

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

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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,

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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[REDACTED]

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**From:** [REDACTED]  
**Sent:** 11 December 2018 14:07  
**To:** [REDACTED]  
**Subject:** FW: A90 Kinfauns Interchange

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

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**From:** [REDACTED]  
**Sent:** 12 November 2018 09:44  
**To:** [REDACTED]  
**Subject:** RE: A90 Kinfauns Interchange

[REDACTED]

Once again, many thanks for your assistance on this matter. Much appreciated.

Regards  
[REDACTED]

[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:** 08 November 2018 10:40  
**To:** [REDACTED]  
**Subject:** RE: A90 Kinfauns Interchange

ATTENTION: This is an External message.  
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Good afternoon [REDACTED]

Apologies for the delay in replying.

I can confirm that the Stopping up of access No. 9 as per the Side Roads Order (your attached highlighted sketch refers) was to remove the direct the private means of access from [REDACTED] to the Trunk Road.

Had the Orders intended to remove any private right of access to the installation known as Valve 14 within the field enclosure in question then this would have been shown on the drawing with a separate "black bar" across its frontage, as per the legend ingiven with Side Roads Orders, in accordance with the Roads (Scotland) Act of 1984.



In doing so, we would also have needed to include a separate entry and detailed description within the text of the Schedule of that particular Order. (i.e. "The stopping up of that private means of access to the installation known as Valve Pump 14 as shown by the solid black bar numbered x, on drawing numbered x of x, etc")

Had the above actually occurred then we would also have needed to replace the existing right of access with an additional, suitable, alternative access prior to any physical "stopping up". This is a requirement of the Act.

As it is – none of this ever happened.

The access strategy in the design of the Scheme and by the implementation of Statutory Powers afforded by the Orders as published still allows for the continuing owners/ custodians of the Valve House to travel back up the private means of access (formerly to [REDACTED]) to the point where that particular access is stopped up against the Trunk Road carriageway.

The "stopping up" does not extend to the gate of the access track known as Valve 14 and nor was it ever intended to do so.

Coupled with this, with the conveyance of the land (described below) to the former owners, all prior rights for continued usage of the track up to the edge of the Trunk Road carriageway still subsist today. This extends not only to yourselves but also to any adjoining properties/ field enclosures along the rest of the track to [REDACTED] that were not included within the Side Roads Order for "stopping up of private means of access".

I trust this is of assistance.

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*

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

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]

[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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Regards,

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Design Team  
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Transport Scotland  
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Dh'fhaodadh gum bi teachdaireachd sam bith bho Riaghaltas na h-Alba air a chlàradh neo air a sgrùdadh airson dearbhadh gu bheil an siostam ag obair gu h-èifeachdach neo airson adhbhar laghail eile.

Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann ri beachdan Riaghaltas na h-Alba.

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