

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

**The A90 (Aberdeen Western Peripheral Route) Special Road  
(Extinguishment of Public Rights of Way) Order 2010**

*Made* - - - - - *11th March 2010*  
*Coming into force* - - - - - *31st March 2010*

The Scottish Ministers make the following Order in exercise of the powers conferred by section 3 of the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947(a) and all other powers enabling them to do so.

In accordance with section 3(1) of that Act, they are satisfied that suitable alternative rights of way will be provided, or that the provision of an alternative right of way is not required.

They have complied with all other provisions of section 3 of that Act.

**Citation, commencement and interpretation**

1.- (1) This Order may be cited as the A90 (Aberdeen Western Peripheral Route) Special Road (Extinguishment of Public Rights of Way) Order 2010 and comes into force on the 28th day after the day on which the A90 (Aberdeen Western Peripheral Route) Special Road Scheme 2010(b) is approved by resolution of the Scottish Parliament.

(2) In this Order “the plan folio” means the plan folio numbered RYC/G109/13/0751 and entitled “The A90 (Aberdeen Western Peripheral Route) Special Road (Extinguishment of Public Rights of Way) Order 2010”, signed with reference to this Order and deposited at the offices of Transport Scotland, Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF.

**Extinguishment of public right of way**

2. The extinguishment of the public rights of way described in Schedule 1 are hereby ordered when the related new public rights of way, which the Scottish Ministers consider are suitable alternatives, described in Schedule 2 have been provided.

3. The extinguishment of the public right of way described in Schedule 3 is hereby ordered for which the provision of an alternative public right of way is not required.

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(a) 1947 c.42. Section 3 was amended by the Town and Country Planning (Scotland) Act 1947 (c.53), Schedule 8; the Telecommunications Act 1984 (c.12), section 109, Schedule 4, paragraph 23, Schedule 5, paragraph 45; the Civil Aviation Act 1982 (c.16), Schedule 15, paragraph 2, and also by S.S.I. 1999/1820. 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) S.S.I. 2010/79.

**Statutory Undertakers**

4. Where immediately before the date on which the foregoing public rights of way are extinguished under this Order there is on, over or under those public rights of way any apparatus belonging to a statutory undertaker, such statutory undertaker's rights in respect of such apparatus shall be preserved.

Subscribed by Ainslie McLaughlin being an officer of the Scottish Ministers at Glasgow on the 11th day of March 2010 before this witness Fred O'Hara, Buchanan House, 58 Port Dundas Road, Glasgow G4 0HF.

A. C. McLaughlin

Fred O'Hara (witness)

# SCHEDULE 1

Article 2

## INTERPRETATION

In this Schedule –

“point A1” means the northern-most point of the existing building known as Birchville, Newmachar, Aberdeenshire, AB21 7XA;

“point A2” means a point located at the south-west corner of the existing building known as Pitmedden House, Dyce, Aberdeen, AB21 0HB;

“point A3” means the northern-most point of the existing building known as Bogenjoss House, Kirkhill Forest, Dyce, Aberdeen, AB21 0HE;

“point A4” means a point located at the south-west corner of the existing building known as Chapel Works, Bucksburn, Aberdeen, AB21 9TL;

“point A5” means a point located at the south-east corner of the existing building known as Haywood Cottage, Kingswells, Aberdeen, AB15 8SD;

“point A6” means a point located at the north-east corner of the existing building known as Ardenlea, Kingswells, Aberdeen, AB15 8RT;

“point A7” means a point located at the north-west corner of the existing building known as Hillview House, Contlaw Road, , Milltimber, Aberdeen, AB13 0EQ; and

“point A8” means the eastern-most point of the existing building known as Station House, Station Road, Milltimber, Aberdeen, AB13 0AL.

## PUBLIC RIGHTS OF WAY TO BE EXTINGUISHED

1. The public right of way, not being a right of way enjoyable by vehicular traffic, from a point 780 metres or thereby west, north-west of point A1 in a generally easterly then east, north-easterly then southerly then easterly then southerly then south, south-easterly then east, south-easterly direction for a distance of 1.2 kilometres or thereby to a point 280 metres or thereby south of point A1 as shown by black and white hatching between points marked “point A” and “point B” and numbered “1” on plan ROW1 in the plan folio.
2. The public right of way, not being a right of way enjoyable by vehicular traffic, from a point 530 metres or thereby south, south-west of point A2 in a generally easterly then north-easterly then east, north-easterly, then east, south-easterly then easterly then east, north-easterly direction for a distance of 590 metres or thereby to a point 310 metres or thereby south-east of point A2 as shown by black and white hatching between points marked “point C” and “point D” and numbered “2” on plan ROW2 in the plan folio.
3. The public right of way, not being a right of way enjoyable by vehicular traffic, from a point 45 metres or thereby south of point A3 in a generally south-easterly then south, south-easterly direction for a distance of 255 metres or thereby to a point 290 metres or thereby south, south-east of point A3 as shown by black and white hatching between points marked “point E” and “point F” and numbered “3” on plan ROW3 in the plan folio.
4. The public right of way, not being a right of way enjoyable by vehicular traffic, from a point 205 metres or thereby east, north-east of point A4 in a generally easterly direction for a distance of 450 metres or thereby to a point 625 metres or thereby east of point A4 as shown by black and white

hatching between points marked “point G” and “point H” and numbered “4” on plan ROW4 in the plan folio.

5. The public right of way, not being a right of way enjoyable by vehicular traffic, from a point 430 metres or thereby west, north-west of point A5 in a generally easterly direction for a distance of 410 metres or thereby to a point 140 metres or thereby north of point A5 as shown by black and white hatching between points marked “point I” and “point J” and numbered “5” on plan ROW5 in the plan folio.
6. The public right of way, not being a right of way enjoyable by vehicular traffic, from a point 520 metres or thereby west, south-west of point A6 in a generally easterly then northerly then north, north westerly direction for a distance of 325 metres or thereby to a point 365 metres or thereby west, south-west of point A6 as shown by black and white hatching between points marked “point K” and “point L” and numbered “6” on plan ROW6 in the plan folio.
7. The public right of way, not being a right of way enjoyable by vehicular traffic, from a point 105 metres or thereby south-east of point A7 in a generally east, north-easterly direction for a distance of 115 metres or thereby to a point 180 metres or thereby east of point A7 as shown by black and white hatching between points marked “point M” and “point N” and numbered “7” on plan ROW 7 in the plan folio.
8. The public right of way, not being a right of way enjoyable by vehicular traffic, from a point 70 metres or thereby south-west of point A8 in a generally west, south-westerly direction for a distance of 230 metres or thereby to a point 295 metres or thereby west, south-west of point A8 as shown by black and white hatching between points marked “point O” and “point P” and numbered “8” on plan ROW8 in the plan folio.

## SCHEDULE 2

Article 2

### INTERPRETATION

In this Schedule “point A1”, “point A2”, “point A3”, “point A4”, “point A5”, “point A6”, “point A7” and “point A8” have the same meaning respectively as they have in Schedule 1.

### ALTERNATIVE RIGHTS OF WAY TO BE PROVIDED

1. An alternative right of way, not being a right of way enjoyable by vehicular traffic, will be provided from a point 780 metres or thereby west, north-west of point A1 in a generally west, south-westerly then south, south-westerly then south, south-easterly direction for a distance of 475 metres or thereby to a point 805 metres or thereby west of point A1 as shown by stipple between points marked “point S” and “point T” and numbered “10” on plan ROW1 in the plan folio.
2. The public right of way, not being a right of way enjoyable by vehicular traffic, from a point 535 metres or thereby south, south-west of point A2 in a generally northerly then north, north-easterly then northerly then north, north-easterly then east, south-easterly then north-easterly then east, north-easterly then north-easterly then east, north-easterly then south, south-easterly direction for a distance of 950 metres or thereby to a point 310 metres south-east of point A2 as shown by stipple between points marked “point U” and “point V” and numbered “11” on plan ROW2 in the plan folio.
3. An alternative right of way, not being a right of way enjoyable by vehicular traffic, will be provided from a point 30 metres or thereby south, south-west of point A3 in a generally south-easterly, then southerly then easterly then north-easterly direction for a distance of 480 metres or thereby to a point 300 metres or thereby south, south-east of point A3 as shown by stipple between points marked “point W” and “point X” and numbered “12” on plan ROW3 in the plan folio.
4. An alternative right of way, not being a right of way enjoyable by vehicular traffic, will be provided from a point 650 metres or thereby east of point A4 in a generally northerly direction for a distance of 160 metres or thereby to a point 640 metres or thereby east of point A4 as shown by stipple between points marked “point Y” and “point Z” and numbered “13” on plan ROW4 in the plan folio.
5. An alternative right of way, not being a right of way enjoyable by vehicular traffic, will be provided from a point 460 metres or thereby west, north-west of point A5 in a generally easterly then north-easterly then northerly then north, north-easterly direction for a distance of 200 metres or thereby to a point 460 metres or thereby north-west of point A5 as shown by stipple between points marked “point AA” and “point AB” and numbered “14” on plan ROW5 in the plan folio.
6. An alternative right of way, not being a right of way enjoyable by vehicular traffic, will be provided from a point 755 metres or thereby south of point A6 in a generally west, south-westerly then northerly then north, north-easterly then northerly direction for a distance of 1.01 kilometres or thereby to a point 365 metres or thereby west south-west of point A6 as shown by stipple between points marked “point AC” and “point AD” and numbered “15” on plan ROW6 in the plan folio.
7. An alternative right of way, not being a right of way enjoyable by vehicular traffic will be provided from a point 170 metres or thereby south-east of point A7, in a generally northerly then north-easterly then easterly direction for a distance of 145 metres or thereby to a point 230 metres or thereby east of point A7 as shown by stipple between points marked “point AE” and “point AF” and numbered “16” on plan ROW7 in the plan folio.
8. An alternative right of way, not being a right of way enjoyable by vehicular traffic, will be provided from a point 65 metres or thereby south-west of point A8 in a generally north-westerly

then westerly direction for a distance of 175 metres or thereby to a point 230 metres or thereby west, south-west of point A8 as shown by stipple between points marked "point AG" and "point AH" and numbered "17" on plan ROW8 in the plan folio.

## SCHEDULE 3

Article 3

### INTERPRETATION

In this Schedule “point A9” means a point located at the north-west corner of the existing building known as Forester’s Croft, Stonehaven, Aberdeenshire, AB39 3QA.

### PUBLIC RIGHT OF WAY TO BE EXTINGUISHED FOR WHICH AN ALTERNATIVE IS NOT REQUIRED

1. The public right of way, not being a right of way enjoyable by vehicular traffic, from a point 20 metres or thereby south, south-west of point A9 in a generally easterly then south-easterly then south, south-easterly then southerly, then west, south-westerly then west, north-westerly then west, south-westerly direction for a distance of 1.65 kilometres or thereby to a point 940 metres or thereby south of point A9 as shown by black and white hatching between points marked “point Q” and “point R” and numbered “9” on plan ROW9 in the plan folio.

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SCALE

KEY PLAN \_\_\_\_\_ 1:20,000  
ORDER PLAN : ROW1, ROW2, ROW3, ROW4,  
ROW5, ROW6, ROW7,  
ROW8, ROW9 \_\_\_\_\_ 1:2,500

LEGEND

ALTERNATIVE RIGHT OF WAY TO BE PROVIDED \_\_\_\_\_ 

RIGHT OF WAY TO BE EXTINGUISHED \_\_\_\_\_ 

ASSOCIATED ABERDEEN WESTERN PERIPHERAL ROUTE  
ROAD PROPOSALS \_\_\_\_\_ 

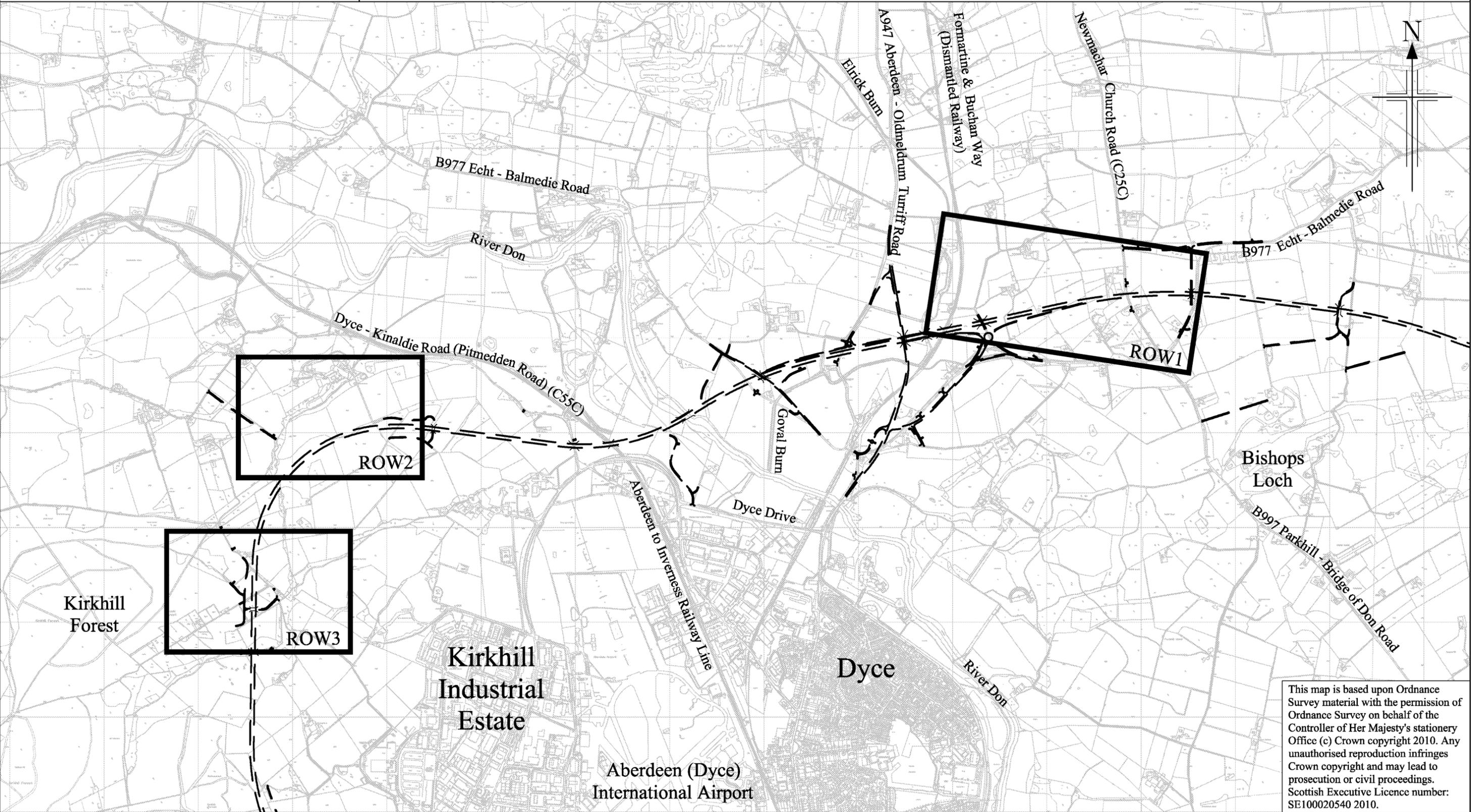


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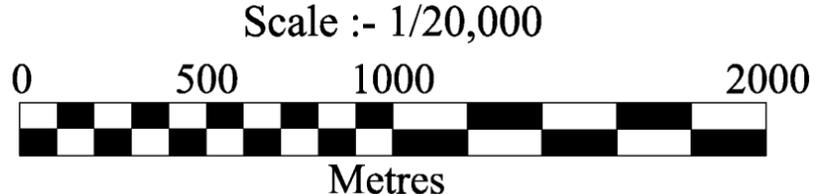
LEGEND

== == == == ASSOCIATED ABERDEEN WESTERN PERIPHERAL ROUTE ROAD PROPOSALS



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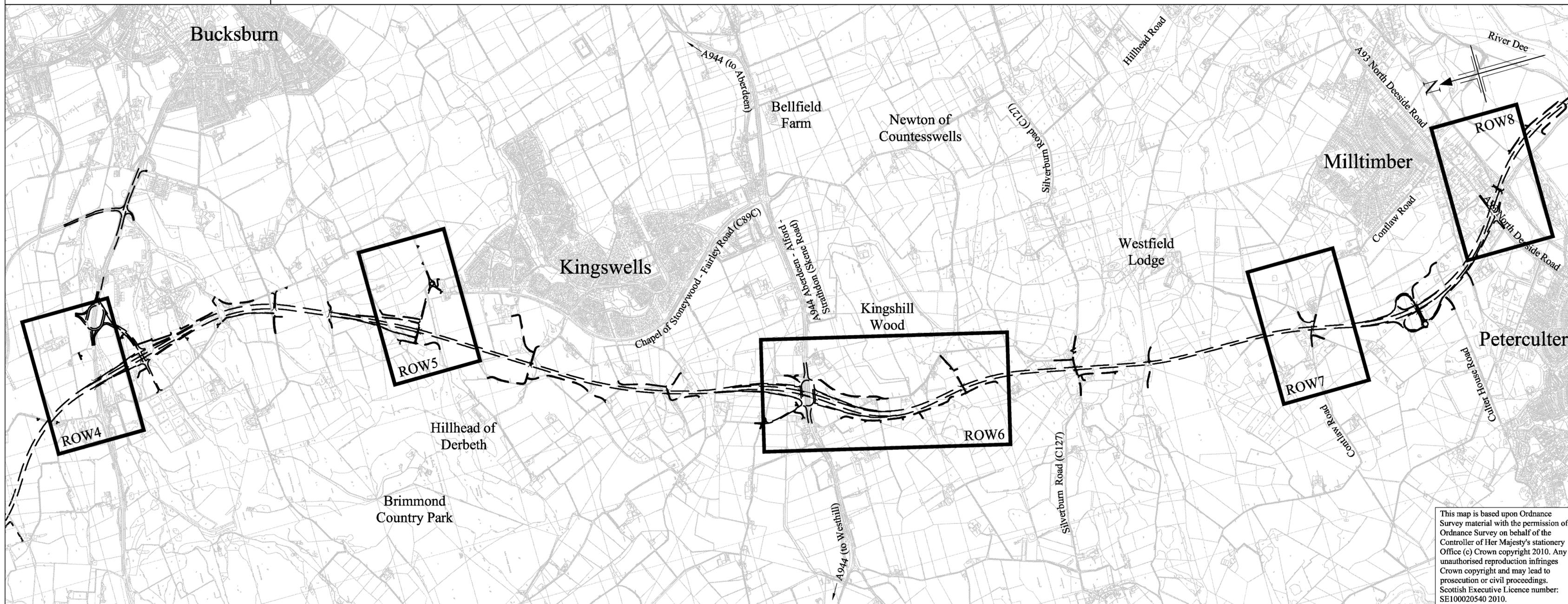
Key Plan Sheet 1 of 3



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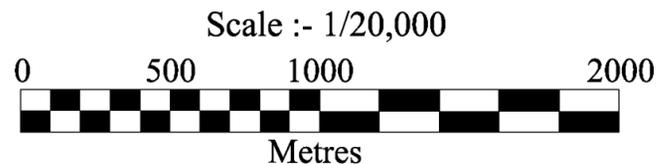
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Key Plan  
Sheet 2 of 3

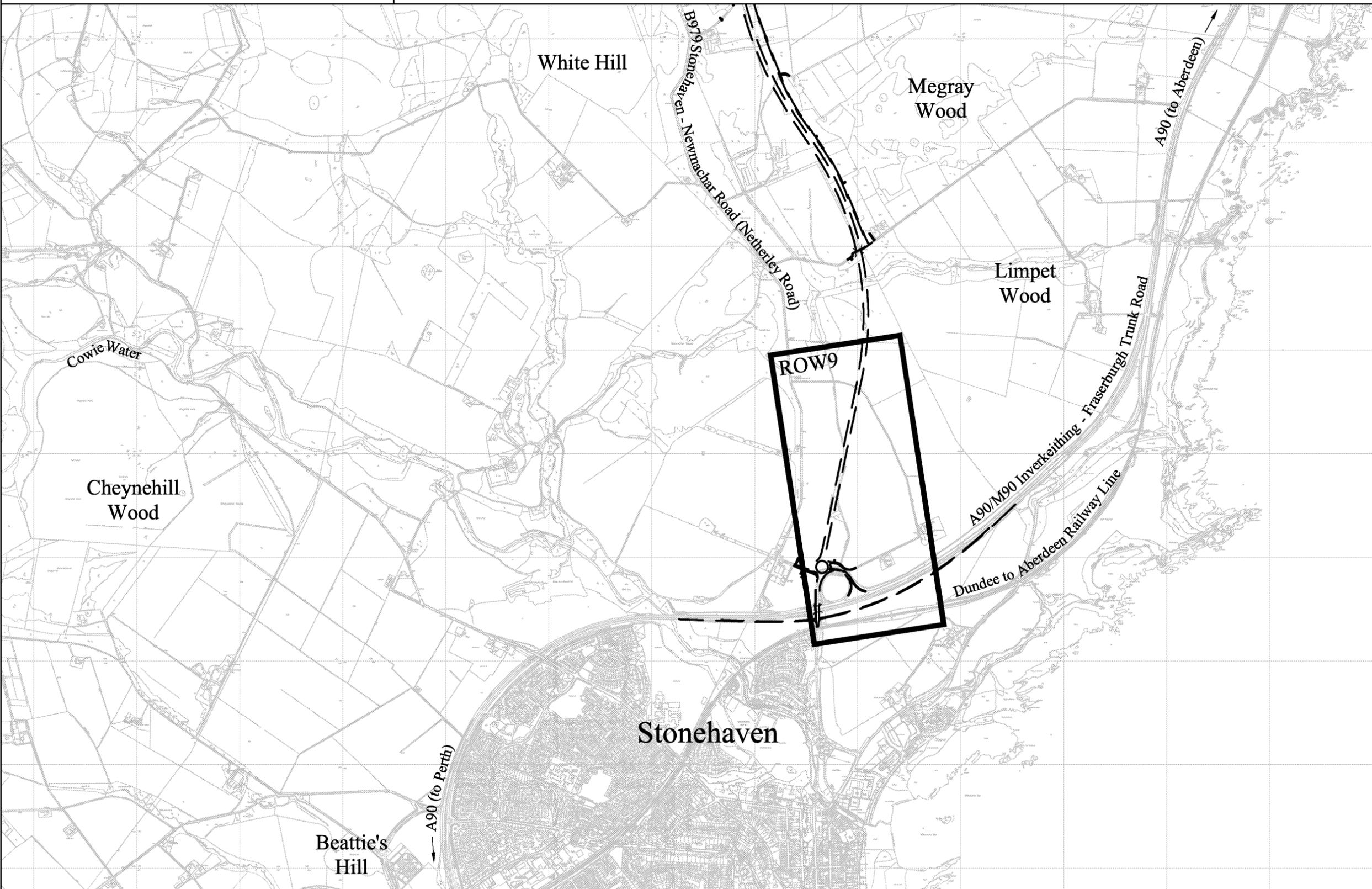


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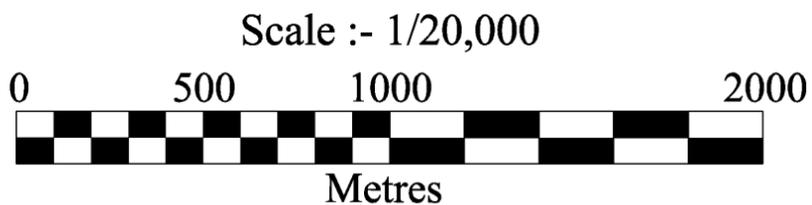
**LEGEND**

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Key Plan  
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