

[REDACTED]

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;...."



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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

SCOTTISH STATUTORY INSTRUMENTS

2005 No 236

ROADS AND BRIDGES

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

Made

22nd 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(c) 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.

(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 I 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

22nd 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.

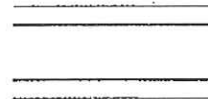
THE M90/A90 TRUNK ROAD
(KINFAUNS INTERCHANGE)
(SIDE ROADS) ORDER 2005

SITE PLAN _____ 1:2,500

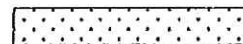
THIS PLAN DOES NOT SHOW WIDTHS OR CONSTRUCTION DETAILS

LEGEND

NEW TRUNK ROAD _____



NEW SIDE ROAD _____



ROAD TO BE IMPROVED _____



ROAD TO BE STOPPED UP _____



ASSOCIATED ROAD PROPOSALS _____
(SHARED USE FOOTWAY/CYCLEWAY)

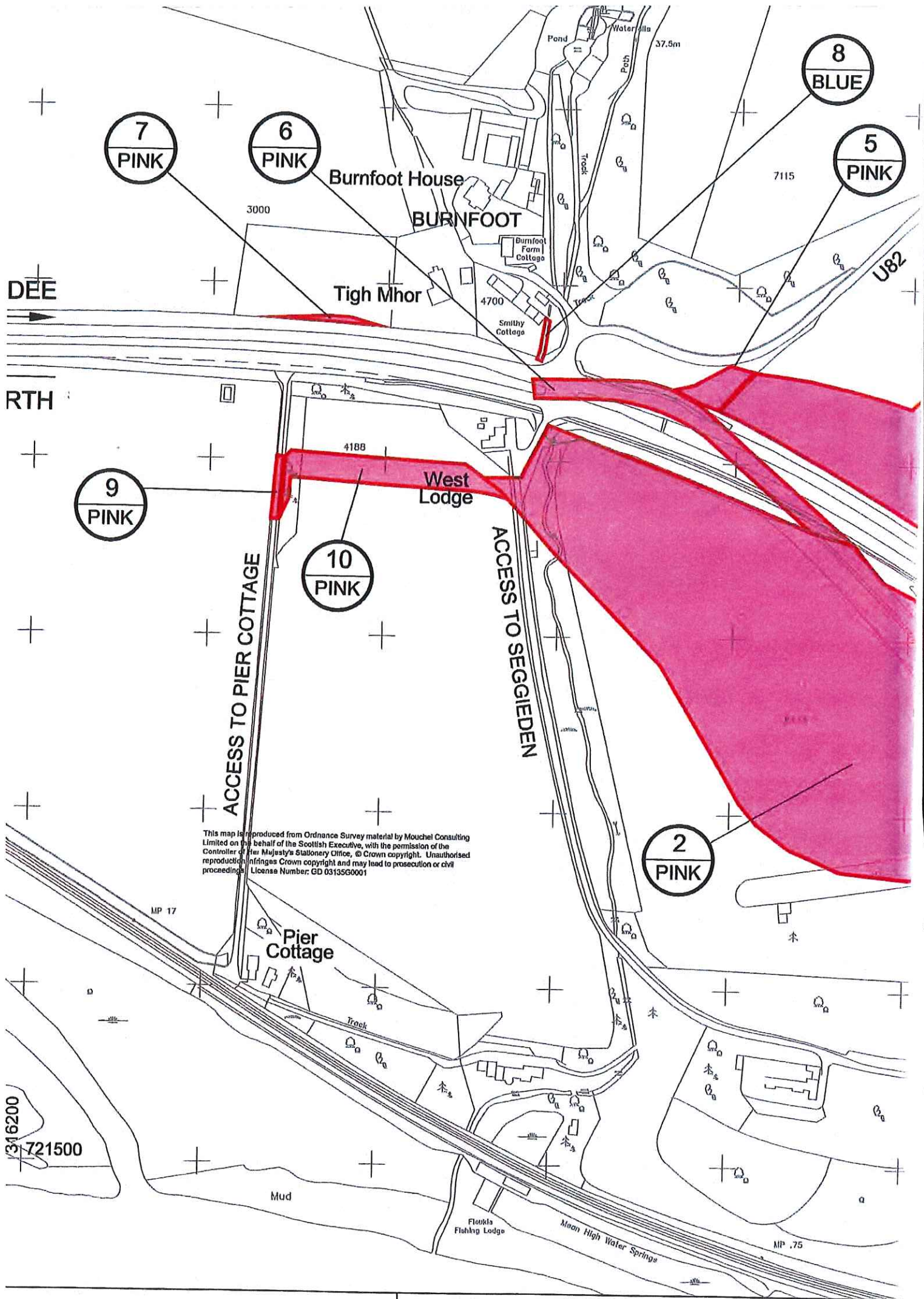


Plan Folio No: RYC/PK2/3
contains Plan No.1

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



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FAS 6423KK

DISPOSITION

by

THE SCOTTISH MINISTERS

in favour of

MRS NINA DRUMMOND-HAY or BOWRY AND OTHERS

as Trustees of

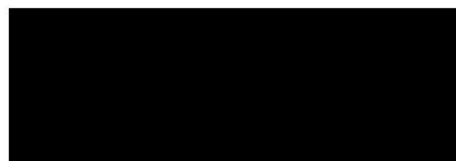
MAJOR JAMES DRUMMOND-HAY

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 Woodsford 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 6th February 2009 by Ainslie Crichton McLaughlin, Director, Trips, before this witness, Fred Paul O'Hara, c/o Transport Scotland, Buchanan House, Glasgow



(1)



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.