPPED UP

- 1. The private means of field access on Ness-Side Road (U2238), from a point 250 metres or thereby, east of the existing Ness-Side turning head (U2238), as shown by a solid black bar and numbered X1 on plan HRS7126/ASUS1 annexed and executed as relative hereto.
- 2. The private means of field access on Ness-Side Road (U2238), from a point 265 metres or thereby, east of the existing Ness-Side turning head (U2238), as shown by a solid black bar and numbered X2 on plan HRS7126/ASUS1 annexed and executed as relative hereto.
- 3. The private means of field access on Ness-Side Road (U2238), from a point 256 metres or thereby, east of the existing Ness-Side turning head (U2238), as shown by a solid black bar and numbered X3 on plan HRS7126/ASUS1 annexed and executed as relative hereto.
- 4. The private means of field access on Ness-Side Road (U2238), from a point 246 metres or thereby, east of the existing Ness-Side turning head (U2238), as shown by a solid black bar and numbered X4 on plan HRS7126/ASUS1 annexed and executed as relative hereto.
- 5. The private means of field access on Ness-Side Road (U2238), from a point 113 metres or thereby, east of the existing Ness-Side turning head (U2238), as shown by a solid black bar and numbered X5 on plan HRS7126/ASUS1 annexed and executed as relative hereto.
- 6. The private means of field access on Ness-Side Road (U2238), from a point 109 metres or thereby, east of the existing Ness-Side turning head (U2238), as shown by a solid black bar and numbered X6 on plan HRS7126/ASUS1 annexed and executed as relative hereto.
- 7. The private means of field access on Ness-Side Road (U2238), from a point 104 metres or thereby, east of the existing Ness-Side turning head (U2238), as shown by a solid black bar and numbered X7 on plan HRS7126/ASUS1 annexed and executed as relative hereto.
- 8. The private means of access to Canal Parks Car Park, on the existing Bught Road (U3823), from a point 258 metres or thereby, south east of the existing Bught Road (U3823) junction with Glenurquhart Road (A82 T), as shown by a solid black bar and numbered X8 on plan HRS7126/ASUS1 annexed and executed as relative hereto.

- 9. The private means of access to Canal Parks Car Parks, on the existing Bught Road (U3823), from a point 134 metres or thereby, south east of the existing Bught Road (U3823) junction with Glenurquhart Road (A82 T), as shown by a solid black bar and numbered X9 on plan HRS7126/ASUS1 annexed and executed as relative hereto.
- 10. The private means of access to Queens Park / Inverness Leisure Car Park, on the existing Bught Road (U3823), from a point 126 metres or thereby, south east of the existing Bught Road (U3823) junction with Glenurquhart Road (A82 T), as shown by a solid black bar and numbered X10 on plan HRS7126/ASUS1 annexed and executed as relative hereto.

# PART II

# **NEW ROAD**

The proposed West Link Road, a 3.2km new single carriageway road, 5 No. roundabouts, a new swing bridge over the Caledonian Canal and a new bridge over the River Ness, with associated drainage, earthworks, fencing, landscaping, new access tracks/paths, street lighting and all ancillary works, between Dores Road & Torvean, Inverness. Stage 1 of the proposed West Link Road as shown by a blue dashed line on plan HRS7126/ASUS1 annexed and executed as relative hereto.

#### PART III

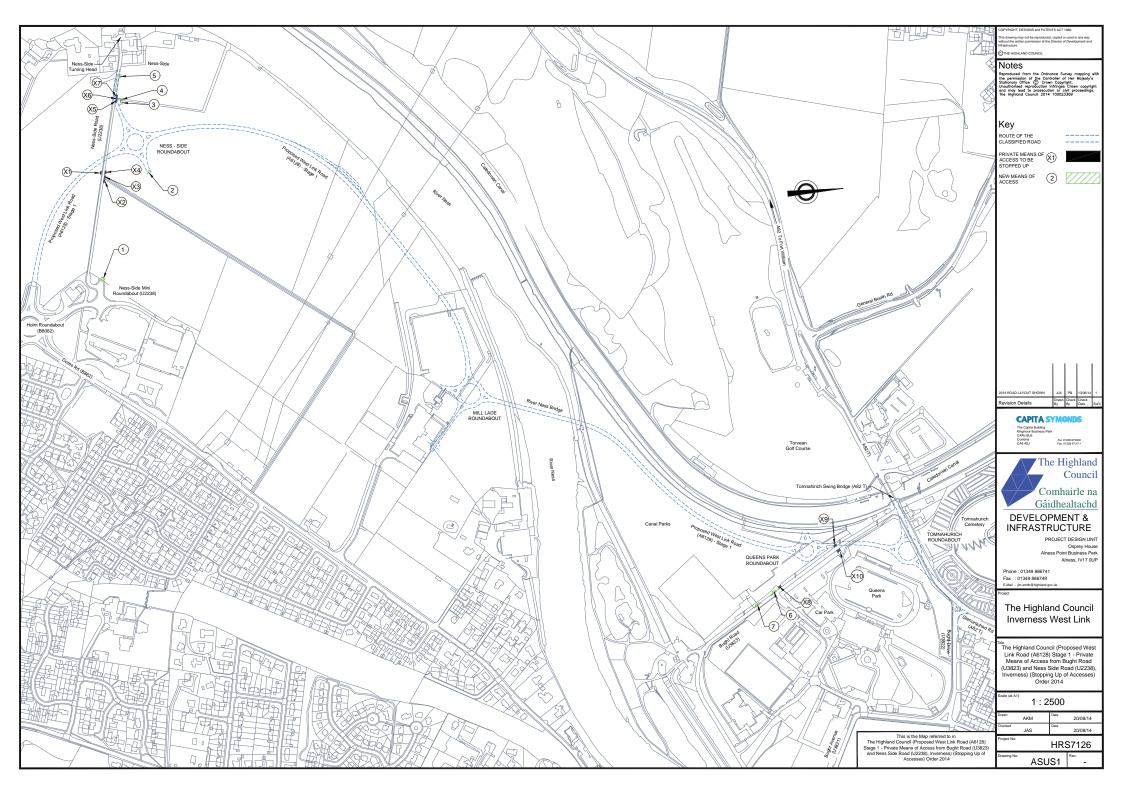
#### ALTERNATIVE ACCESSES

- 1. From a point 130 metres or thereby north west of Holm Roundabout (B8082), 46.8 metres or thereby west of the Ness-Side mini roundabout (U2238), generally in a north westerly direction, as shown by a thin green diagonal hatching and numbered 1 on plan HRS7126/ASUS1 annexed and executed as relative hereto.
- 2. From a point on the proposed Ness-Side Roundabout (A6128), 327 metres or thereby north west of Holm Roundabout (B8082), generally in a north easterly direction, as shown by a thin green diagonal hatching and numbered 2 on plan HRS7126/ASUS1 annexed and executed as relative hereto.
- 3. From a point on Ness-Side Road (U2238), 115 metres or thereby, east of the Ness-Side Turning Head (U2238), generally in a easterly direction, as shown by a thin green diagonal hatching and numbered 3 on plan HRS7126/ASUS1 annexed and executed as relative hereto.
- 4. From a point on Ness-Side Road (U2238), 110 metres or thereby, east of the Ness-Side Turning Head (U2238), generally in a easterly direction, as shown by a thin green diagonal hatching and numbered 4 on plan HRS7126/ASUS1 annexed and executed as relative hereto.
- 5. From a point on Ness-Side Road (U2238), 103 metres or thereby, east of the Ness-Side Turning Head (U2238), generally in a easterly direction for a distance of 6.0 metres or thereby, as shown by a thin green diagonal hatching and numbered 5 on plan HRS7126/ASUS1 annexed and executed as relative hereto.
- 6. From a point on Bught Road (U3823), 268 metres or thereby, south east of the Bught Road (U3823) / Glenurquhart Road (A82 T) Junction, generally in a south easterly direction, as shown by a thin green diagonal hatching in green and numbered 6 on plan HRS7126/ASUS1 annexed and executed as relative hereto.
- 7. From a point on Bught Road (U3823), 306 metres or thereby, south east of the Bught Road (U3823) / Glenurquhart Road (A82) Junction, generally in a south easterly direction, as shown by a thin green diagonal hatching and numbered 7 on plan HRS7126/ASUS1 annexed and executed as relative hereto.

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# STATEMENT OF REASONS

As a result of the Proposed West Link Road, the private means of access on Bught Road (U3823) and Ness-Side Road (U2238), specified in part I of this schedule are likely to interfere unreasonably with traffic on the road specified in Part II of the Schedule. The Highland Council shall provide the new means of access specified in Part III of the Schedule. This order shall come into operation when the road specified in Part II of the Schedule to this order are completed and open to traffic.



# TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

# THE HIGHLAND COUNCIL (PROPOSED WEST LINK ROAD (A6128), STAGE 1 - VARIOUS FOOTPATHS, INVERNESS) (STOPPING UP) ORDER 2014

The Highland Council, in exercise of the powers conferred on them by Section 208 of the Town and Country Planning (Scotland) Act 1997, being satisfied that it is necessary to authorise the stopping up of the footpaths hereinafter specified in Part I of the Schedule to this Order, for the construction of the proposed West Link Road (A6128), Stage 1, a 3.2km new single carriageway road, 5 No. roundabouts, a new swing bridge over the Caledonian Canal and a new bridge over the River Ness, with associated drainage, earthworks, fencing, landscaping, new access tracks/paths, street lighting and all ancillary works, between Dores Road & Torvean, Inverness, to be carried out in accordance with planning permission 13/03825/FUL granted under Part III of the said Act ("the West Link Road"), and that suitable alternative footpaths hereinafter specified in Part II of the Schedule to this Order will exist, hereby make the following Order:-

- 1. This order may be cited as "The Highland Council (Proposed West Link Road (A6128), Stage 1 Various Footpaths, Inverness) (Stopping Up) Order 2014" and shall come into operation when the alternative footpaths specified in Part II of the Schedule to this order are completed and open for use.
- 2. The stopping up of the sections of the footpaths specified in Part I of the Schedule to this order is hereby ordered.
- 3. Where there is, immediately before the date on which the said footpaths are stopped up under this order, any apparatus belonging to any statutory undertakers under, in, on, over, along or across the footpaths for the purpose of carrying on their undertaking, the said statutory undertakers shall after the commencement of this order continue to have all rights in respect of said apparatus as they had immediately before that date.

Sealed with the Common Seal of The Highland Council and subscribed for them and on their behalf by Stewart David Fraser, Head of Corporate Governance and Proper Officer, at Inverness on \*\*\*\*.

 Proper Officer

This is the Schedule referred to in the foregoing The Highland Council (Proposed West Link Road (A6128), Stage 1 - Various Footpaths, Inverness) (Stopping Up) Order 2014.

#### **SCHEDULE**

## PART I

## SECTIONS OF FOOTPATHS TO BE STOPPED UP

- 1. That part of the footpath known as Ness-Side Circuits (IN19.36), extending to 330 metres or thereby as shown by zebra hatching in black, reference X1 on the plan HRS7126/FSU1, annexed and executed as relative to the order.
- 2. That part of the footpath known as Ness-Side Circuits (IN19.36) extending to 66 metres or thereby as shown by zebra hatching in black, reference X2 on the plan HRS7126/FSU1, annexed and executed as relative to the order.
- 3. That part of the footpath known as Ness-Side Circuits (IN19.36), extending to 82 metres or thereby as shown by zebra hatching in black, reference X3 on the plan HRS7126/FSU1, annexed and executed as relative to the order.
- 4. That part of the footpath known as Ness-Side Circuits (IN19.36), extending to 134 metres or thereby as shown by zebra hatching in black, reference X4 on the plan HRS7126/FSU1, annexed and executed as relative to the order.
- 5. That part of the footpath known as Caledonian Canal (IN19.17), extending to 170 metres or thereby as shown by zebra hatching in black, reference X5 on the plan HRS7126/FSU1, annexed and executed as relative to the order.

#### **PART II**

#### **ALTERNATIVE FOOTPATHS**

- 1. Commencing at Holm Roundabout (B8082), 426 metres or thereby east of Ness-Side, extending in a westerly direction for a distance of 320 metres or thereby, crossing the proposed Ness-Side Roundabout (A6128), in a south westerly direction, extending in north westerly direction for a distance of 20 metres or thereby, crossing the proposed Ness-Side roundabout (A6128), extending in a south westerly direction for a distance of 70 metres or thereby to Ness-Side Circuits (IN 19.36), as shown by dotted hatching in red, reference 1 on the plan HRS7126/FSU1, annexed and executed as relative to the order.
- 2. Commencing at a point on the Ness-Side Circuits (IN19.36), 450 metres or thereby north east of the proposed Ness-Side Roundabout (A6128), extending in a easterly direction for a distance of 90 metres or thereby crossing the proposed West Link Road (A6128), tying into the existing Ness-Side Circuits (IN19.36) as shown by dotted hatching in red, reference 2 on the plan HRS7126/FSU1, annexed and executed as relative to the order.
- 3. Commencing at a point on the Ness-Side Circuits (IN19.36), 500 metres or thereby east of the proposed Ness-Side Roundabout (A6128), extending in a north easterly direction for a distance of 148 metres or thereby tying into the existing Ness-Side Circuits (IN19.36) as shown by dotted hatching in red, reference 3 on the plan HRS7126/FSU1, annexed and executed as relative to the order.
- 4. Commencing at a point on the Ness-Side Circuits (IN19.36), 14 metres or thereby north of the proposed Mill Lade Roundabout (A6128), extending in south easterly direction for a distance of 35 metres or thereby, turning in an easterly direction for a distance of 125 metres or thereby passing under the proposed River Ness Bridge tying into the existing Ness-Side Circuits (IN19.36) as shown by dotted hatching in red, reference 4 on the plan HRS7126/FSU1, annexed and executed as relative to the order.
- 5. Commencing at a point on the Caledonian Canal Towpath (IN19.10), 6 metres or thereby east of the Tomnahurich Swing Bridge (A82 T), extending in a southerly direction for a distance of 107 metres or thereby, extending in a south easterly direction for a distance of 43 metres or thereby, turning in a southerly direction for a distance of 60 metres or thereby passing through proposed underpass, turning in an easterly direction for a distance of 42 metres or thereby passing through proposed underpass, turning in a north easterly direction for a distance of 30 metres or thereby, turning in a south easterly direction for a distance of 58 metres or thereby joining Bught Road (U3823), as shown by dotted hatching in red, reference 5 on the plan HRS7126/FSU1, annexed and executed as relative to the order.

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# STATEMENT OF REASONS

The Highland Council is satisfied that it is necessary to authorise the stopping up of the footpaths specified in Part I of the Schedule in order to enable the development of the proposed West Link Road to be carried out. Suitable alternative footpaths linking into the proposed West Link Road are specified in Part II of the Schedule. This order shall come into operation when the alternative footpaths specified in Part II of the Schedule are completed and open for use.

