

**THE M9/A9 TRUNK ROAD (BERRIEDALE BRAES IMPROVEMENT)
COMPULSORY PURCHASE ORDER 2017**

Made

14th March 2017

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 M9/A9 Trunk Road (Berriedale Braes Improvement) Compulsory Purchase Order 2017.

2. Subject to the provisions of this Order, the acquiring authority are hereby authorised to purchase compulsorily for the purpose of improving and constructing a new length of the M9/A9 Edinburgh – Stirling - Thurso Trunk Road at the Berriedale Braes hairpin bend, north of Berriedale village, Caithness the land and servitude rights which are described in the Schedule hereto and are delineated in red and coloured pink and blue respectively on the map signed with reference to this Order and marked “Map referred to in the M9/A9 Trunk Road (Berriedale Braes Improvement) Compulsory Purchase Order 2017”, a duplicate of which map is in given in terms of section 48 of the Conveyancing (Scotland) Act 1924.

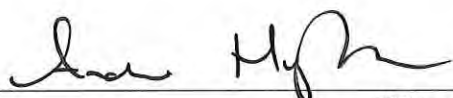
3. In relation to the foregoing purchase section 70 of the Railways Clauses Consolidation (Scotland) Act 1845 and sections 71 to 78 of that Act as originally enacted and not as amended for certain purposes by section 15 of the Mines (Working Facilities and Support) Act 1923 are hereby incorporated with the enactment under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 Michelle Frances Rennie, Director of Major Transport Infrastructure Projects, being an officer of the Scottish Ministers at Glasgow on the Fourteenth Day of March Two Thousand and Seventeen, before the witness Andrew John Hynds, Civil Servant, Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF.



M F Rennie



Witness

This is the Schedule referred to in the foregoing M9/A9 Trunk Road (Berriedale Braes Improvements) Compulsory Purchase Order 2017.

SCHEDULE

In this Schedule:-

1. All the land described is situated in the County of Caithness.
2. The “trunk road” means that part of the existing M9/A9 Edinburgh – Stirling - Thurso Trunk Road at the Berriedale Braes hairpin bend, east of Berriedale village, Caithness, KW7.
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.

Number on Map	Description of the land or servitude right	Owners	Lessees and Occupiers
01	3,994 square metres or thereby consisting of the verge, layby and solum of the trunk road and scrub lying to the east and north east of Berriedale village, Berriedale, Caithness, KW7	Unknown	Occupied by the Scottish Ministers as roads authority
02	788 square metres or thereby of scrub land and embankment lying to the west of the trunk road and property known as and shown on the map as The White House, Berriedale, Caithness, KW7	The Welbeck Estates Company (Title) Limited (co. no. 02055129) Portland Estate Office Cavendish House Welbeck Worksop Nottinghamshire S80 3LL	
03	204 square metres or thereby consisting of the solum and verge of the trunk road to the west of the property known as and shown on the map as White House , Berriedale, Caithness, KW7	Executors of Nigel Cameron Gunn and Mary MacAdam or Gunn The White House Berriedale KW7 6HA	Occupied by the Scottish Ministers as roads authority

Number on Map	Description of the land or servitude right	Owners	Lessees and Occupiers
04	17,600 square metres or thereby of grazing land to the east of the trunk road and to the west of Berriedale cliffs, Berriedale, Caithness, KW7	The Welbeck Estates Company Limited (co. no. 00689754) Portland Estate Office Cavendish House Welbeck Worksop Nottinghamshire S80 3LL	Welbeck Scottish Farms Limited (co. no. 07197311) Portland Estate Office Cavendish House Welbeck Worksop Nottinghamshire S80 3LL
05	82 square metres or thereby of the solum of the trunk road lying to the east of the existing layby on the trunk road and to the west of the cemetery, Berriedale, Caithness, KW7	Unknown	Occupied by the Scottish Ministers as roads authority
06	154 square metres or thereby of the stairs and access track to the cemetery lying to the east of the existing layby and to the west and north west of the cemetery, Berriedale, Caithness, KW7	Unknown	Unknown

Number on Map	Description of the land or servitude right	Owners	Lessees and Occupiers
07	6,417 square metres or thereby of mixed woodland to the north of Berriedale Water, to the south east of Berriedale village and to the south of the cemetery, Berriedale, Caithness, KW7	The Welbeck Estates Company Limited (co. no. 00689754) Portland Estate Office Cavendish House Welbeck Worksop Nottinghamshire S80 3LL	<p><u>Benefited Proprietor – Access Rights Only</u> 1. Landmark Trustee Company Limited (co. no. 02384569) Shottesbrooke Maidenhead Berkshire SL6 3SW</p> <p>Land Register of Scotland Title Number CTH3894</p> <p><u>Benefited Proprietor – Access Rights Only</u> 2. Alexander Thomas Johnston and Wilhelmina Johnston, Fernbank 7a Inshes Holdings Inverness IV2 5BA</p> <p>Land Register of Scotland Title Number CTH5444</p> <p><u>Benefited Proprietor – Access Rights Only</u> 3. The Welbeck Estates Company (Title) Limited (co. no. 02055129) Portland Estate Office Cavendish House Welbeck Worksop Nottinghamshire S80 3LL</p>
08	803 square metres or thereby consisting of woodland and grass verge on the inside of the existing hairpin bend, Berriedale, Caithness, KW7	The Welbeck Estates Company (Title) Limited (co. no. 02055129) Portland Estate Office Cavendish House Welbeck Worksop Nottinghamshire S80 3LL	Occupied by the Scottish Ministers as roads authority

Number on Map	Description of the land or servitude right	Owners	Lessees and Occupiers
09	6,626 square metres or thereby of mixed woodland to the north of Berriedale Water and to the south east of Berriedale village, Berriedale, Caithness, KW7	The Welbeck Estates Company (Title) Limited (co. no. 02055129) Portland Estate Office Cavendish House Welbeck Worksop Nottinghamshire S80 3LL	
10	<p>For the purpose of the following servitude right the following subjects are hereby nominated and identified as, and in the description referred to as, the benefited property:-</p> <p>The Plot numbered 09 more particularly described in this Schedule.</p> <p>A heritable and irredeemable servitude over 31 square metres or thereby of gorse land and the bed and banks of the Berriedale Water and lying to the east of the new bridge, Berriedale, Caithness, KW7 (which subjects are, for the purposes of this servitude right, hereby nominated and identified as, and hereinafter in this description referred to as, the “burdened property”) to (a) drain road and other drainage from the benefited property in, over and through the burdened property and to be carried away by the said Berriedale Water (b) enter the burdened property for the purpose of laying down, maintaining, improving or renewing</p>	The Welbeck Estates Company (Title) Limited (co. no. 02055129) Portland Estate Office Cavendish House Welbeck Worksop Nottinghamshire S80 3LL	

Number on Map	Description of the land or servitude right	Owners	Lessees and Occupiers
	<p>drainage pipes, conduits and apparatus to convey road and other drainage from the benefited property in, over and through the burdened property and to be carried away by the said Berriedale Water on a line at the discretion of the acquiring authority or their successors as proprietors of the benefited property and (c) take pedestrian and vehicular access from the benefited property over, through and across the burdened property for the purpose of laying, inspecting, repairing, maintaining, improving and replacing the road and other drainage laid or to be laid within the burdened property all for purposes connected with constructing the new length of the M9/A9 Edinburgh – Stirling – Thurso – Trunk Road at Berriedale Braes.</p>		

Number on Map	Description of the land or servitude right	Owners	Lessees and Occupiers
11	163 square metres or thereby consisting of verge of the trunk road, lying to the west and north of the property known as and shown on the map as The White House, Berriedale, Caithness, KW7	The Welbeck Estates Company Limited (co. no. 00689754) Portland Estate Office Cavendish House Welbeck Worksop Nottinghamshire S80 3LL	Occupied by the Scottish Ministers as roads authority



Roads (Scotland) Act 1984

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

The M9/A9 Trunk Road
(Berriedale Braes Improvement)
Compulsory Purchase Order 2017

2017

Scottish Government Legal Directorate
Victoria Quay
Edinburgh
EH6 6QQ

Transport Scotland Ref: M9/A9 Trunk Road
(Berriedale Braes Improvement) Compulsory
Purchase Order 2017