

**THE M9/A90/M90 TRUNK ROAD (BALMEDIE TO TIPPERTY)
COMPULSORY PURCHASE (NO. 2) ORDER 2012**

Made


1 March 2012

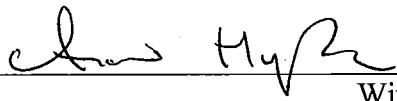
The Roads (Scotland) Act 1984 and the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947.

The Scottish Ministers (hereinafter referred to as “the acquiring authority”) in exercise of the powers conferred by sections 103 to 108 inclusive as read with section 110(2) of the Roads (Scotland) Act 1984 hereby make the following compulsory purchase order—

1. This Order may be cited as the The M9/A90/M90 Trunk Road (Balmedie to Tippetty) Compulsory Purchase (No. 2) Order 2012.
2. Subject to the provisions of this Order, the acquiring authority are hereby authorised to purchase compulsorily for the purpose of constructing a new section of the M9/A90/M90 Edinburgh – Fraserburgh Trunk Road at and between Balmedie and Tippetty, both Aberdeenshire, as a trunk road, the land which is described in the Schedule hereto and is delineated in red and coloured pink on the map signed with reference to this Order and marked “Map referred to in the The M9/A90/M90 Trunk Road (Balmedie to Tippetty) Compulsory Purchase (No. 2) Order 2012”, a duplicate of which map is ingiven in terms of section 48 of the Conveyancing (Scotland) Act 1924.
3. In relation to the foregoing purchase section 70 of the Railways Clauses Consolidation (Scotland) Act 1845 and sections 71 to 78 of that Act as originally enacted and not as amended for certain purposes by section 15 of the Mines (Working Facilities and Support) Act 1923 are hereby incorporated with the enactment under which the said purchase is authorised, subject to the modifications that references in the said sections to the company shall be construed as references to the acquiring authority and references to the railway or works shall be construed as references to the land authorised to be purchased and any building or works constructed or to be constructed thereon.
4. For the purpose of the said section 71 of the Railways Clauses Consolidation (Scotland) Act 1845, as incorporated in this Order, the prescribed distance in relation to any seam of minerals lying under land adjoining the works to be constructed upon the land described in the Schedule hereto shall be such a lateral distance from the said works on every side thereof as is equal at every point along the said works to one half of the depth of the seam below the natural surface of the ground at that point or 37 metres (40 yards), whichever is the greater.

Subscribed by Ainslie Crichton McLaughlin, Director of Major Transport Infrastructure Projects, being an officer of the Scottish Ministers at Glasgow on the First day of March Two Thousand and Twelve, before the witness Andrew John Hynds, Civil Servant, Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF


A C McLaughlin


Witness

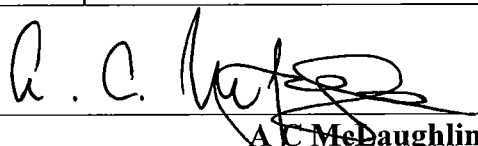
This is the Schedule referred to in the foregoing M9/A90/M90 Trunk Road (Balmedie to Tippetty) Compulsory Purchase (No. 2) Order 2012.

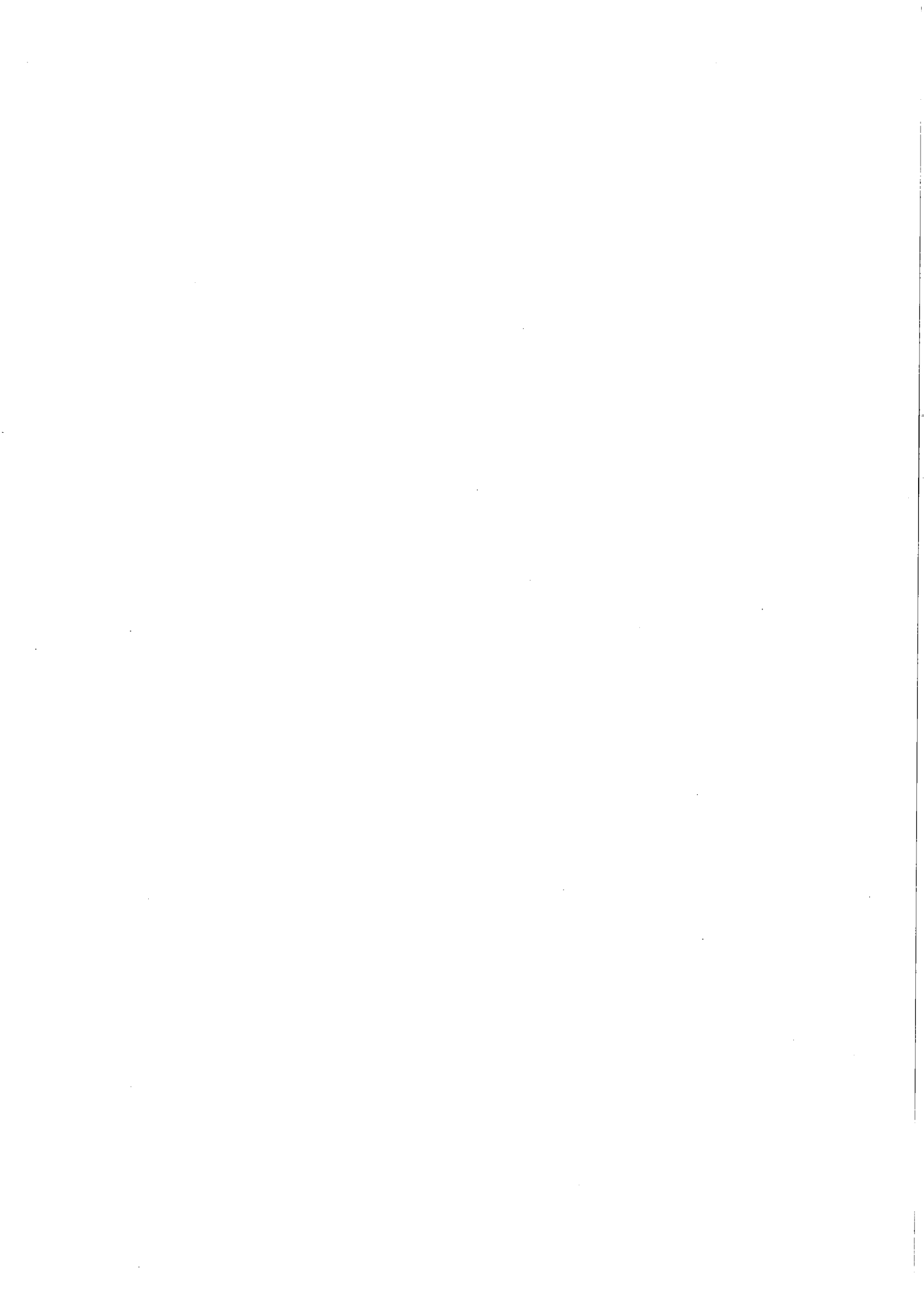
SCHEDULE

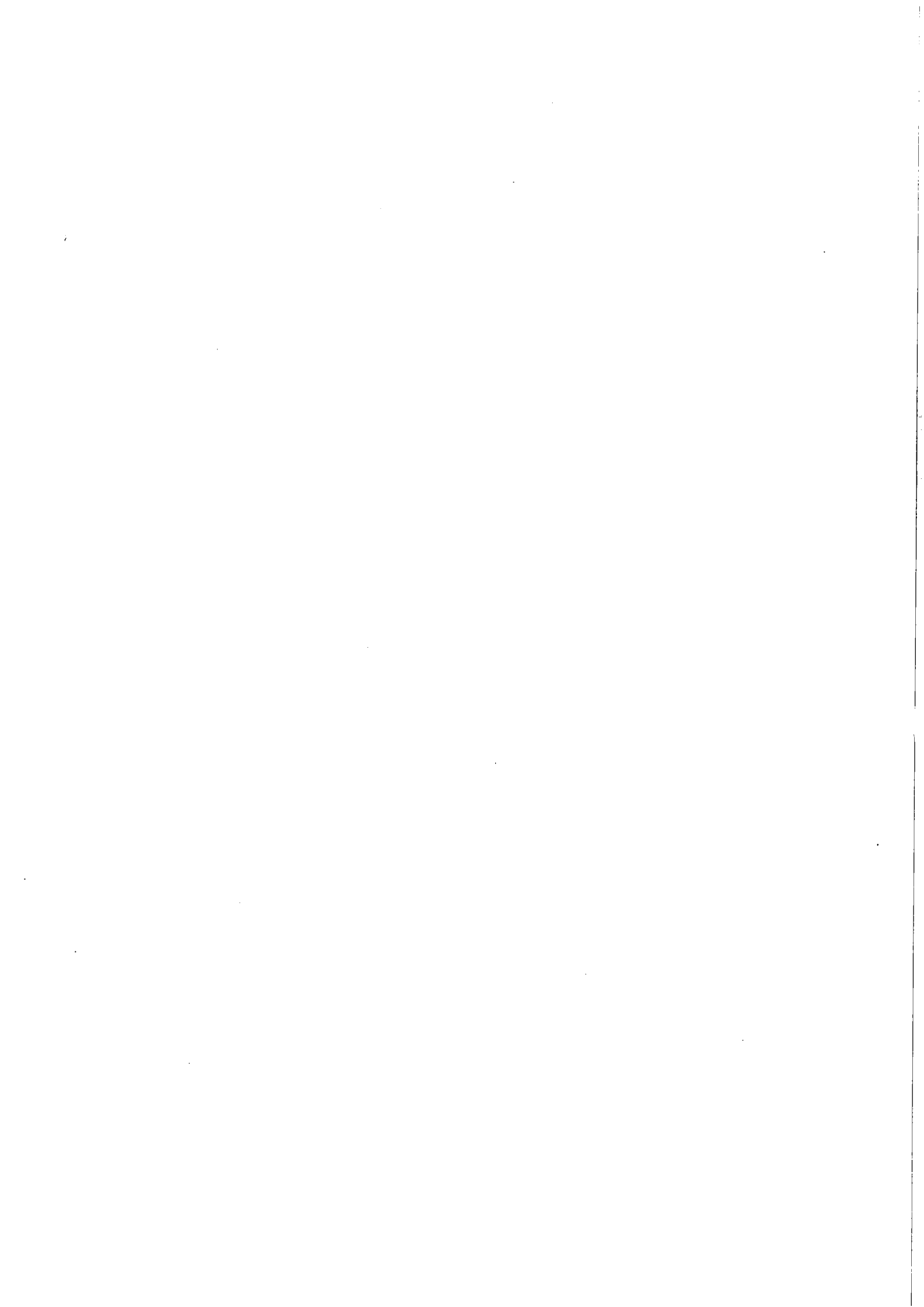
In this Schedule:-

1. All the land described lies in the county of Aberdeen.
2. The "A90" means that part of the M9/A90/M90 Edinburgh - Fraserburgh Trunk Road at and between Wester Hatton and Tippetty, both Aberdeenshire.
3. Where all or part of a plot forms part of a title or titles registered in the Land Register of Scotland, the Land Register of Scotland Title Number is given at the end of the description.
4. The number of the individual sheet (hereinafter referred to as "CPO Sheet") within the said map on which the plot is shown is given at the end of the description.

Number on Map	Description of the land or the servitude right	Owners	Lessees and Occupiers
141	551 square metres or thereby of private access track lying to the west of the A90 and south of the former East Aberdeenshire Golf Club, Balmedie, Aberdeenshire. CPO Sheet 1 of 1	D A Watson and S Watson, Millden Farm, Balmedie, Aberdeenshire AB23 8YY	1. <u>Benefited Proprietor Access Rights:</u> S Eagle and C J Eagle, Millden Farm, Balmedie, Aberdeenshire AB23 8YY
142	287 square metres or thereby of private access track lying to the west of the A90 and south of the former East Aberdeenshire Golf Club, Balmedie, Aberdeenshire. CPO Sheet 1 of 1	D A Watson and S Watson, Millden Farm, Balmedie, Aberdeenshire, AB23 8YY	1. <u>Benefited Proprietor Access Rights:</u> S Eagle and C J Eagle, Millden Farm, Balmedie, Aberdeenshire AB23 8YY 2. <u>Benefited Proprietor Access Rights:</u> D A McKnockiter and J McKnockiter Jandel Balmedie AB23 8YY


 A.C. McDaughlin





Roads (Scotland) Act 1984

Acquisition of Land (Authorisation
Procedure) (Scotland) Act 1947

The M9/A90/M90 Trunk Road (Balmedie
to Tipperty)
Compulsory Purchase (No. 2) Order 2012

Land in the County of Aberdeen for the
M9/A90/M90 Trunk Road (Balmedie to
Tipperty)

2012

Solicitor to the
Scottish Government
Victoria Quay
Edinburgh
EH6 6QQ

Transport Scotland
Ref: A90 Balmedie to Tipperty : Orders
2005-