

WARNING

If in doubt about the effect of this Notice, consult the Acquiring Authority or a Solicitor.

ROADS (SCOTLAND) ACT 1984

ACQUISITION OF LAND (AUTHORISATION PROCEDURE) (SCOTLAND) ACT 1947

THE A985 TRUNK ROAD (KINCARDINE BRIDGE SOUTHERN PILED VIADUCT REFURBISHMENT) COMPULSORY PURCHASE ORDER 2021

To: The Owner

Of: Plot 1

1. Notice is hereby given that the Scottish Ministers (herein referred to as “the acquiring authority”), in exercise of the powers conferred by sections 103 to 108 inclusive of the Roads (Scotland) Act 1984 as read with section 110(2) of that Act, have made a Compulsory Purchase Order entitled “The A985 Trunk Road (Kincardine Bridge Southern Piled Viaduct Refurbishment) Compulsory Purchase Order 2021”.

2. The Order as made provides for the purchase of the land described in the schedule hereto, for the purpose of replacing a wall required for the purpose to facilitate the demolition and reconstruction of the southern piled viaduct on that length of the A985 Kincardine to Rosyth Trunk Road on the Kincardine Bridge.

3. In accordance with the Coronavirus (Scotland) Act 2020, Schedule 6, Part 3, paragraph 9, the Order and Plans will not be available for inspection at public display locations. A copy of the Order and Plans can be viewed on the Transport Scotland Website: <https://www.transport.gov.scot/transport-network/roads/bridges-and-structures/a985-kincardine-bridge/#61983>. Details of the scheme will also be posted on the Transport Scotland facebook and twitter pages.

4. The Order as made becomes operative on the Third day of August Two Thousand and Twenty-one being the date on which this notice is first published; but any person aggrieved by the Order may, in accordance with the provisions of paragraph 15 of the First schedule to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 as extended by section 60 of the Land Compensation (Scotland) Act 1973, by application to the Court of Session within 6 weeks from that date, question its validity on the grounds (i) that the authorisation granted by the Order is not empowered to be granted or (ii) that the applicant’s interests have been substantially prejudiced by failure to comply with any statutory requirement relating to the Order.

5. The acquiring authority may acquire the land to which this notice relates by making a general vesting declaration under section 195 of the Town and Country Planning (Scotland) Act 1997 (hereinafter referred to as “the Planning Act”). Such a declaration shall not be executed

before the end of the period of two months beginning with the date of the first publication of this notice except with the consent of every occupier of the land affected.

6. The effect of the making of such a declaration is to vest the land in the acquiring authority at the end of such period as may be specified in the declaration but which will be not less than twenty eight days from the date on which the service of notices required by paragraph 4 of Schedule 15 to the Planning Act is completed. These notices shall specify the land and state the effect of the declaration and shall be served on every occupier of any of the land specified in the declaration (other than land in which there subsists a short tenancy or a long tenancy which is about to expire as hereinafter defined) and on every other person who has given information to the acquiring authority with respect to any of the land to which this notice relates in pursuance of the invitation published and included in this notice.

7. The effect of a general vesting declaration is as follows:—

At the end of the aforesaid period specified in the declaration the land specified in the declaration, together with the right to enter upon and take possession of it, shall vest in the acquiring authority and on being registered in the Land Register of Scotland the declaration shall have the same effect as a conveyance registered in accordance with section 80 of the Lands Clauses Consolidation (Scotland) Act 1845. Also on the date of vesting, the Acts providing for compensation shall apply as if, on the date on which the declaration was made, a notice to treat had been served on every person on whom, under section 17 of the said Act of 1845, the acquiring authority could have served such a notice (other than any person entitled to an interest in the land in respect of which such a notice had actually been served before the date of vesting and any person entitled to a short tenancy or a long tenancy which is about to expire).

8. Where any land specified in the declaration is land in which there subsists a short tenancy or a long tenancy which is about to expire the right of entry shall not be exercisable in respect of that land unless, after serving notice to treat in respect of that tenancy, the acquiring authority has served on every occupier of any land in which the tenancy subsists a notice stating that, at the end of such period as is specified in the notice (not being less than fourteen days) from the date on which the notice is served, they intend to enter upon and take possession of such land as is specified in the notice, and that period has expired. The vesting of the land in the acquiring authority shall be subject to the tenancy until that period expires or the tenancy comes to an end whichever first occurs.

9. Paragraph 38 of Schedule 15 to the Planning Act defines “short tenancy” and “long tenancy which is about to expire” as follows:—

“Short tenancy” means a tenancy for a year or from year to year or any lesser interest and “long tenancy which is about to expire”, in relation to a general vesting declaration, means a tenancy granted for an interest greater than a short tenancy, but having at the date of the declaration a period still to run which is not more than the specified period (that is to say, such period longer than one year as may be specified in the declaration in relation to the land in which the tenancy subsists).

In determining what period a tenancy still has to run at the date of a general vesting declaration it shall be assumed—

- (a) that the tenant will exercise any option to renew the tenancy and will not exercise any option to terminate the tenancy then or thereafter available to the tenant; and
- (b) that the landlord will exercise any option to terminate the tenancy then or thereafter available to the tenant.

10. Persons entitled to claim compensation in respect of any interest in the land in respect of which a notice to treat has not been given are invited to give information with respect to their name and address and the land and their interest therein on the prescribed form (Form 9) a copy of which is sent with notice.

Dated this Twenty-ninth day of July Two Thousand and Twenty-one.

A handwritten signature in black ink that reads "Hugh O'Brien". The signature is written in a cursive style with a large, looped initial 'H'.

A member of staff of the Scottish Ministers

Transport Scotland
Roads Directorate
Buchanan House
GLASGOW
G4 0HF
29 July 2021

This is the schedule referred to in the foregoing Notice relating to the A985 Trunk Road (Kincardine Bridge Southern Piled Viaduct Refurbishment) Compulsory Purchase Order 2021.

SCHEDULE

In this schedule the plot references and areas referred to below correspond to those given in the schedule and the map annexed to the A985 Trunk Road (Kincardine Bridge Southern Piled Viaduct Refurbishment) Compulsory Purchase Order 2021

Plot No.	Land of the County of Stirling
1	668 square metres or thereby of saltmarsh south of the A985, Kincardine Bridge, 314 metres or thereby south-west of the Kincardine Bridge mid-span.