

[REDACTED]

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**From:** [REDACTED]  
**Sent:** 29 October 2018 18:14  
**To:** [REDACTED]  
**Subject:** A90 Kinfauns Interchange

Had to resend this as the land reference plan fell off twice

[REDACTED]

(Apologies for not getting in touch sooner. I was trying to locate a summary piece I did on this, examining all available titles but the information I pulled together just now basically confirms the position as I understand it)

Further to our earlier discussion, in order to facilitate safety on the Trunk Road, direct access to the carriageway from [REDACTED] was removed by virtue of SI 2005 No 236. Stopping up of access No 9 refers.



The M90\_A90  
Trunk Road (Kin...

In acquiring the land for construction, Plot 9 of the attached Land Reference Plan was acquired by agreement with the then owners, [REDACTED]. The area was required to tie-in the new side road and thus provide alternative access.



Land Reference  
Plan.pdf

On completion of the Scheme the area in question was conveyed back to the previous owners, with ".....the subjects hereby disposed are so disposed always with and under (a) all existing servitudes, wayleaves and others howsoever constituted and (b) the servitude set out in part I of the schedule annexed and signed as relative hereto subject to the servitude condition set out in Part 2 of the said schedule;...."



n300366\_23-05-...

A quick update of the Scottish Ministers title PTH28900 from 2016 shows this area to be excepted.



A90 Kinfauns -  
Scottish Minist...

As we only ever acquired Plot 9, any pre-existing servitudes, wayleaves and others howsoever constituted (as referred to in the above disposition) still subsist over the remainder of the access track in that area. This includes where the pipelines cross the track and also any pre-existing right to access the pump-house to Valve No 14 as shown on the attached.



A90 Kinfauns -  
Henderson - Bur...

I hope this is of use.

If you wish to discuss the matter further then please feel free to get in touch

Regards,

[REDACTED]  
Project Administrator  
Design Team  
Major Transport Infrastructure Projects  
Transport Scotland  
Buchanan House  
58 Port Dundas Road  
Glasgow  
G4 0HF  
Tel: [REDACTED]



Transport Scotland, the national transport agency  
*Còmhdaill Alba, buidheann nàiseanta na còmhdaill*

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SCOTTISH STATUTORY INSTRUMENTS

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2005 No 236

**ROADS AND BRIDGES**

The M90/A90 Trunk Road (Kinfauns Interchange) (Side Roads) Order 2005

*Made*

*22<sup>nd</sup> April 2005*

*Coming into force*

*6th May 2005*

The Scottish Ministers, in exercise of the powers conferred by section 12(1) as read with section 70(1) and section 143(1) of the Roads (Scotland) Act 1984(a), and of all other powers enabling them in that behalf, having been satisfied in accordance with sections 12(3) and 71(3) of the said Act, it having been determined in accordance with sections 20A(b) and 55A(e) of the said Act 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 but is neither in respect of a special road nor has characteristics that it should be made subject of an environmental impact assessment and having complied with the provisions of the said sections 20A and 55A of, and Part I of Schedule 1(e) to, the said Act, hereby make the following Order:

*Citation and Commencement*

1. This Order may be cited as the M90/A90 Trunk Road (Kinfauns Interchange) (Side Roads) Order 2005 and shall come into force on 6th May 2005.

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(a) 1984 c.54. Section 143 was amended by the New Roads and Street Works Act 1991 (c.22) Schedule 8, Paragraph 93, by S.I.1991/2286, and by the Local Government etc.(Scotland) Act 1994 (c.39) Schedule 13, paragraph 135. 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 inserted by regulation 49 of the Environmental Impact Assessment (Scotland) Regulations 1999 (S.S.I.1999 No.1).

(c) Section 55A was inserted by regulation 50 of the Environmental Impact Assessment (Scotland) Regulations 1999 (S.S.I.1999 No.1).

(d) O.J.No.L175, 5.7.1985, p.40 as amended by O.J.No.L73, 14.3.1997, p.5.

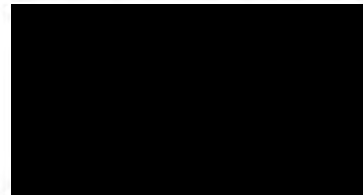
(e) Part 1 of Schedule 1 was amended by the Local Government etc.(Scotland) Act 1994, Schedule 13, Paragraph 135, by regulation 52 of S.S.I.1999 and by the Water Industry (Scotland) Act 2002 (asp3), Schedule 7, paragraph 14.

2. The Scottish Ministers as roads authority are hereby authorised:

- a. to construct those lengths of road (hereinafter referred to as "the new side roads") along the routes described in Part 1 of the Schedule to this Order;
- b. to improve those lengths of road described in Part 2 of the Schedule to this Order;
- c. to stop up those lengths of road described in Part 3 of the Schedule to this Order when the new side roads are open for the purpose of through traffic; and
- d. to stop up those private means of access described in Part 4 of the schedule to this Order.

3. 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 the Schedule to this Order any apparatus belonging to a statutory undertaker, any rights of the statutory undertaker in respect of such apparatus shall be preserved.

4. The new side roads shall be transferred to Perth & Kinross Council as roads authority therefor on the date when the new side roads are open for the purpose of through traffic.



J A HOWISON  
Chief Road Engineer

Scottish Executive Enterprise, Transport & Lifelong Learning Department  
Victoria Quay  
Edinburgh

22<sup>nd</sup> April 2005

## SCHEDULE

In this Schedule the following expressions shall have the following meanings:-

“the Trunk Road” means the M90/A90 Trunk Road;

“Plan” means the plan folio numbered RYC/PK2/3 entitled “The M90/A90 Trunk Road (Kinfauns Interchange) (Side Roads) Order 2005”, signed with reference to this Order and deposited at the offices of the Scottish Executive Enterprise, Transport & Lifelong Learning Department, Victoria Quay, Edinburgh; and

“Reference Point A” means the point of intersection of the Trunk Road and the projected centre line of the U82 Road, as shown on the Plan.

### PART 1

#### ROUTES OF THE NEW SIDE ROADS

1. From a point 215 metres or thereby south east of Reference Point A generally in a north easterly direction for a distance of 385 metres or thereby, as shown by stipple and numbered “1” on the Plan.
2. From a point 217 metres or thereby east of Reference Point A generally in a westerly direction for a distance of 144 metres or thereby, as shown by stipple and numbered “3” on the Plan.
3. From a point 211 metres or thereby south east of Reference Point A generally in a north westerly direction for a distance of 308 metres or thereby, as shown by stipple and numbered “4A” on the Plan.

### PART 2

#### LENGTHS OF ROAD TO BE IMPROVED

1. That length of the existing U82 Road, from a point 404 metres or thereby north east of Reference Point A, generally in an easterly direction for a distance of 90 metres or thereby, as shown by cross hatching and numbered “5” on the Plan.
2. That length of the existing U82 Road, from a point 83 metres or thereby north east of Reference Point A, generally in a westerly and then south westerly direction for a distance of 95 metres or thereby, as shown by cross hatching and numbered “6” on the Plan.

### PART 3

#### LENGTHS OF ROAD TO BE STOPPED UP

1. That length of the existing U82 Road, from a point 11 metres or thereby north of Reference Point A, generally in a northerly direction for a distance of 4 metres or thereby, as shown by zebra hatching and numbered “7” on the Plan.

2. That length of the existing U82 Road, from a point 64 metres or thereby north east of Reference Point A, generally in a north easterly and then in an easterly direction for a distance of 336 metres or thereby, as shown by zebra hatching and numbered "8" on the Plan.

#### PART 4

#### PRIVATE MEANS OF ACCESS TO BE STOPPED UP

1. That private means of access to Pier Cottage at a point 157 metres or thereby west of Reference Point A, as shown by solid black infill and numbered "9" on the Plan.
2. That private means of access to West Lodge and Seggieden Cottage at a point 11 metres or thereby south of Reference Point A, as shown by solid black infill and numbered "10" on the Plan.
3. That private means of access to East Lodge at a point 482 metres or thereby south east of Reference Point A, as shown by solid black infill and numbered "11" on the Plan.

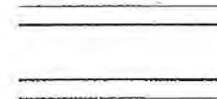
**THE M90/A90 TRUNK ROAD**  
**(KINFAUNS INTERCHANGE)**  
**(SIDE ROADS) ORDER 2005**

SITE PLAN \_\_\_\_\_ 1:2,500

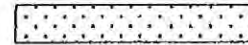
THIS PLAN DOES NOT SHOW WIDTHS OR CONSTRUCTION DETAILS

**LEGEND**

NEW TRUNK ROAD \_\_\_\_\_



NEW SIDE ROAD \_\_\_\_\_



ROAD TO BE IMPROVED \_\_\_\_\_



ROAD TO BE STOPPED UP \_\_\_\_\_

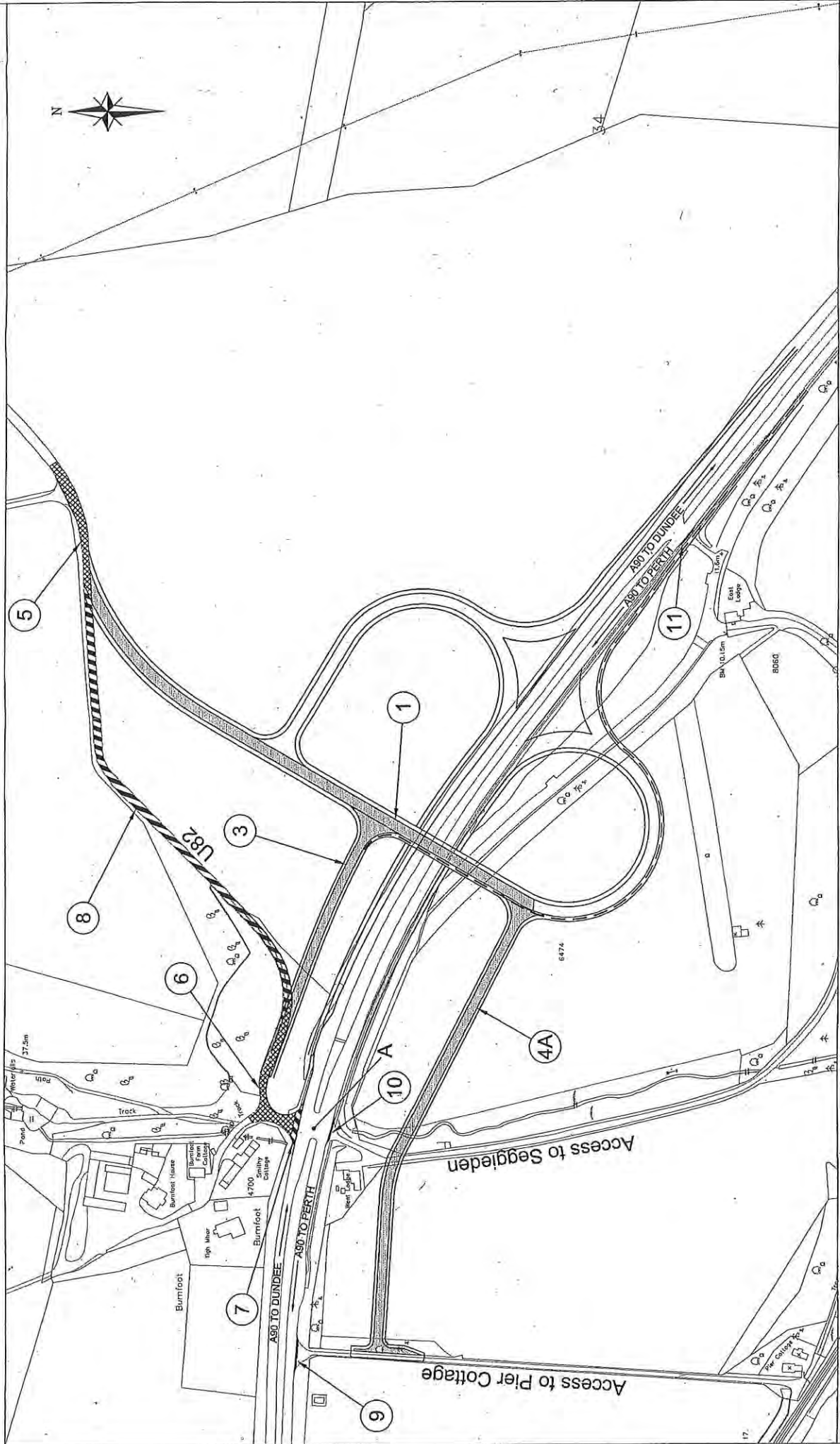


ASSOCIATED ROAD PROPOSALS \_\_\_\_\_  
(SHARED USE FOOTWAY/CYCLEWAY)



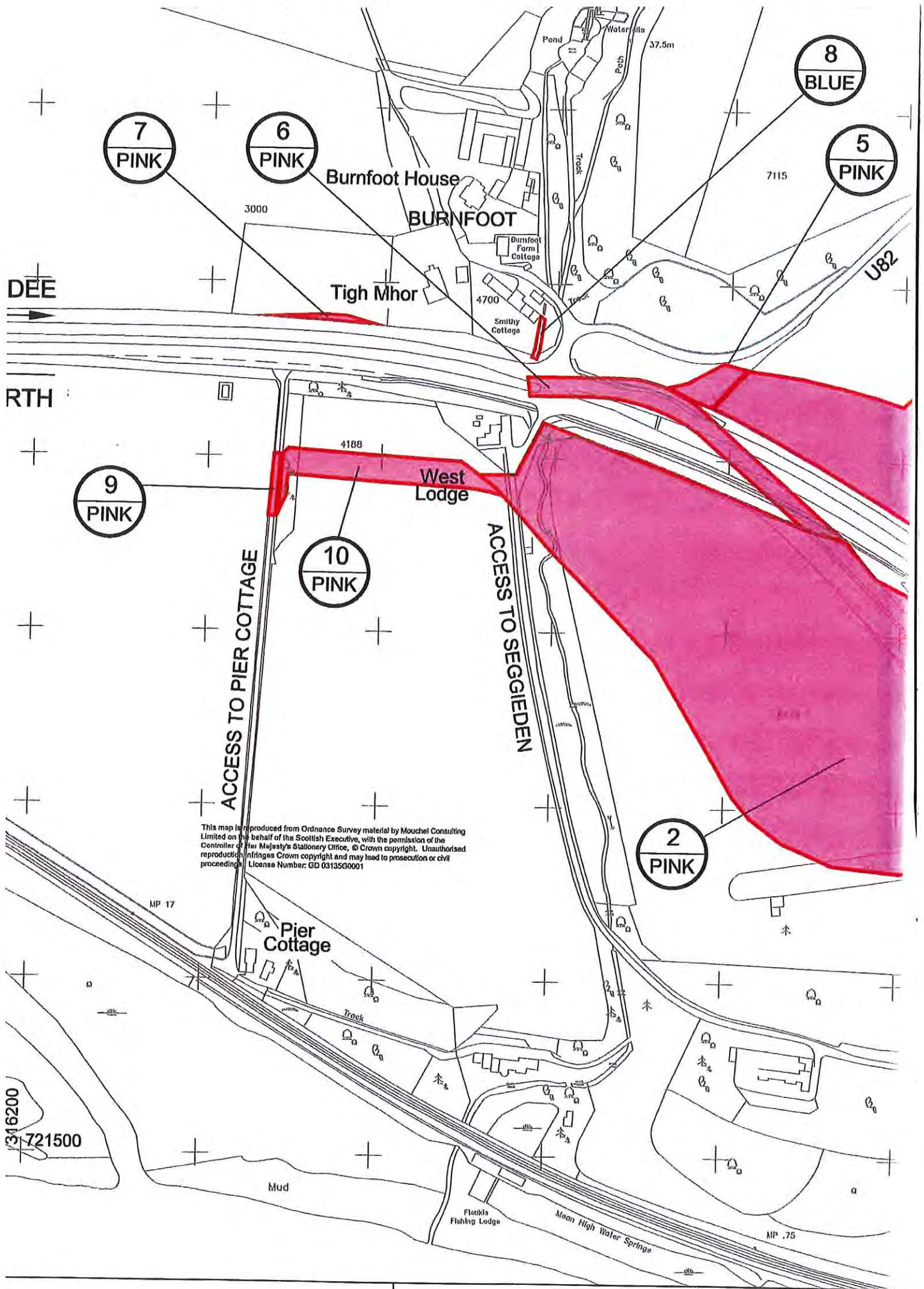
Plan Folio No: RYC/PK2/3  
contains Plan No.1

**THE M90/A90 TRUNK ROAD (KINFAUNS INTERCHANGE)  
(SIDE ROADS) ORDER 2005**



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7  
PINK

6  
PINK

8  
BLUE

5  
PINK

DEE

RTH

9  
PINK

10  
PINK

2  
PINK

ACCESS TO PIER COTTAGE

ACCESS TO SEGIEDEN

316200  
721500

Mud

Fleukha Fishing Lodge

Mean High Water Springs

MP .75

Burnfoot House

BURNFOOT

Burnfoot Farm Cottage

Smithy Cottage

Tigh Mhor

West Lodge

3000

4700

4188

37.5m

7115

U82

MP 17

Pier Cottage

Track

Pond

Waterfall

Path

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**FAS 6423KK**

**DISPOSITION**

by

**THE SCOTTISH MINISTERS**

in favour of

**MRS NINA DRUMMOND-HAY or BOWRY AND OTHERS**

as Trustees of

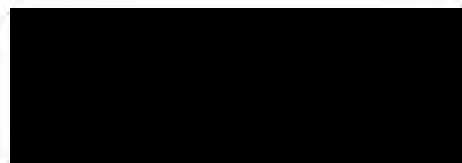
**MAJOR JAMES DRUMMOND-HAY**

**Subjects:** Strip of land lying to south of road leading from Perth to Dundee, Kinfauns

WE, **THE SCOTTISH MINISTERS**, heritable proprietors of the subjects hereinafter disposed, pursuant to the Roads (Scotland) Act 1984 IN CONSIDERATION of the sum of ONE POUND (£1) STERLING paid to us by **MRS NINA DRUMMOND-HAY** or **BOWRY**, residing at Seggieden, Kinfauns, Perth, **ALASTAIR STEWART-RICHARDSON**, residing at 120 Woodford Square, London W14, **GEORGE PITCAITHLY, Junior**, residing at Wester Rhynd House, Bridge of Earn, Perthshire and **HUGH PATRICK YOUNGER**, Writer to the Signet of 3 Glenfinlas Street, Edinburgh, the accepting, surviving and assumed trustees acting under the Will of the late Major James Drummond-Hay, late of Seggieden aforesaid dated 28 April 1981 of which sum we hereby acknowledge the receipt and discharge them DO HEREBY DISPONE to and in favour of the said Mrs Nina Drummond-Hay or Bowry, Alastair Stewart-Richardson, George Pitcaithly, Junior and Hugh Patrick Younger as Trustees foresaid and their successors in office and their successors and assignees whomsoever heritably and irredeemably ALL and WHOLE that strip of ground lying to the south of the road leading from Perth to Dundee, Kinfauns and shown delineated red and coloured pink and marked "9" on the plan annexed and signed as relative hereto which strip of ground forms part and portion of the subjects lying to the south of the said road leading from Perth to Dundee, Kinfauns registered in the Land Register of Scotland under title number PTH 28900; Together with our whole right, title and interest, present and future therein and thereto; But the subjects hereby disposed are so disposed always with and under (a) all existing servitudes, wayleaves and others howsoever constituted and (b) the servitude set out in part 1 of the schedule annexed and signed as relative hereto subject to the servitude condition set out in Part 2 of the said schedule; WITH ENTRY as at the date hereof; And we grant warrandice but excepting therefrom all existing wayleaves, servitudes, rights of way and others affecting the said subjects hereinbefore disposed: **IN WITNESS WHEREOF** these presents are, together with the Schedule and plan annexed, subscribed for us and on our behalf at Glasgow on 6<sup>th</sup> February 2009 by Ainslie Crighton McLaughlin, Director, Trips, before this witness, Fred Paul O'Hara, c/o Transport Scotland, Buchanan House, Glasgow



( )



## Schedule referred to in the foregoing Disposition

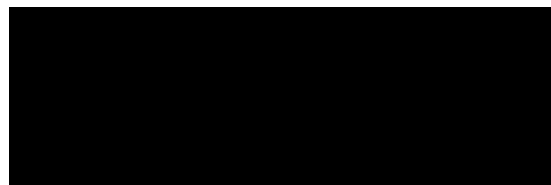
### Part 1

The following servitude is imposed on the subjects disposed by the foregoing disposition (the "Burdened Property") in favour of the Benefitted Properties aftermentioned, namely a servitude right of pedestrian and vehicular access in favour of the following subjects which are hereby nominated as the Benefitted Properties namely, (First) the subjects forming part of the farm and lands of Burnfoot, Kinfauns in the County of Perth and more particularly described in, disposed by and shown outlined in red on the plan annexed and signed as relative to Disposition by Dr Robert William Archibald and Mrs Margaret Jean Douglas Archibald as partners of and trustees for the firm of Messrs R & J Archibald in favour of Joseph Khazaka dated 30 May and recorded in the Division of the General Register of Sasines applicable to the County of Perth on 5 June, both months of 1995 (Second) ALL and WHOLE that piece of ground at Seggieden, by Kinfauns lying immediately to the east southeast of the subjects known as Pier Cottage, Seggieden aforesaid more particularly described in, disposed by and shown delineated in red on the plan annexed and signed as relative to Feu Disposition by the said Mrs Magdalena Isabel Alvares-Calderon Drummond-Hay and others as trustees foresaid in favour of David Deas Bissett-Clarke dated 7 January, 1997 and subsequent dates and recorded in the said Division of the General Register of Sasines on 11 March 1997 and (Third) the subjects known as Pier Cottage, Seggieden, by Kinfauns in the County of Perth being the subjects more particularly described in, disposed by and shown edged in black and coloured pink on the plan annexed and signed as relative to Feu Disposition by the said Mrs Magdalena Isabel Alvares-Calderon Drummond-Hay and others as trustees foresaid in favour of David Deas Bissett-Clark dated 25 March 1993 and subsequent dates and recorded in the said Division of the General Register of Sasines on 26 May, 1993.

## Part 2

### The Servitude Conditions

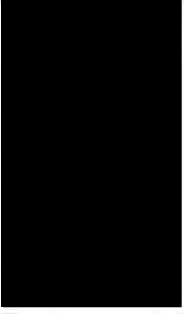
The servitude right created in Part 1 of the Schedule is subject to the following servitude condition namely, the proprietors for the time being of the Benefitted Properties described (Second) and (Third) in Part 1 of the Schedule shall each be responsible for an equitable share according to usage of the cost of maintenance of the Burdened Property to agricultural standards as the same will be determined, failing agreement, by an arbiter mutually chosen or failing agreement as to such appointment appointed by the chairman for the time being of the Scottish Branch of the Royal Institution of Chartered Surveyors whose decision shall be final and binding.



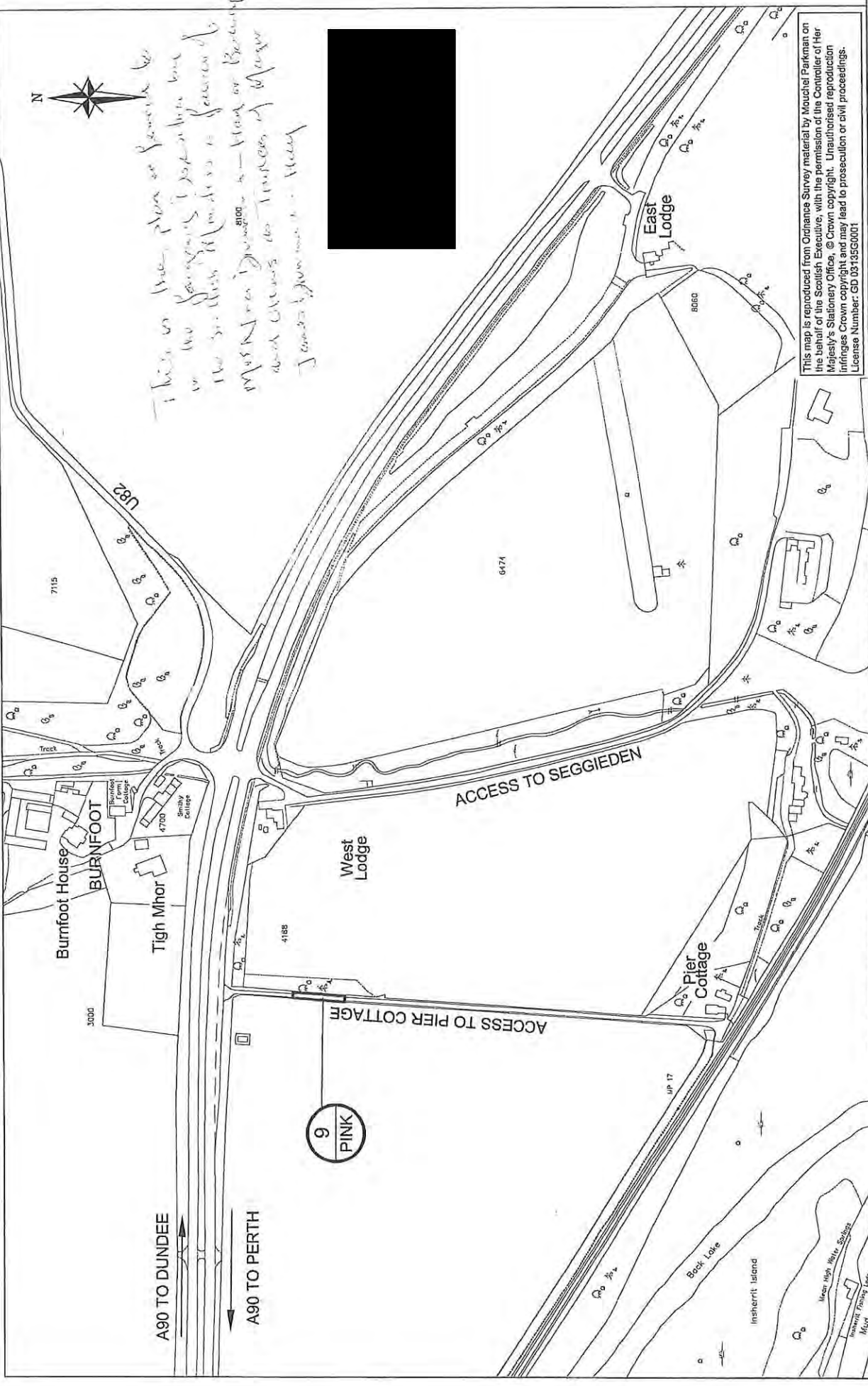
5107



*This is the plan as shown to  
 in the planning application  
 The 500ish meters is shown as  
 M500000 Dundee - Road or Broom  
 road along the Trustees of Major  
 James Hayman - Hay*



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**Transport Scotland**  
 SCALE - 1:2500  
 Drawing No. RYC/PK2/15/B

**LAND TO BE CONVEYED TO THE TRUSTEES OF THE LATE MAJOR J D HAY**  
 Area contained within plot 9 = 212m<sup>2</sup>  
 Current owner The Scottish Ministers

**Key:**  
 Land to be Conveyed

REGISTERS OF SCOTLAND



## Registers Direct - Land Register: View Title PTH28900

### Search Summary

**Date:** 08/08/2016      **Time:** 15:30:58  
**Search No.:** 2016-02695909      **User Reference:**  
**Sasine Search Sheet:** 5510

### A. PROPERTY SECTION

**Title Number:** PTH28900      **Date of First Registration:** 22/08/2006  
**Date Title Sheet updated to:** 11/03/2009      **Date Land Certificate updated to:** 11/03/2009  
**Hectarage Code:** 0      **Interest:** PROPRIETOR  
**Map Reference:** NO1621

#### Description:

Subjects lying to the south of the road leading from PERTH TO DUNDEE, KINFAUNS edged red on the Title Plan.

#### Notes:

1. The minerals are excluded from the subjects, but this is without prejudice to the operation of section 70 of the railway clauses consolidation (Scotland) Act 1845, and sections 71 to 78 of that Act (as originally enacted and not as amended for certain purposes by section 15 of the mines (Working Facilities and Support) Act 1923), as applied by section 110(5) of the roads (Scotland) Act 1984.
2. The part edged and numbered 1. in green on the Title Plan has been removed from this Title.

*This is a Plain Copy which reflects the position at the date the Title Sheet was last updated.*

### B. PROPRIETORSHIP SECTION

Entry Number	Date of Registration	Proprietor	Consideration	Date of Entry
1	22/08/2006	SCOTTISH MINISTERS pursuant to the roads (Scotland) Act 1984.	£7000	16/06/2006

*This is a Plain Copy which reflects the position at the date the Title Sheet was last updated.*

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### C. SECURITIES SECTION

**Title Number:** PTH28900

There are no entries.

*This is a Plain Copy which reflects the position at the date the Title Sheet was last updated.*

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### D. BURDENS SECTION

**Title Number:** PTH28900      **Number of Burdens:** 0

*This is a Plain Copy which reflects the position at the date the Title Sheet was last updated.*

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Officer's ID / Date

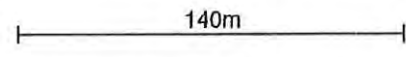
TITLE NUMBER

2838  
14/9/2012

**PTH28900**



ORDNANCE SURVEY  
NATIONAL GRID REFERENCE



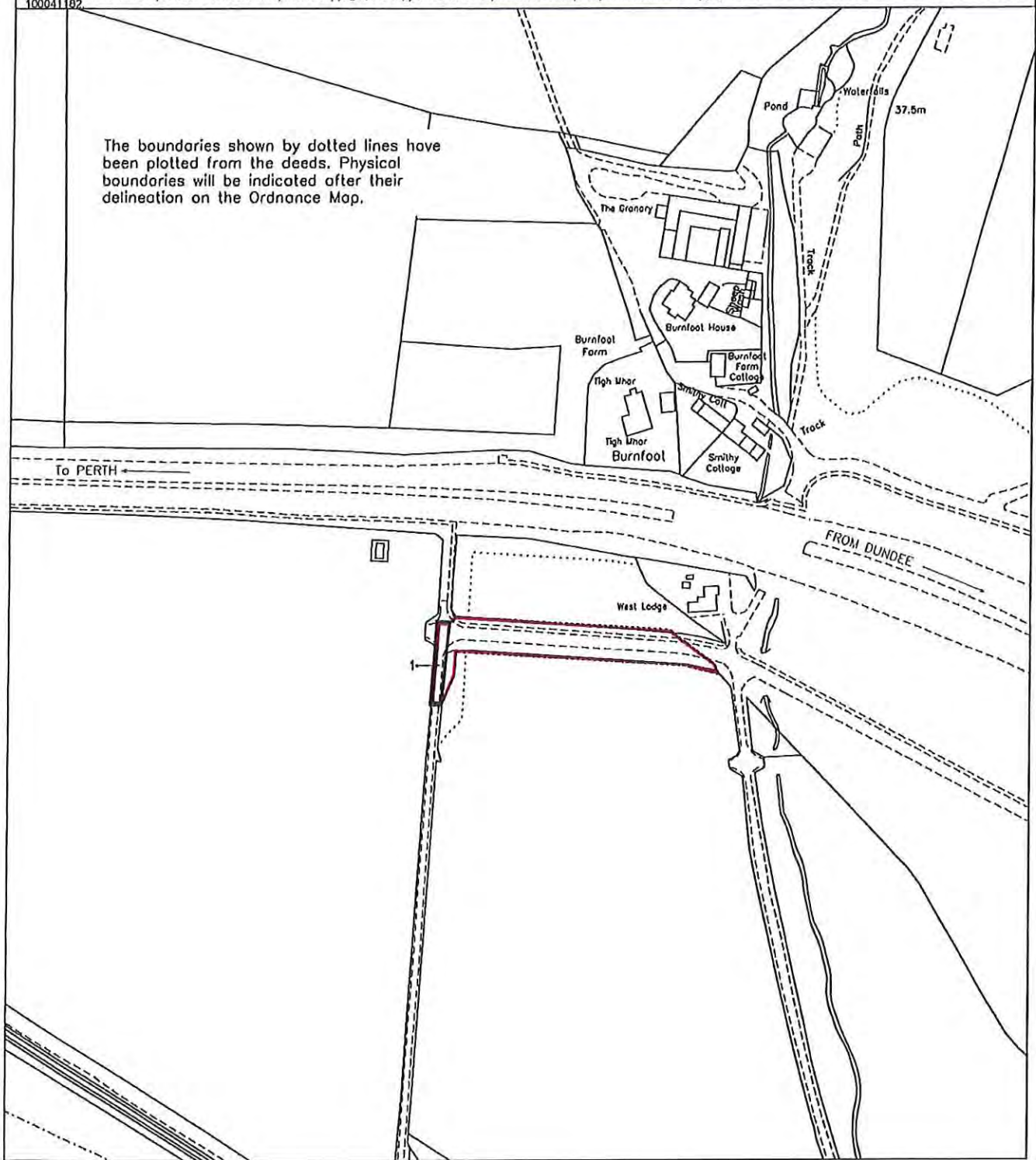
NO1621 NO1622

Survey Scale

1/2500

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The boundaries shown by dotted lines have been plotted from the deeds. Physical boundaries will be indicated after their delineation on the Ordnance Map.



I, MRS. ISABEL KATHERINE YOUNG or HENDERSON of Burnfoot Farm, Kinfauns, Perthshire, the Executrix-Dative of the late THOMAS HENDERSON, who resided latterly at Burnfoot Farm, aforesaid conform to Confirmation in my favour granted by the Sheriff of Tayside Central and Fife at Perth on the First day of February Nineteen hundred and seventy seven and as such Executrix the proprietrix of the subjects and others hereinafter disposed IN CONSIDERATION of the sum of ONE HUNDRED AND EIGHTY POUNDS (£180) STERLING paid to me as Executrix aforesaid by BP OIL DEVELOPMENT LIMITED, incorporated under the Companies Acts and having their Registered Office at Britannic House, Moor Lane, London as the price thereof of which sum I hereby acknowledge the receipt and DISCHARGE them HAVE SOLD and DO HEREBY DISPOSE to and in favour of the said BP Oil Development Limited and their successors and assignees whomsoever heritably and irredeemably ALL and WHOLE that plot of ground lying in the Parish of Kinfauns and County of Perth extending to seventy nine square metres and eighteen decimal or one hundredth parts of a square metre or thereby which plot of ground is shown within the boundary lines coloured red on the plan annexed and signed as relative hereto and forms part and portion of the farm and lands of Burnfoot more particularly described in Disposition by James Drummond Hay in favour of Thomas Henderson dated Fourth February and recorded in the Division of the General Register of Sasines for the County of Perth on First April both in the year Nineteen hundred and sixty five; Together with the pertinent rights and privileges appertaining to the subjects hereby disposed and my whole right, title and interest, present and future therein; Together also with (First) an heritable and irredeemable right of vehicular access and egress in favour of the subjects/

REGISTERS OF SCOTLAND,  
GENERAL REGISTER OF SASINES,  
COUNTY OF PERTH,  
Book 2710 Folio 210  
Presented and Recorded on 14th/12/77

210

PH 2710

- PAGE SECOND -

subjects hereby disposed through and over the plot or area of ground delineated within boundary lines coloured green on the said plan and lying on the eastern boundary of the subjects hereby disposed and (Second) an heritable and irredeemable right of pedestrian access and egress in favour of the subjects hereby disposed through and over that plot or area of ground delineated and hatched blue on the said plan and lying on the northern, western and southern boundaries of the subjects hereby disposed; And I bind myself and my successors as proprietors of the said part of the farm and lands of Burnfoot to create the said rights of access and egress real burdens upon and affecting the said part of the farm and lands of Burnfoot in favour of the subjects hereby disposed and to refer to the said rights of access and egress as real burdens in all future Dispositions or Conveyances of the said part of the farm and lands of Burnfoot; Which foregoing conditions are hereby declared to be real liens and burdens upon and affecting the said plot or area of ground hereby disposed in favour of the remainder of the said part of the farm and lands of Burnfoot and as such shall be recorded in the appropriate Register of Sasines as part of these presents and repeated ad longum or validly referred to in all future Deeds and Investments of or relating to the said plot or area of ground hereby disposed or any portion thereof; WITH ENTRY/

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PH 2710

- PAGE THIRD -

ENTRY as at the Twenty sixth day of July, Nineteen hundred and seventy three notwithstanding the date or dates hereof; which subjects were last vested in the said Thomas Henderson as aforesaid and from whom I acquired right as Executrix aforesaid by the said Confirmation in my favour; And I assign the writs and in respect that they relate also to other subjects of greater value than those hereby disposed the same are not herewith delivered but I bind and oblige myself and my foresaids to make the same forthcoming to my said disponees and their formaids on all necessary occasions upon a receipt and obligation to redeliver the same within a reasonable time and under a suitable penalty and to take any person or persons to whom I may ultimately deliver the same bound under a similar obligation; And I assign the rents; And I bind myself to free and relieve my said disponees and their foresaids of all feudalities and public burdens; And I grant warrandice; And I certify that the transaction hereby effected does not form part of a larger transaction or of a series of transactions in respect of which the amount or value or the aggregate amount or value of the consideration exceeds Fifteen thousand pounds: IN WITNESS

WHEREOF these presents typewritten on this and the two preceding pages are together with the plan annexed signed by the said Mrs. Isabel Katherine Young or Henderson at Perth on the Sixteenth day of February, Nineteen hundred and seventy seven before these witnesses Donald Pringle McDonald, W.S. and Jeanne Gray Smith, Secretary, both of Ten Blackfriars Street, Perth.

Jc.

*D. McDonald Wilson*

*Isabel K. Henderson*

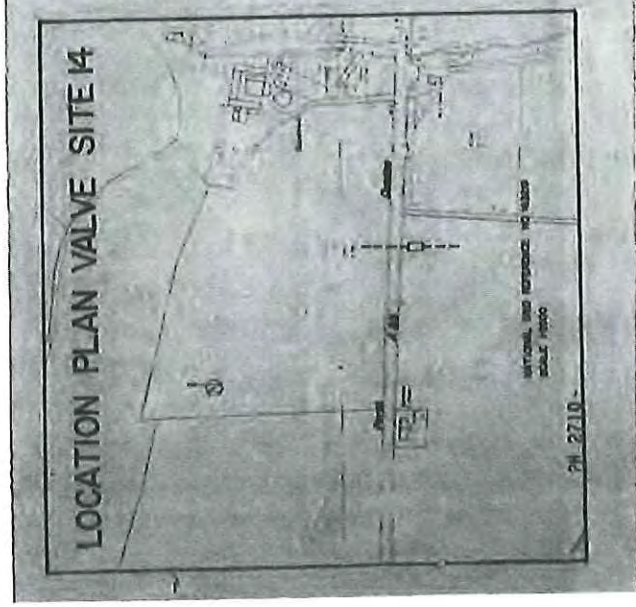
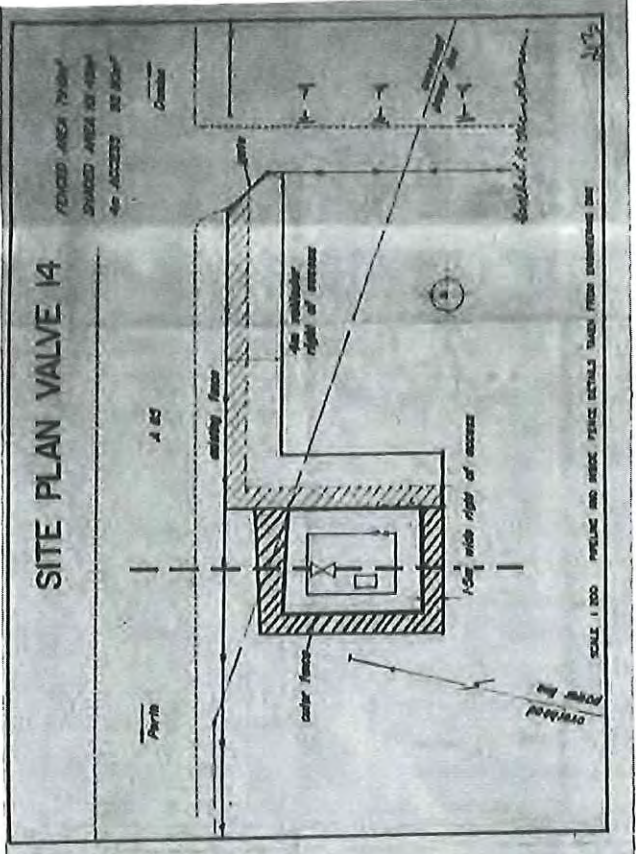
*Jeanne G. Smith, W.S.*

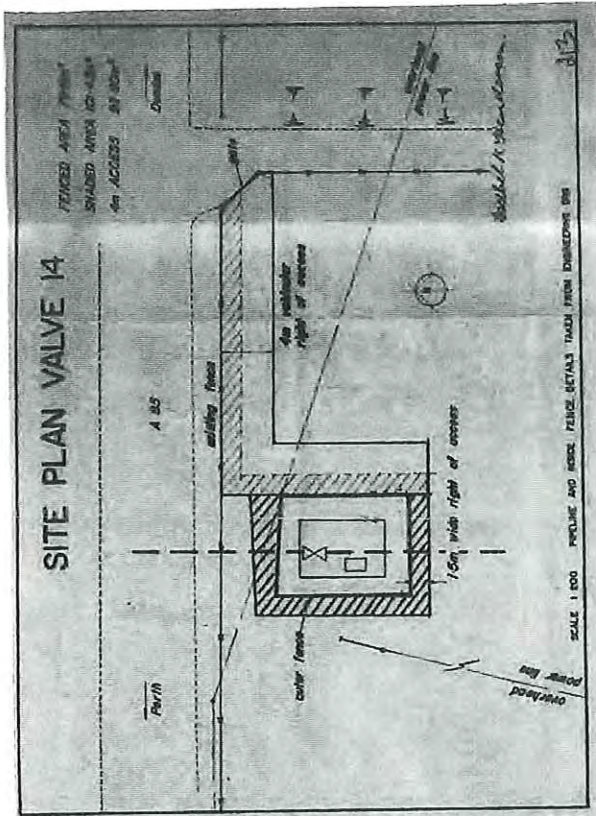
REGISTER on behalf of the within named BP OIL DEVELOPMENT LIMITED  
in the REGISTER of the COUNTY of PERTH.

*W. J. Smith & Co.*  
Solicitors, Glasgow, Agents.

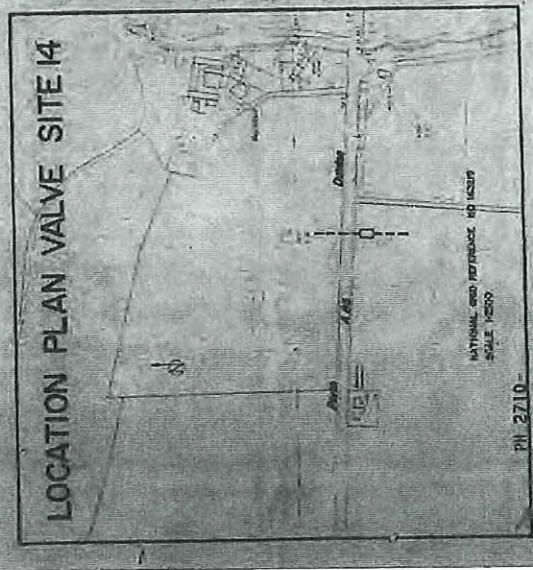
PH 2710

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SCALE 1:500 PEOPLE AND ROAD FENCE SET/AS TAKEN FROM ENGINEERS DRG



[REDACTED]

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**From:** [REDACTED]  
**Sent:** 11 December 2018 14:06  
**To:** [REDACTED]  
**Subject:** FW: A90 Kinfauns Interchange  
**Attachments:** A.pdf; Gate.pdf

**Tracking:**                      **Recipient**                      **Read**  
   [REDACTED]                      Read: 11/12/2018 14:07

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**From:** [REDACTED]  
**Sent:** 30 October 2018 14:03  
**To:** [REDACTED]  
**Subject:** RE: A90 Kinfauns Interchange

[REDACTED]

Firstly many thanks for your email and documents, they are very useful. I have a further query on this that I would appreciate your view on.

The two attachments provide details of the same location. "A" being an excerpt from the 2005 Side Roads Order and I have highlighted the location (red circle) relative to Access 9 which is the stopped up access referred to in Part 4 of the Order. "Gate" is the title plan for the pipeline value site and again I have highlighted this same location with a red circle.

My query is if the specific access into field via the location circled would be in any way affected by the stopping up of Access 9 above. Our interpretation is that the stopping up is purely to prevent vehicles accessing the private road to [REDACTED] from the A90 and does not affect, in any way, access to the location circled in red on the plans. It is suggested by others that the stopping up at Access 9 thus prohibits us accessing this specific access to the field. We disagree hence our query.

Grateful for your comment.

Thanks & Regards

[REDACTED] | INEOS FPS Limited | FPS Wayleaves Management | [REDACTED]  
[REDACTED]

INEOS FPS Limited, Antonine House, PO Box 21746, Callendar Business Park, Callendar Road, Falkirk FK1 1XR

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**From:** [REDACTED]  
**Sent:** 29 October 2018 18:14  
**To:** [REDACTED]  
**Subject:** A90 Kinfauns Interchange

ATTENTION: This is an External message.  
Do not open attachments or click on links unless you recognize the sender and know the content is safe.

Had to resend this as the land reference plan fell off twice

[REDACTED]

(Apologies for not getting in touch sooner. I was trying to locate a summary piece I did on this, examining all available titles but the information I pulled together just now basically confirms the position as I understand it)

Further to our earlier discussion, in order to facilitate safety on the Trunk Road, direct access to the carriageway from [REDACTED] was removed by virtue of SI 2005 No 236. Stopping up of access No 9 refers.

In acquiring the land for construction, Plot 9 of the attached Land Reference Plan was acquired by agreement with the then owners, [REDACTED]. The area was required to tie-in the new side road and thus provide alternative access.

On completion of the Scheme the area in question was conveyed back to the previous owners, with ".....the subjects hereby disposed are so disposed always with and under (a) all existing servitudes, wayleaves and others howsoever constituted and (b) the servitude set out in part I of the schedule annexed and signed as relative hereto subject to the servitude condition set out in Part 2 of the said schedule;...."

A quick update of the Scottish Ministers title PTH28900 from 2016 shows this area to be excepted.

As we only ever acquired Plot 9, any pre-existing servitudes, wayleaves and others howsoever constituted (as referred to in the above disposition) still subsist over the remainder of the access track in that area. This includes where the pipelines cross the track and also any pre-existing right to access the pump-house to Valve No 14 as shown on the attached.

I hope this is of use.

If you wish to discuss the matter further then please feel free to get in touch

Regards,

[REDACTED]  
Project Administrator  
Design Team  
Major Transport Infrastructure Projects  
Transport Scotland  
Buchanan House  
58 Port Dundas Road  
Glasgow