

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

The A9 Trunk Road (Pass of Birnam to Tay Crossing) (Extinguishment of Public Rights of Way) Order 202[]

Made 202[]

Coming into force 202[]

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 A9 Trunk Road (Pass of Birnam to Tay Crossing) (Extinguishment of Public Rights of Way) Order 202[] and comes into force on [].
(2) The definitions in the schedule of this Order have effect.

Extinguishment of public rights of way

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

Statutory Undertakers

3. 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 will be preserved.

(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, S.S.I 1999/1820 and S.S.I 2017/1285. 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).

Subscribed by [] being an officer of the Scottish Ministers at Glasgow on the
[] day of [] 202[] before this witness [], 177 Bothwell Street,
Glasgow, G2 7ER.

Officer

Witness

SCHEDULE

Articles 1 and 2

INTERPRETATION

In this schedule –

“the plan folio” means the plan folio comprised of the key plan, legend and the plans ROW1 and ROW2, entitled “The A9 Trunk Road (Pass of Birnam to Tay Crossing) (Extinguishment of Public Rights of Way) Order 202[]”, signed with reference to this Order and deposited at the offices of Transport Scotland, 177 Bothwell Street, Glasgow G2 7ER,

“Point A1” means the southern corner of the building known as Oakwood, Perth Road, Birnam, Dunkeld, PH8 0DN, shown marked “Point A1” on plan ROW1 in the plan folio,

“Point A2” means the south-western corner of the building known as Birnam Fire Station, Perth Road, Birnam, Dunkeld, PH8 0AA, shown marked “Point A2” on plan ROW2 in the plan folio.

PART 1

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 150 metres or thereby south of Point A1 in a generally east, north-easterly then easterly, then east, south-easterly, then south-easterly, then south, south-easterly, then east, north-easterly, then east, south-easterly then north-easterly, then northerly, then north, north-westerly, then north, north-easterly, then north-easterly, then east, north-easterly direction for a distance of 200 metres or thereby to a point 135 metres or thereby east, south-east of Point A1 as shown by black and white hatching between points marked “A” and “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 210 metres or thereby east, south-east of Point A1 in a generally north-westerly then west, north-westerly direction for a distance of 55 metres or thereby to a point 160 metres or thereby east, south-east of Point A1 as shown by black and white hatching between points marked “C” and “D” and numbered “2” on plan ROW1 in the plan folio.
3. 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 A2 in a generally west, north-westerly, then westerly then west, south-westerly, then west, north-westerly, then south, south-westerly, then east, south-easterly then southerly direction for a distance of 65 metres or thereby to a point 800 metres or thereby west, north-west of Point A2 as shown by black and white hatching between points marked “E” and “F” and numbered “3” on plan ROW2 in the plan folio.
4. The public right of way, not being a right of way enjoyable by vehicular traffic, from a point 800 metres or thereby west, north-west of Point A2 in a generally northerly then north, north-easterly direction for a distance of 10 metres or thereby to a point 800 metres or thereby west, north-west of Point A2 as shown by black and white hatching between points marked “G” and “H” and numbered “4” on plan ROW2 in the plan folio.

PART 2

ALTERNATIVE PUBLIC RIGHTS OF WAY TO BE PROVIDED

1. An alternative right of way will be provided from a point 490 metres or thereby south, south-east of Point A1 in a generally westerly, then north-westerly, then northerly, then north, north-westerly, then northerly, then north, north-westerly, then south-westerly, then westerly, then north westerly, then west, north-westerly, then west, south-westerly, then south-westerly direction for a distance of 365 metres or thereby to a point 155 metres or thereby south of Point A1 as shown by stipple between points marked “I” and “J” and numbered “5” on plan ROW1 in the plan folio.
2. An alternative right of way will be provided from a point 205 metres or thereby east, south-east of Point A1 in a generally north, north-westerly, then north-westerly, then west, south-westerly direction for a distance of 55 metres or thereby to a point 155 metres or thereby east, south-east of Point A1 as shown by stipple between points marked “K” and “L” and numbered “6” on plan ROW1 in the plan folio.
3. An alternative right of way will be provided from a point 780 metres or thereby west, north-west of Point A2 in a generally west, north-westerly then westerly, then west, south-westerly, then south-westerly, then south, south-westerly, then south-westerly, then south, south-westerly direction for a distance of 100 metres or thereby to a point 805 metres or thereby west, north-west of Point A2 as shown by stipple between points marked “M” and “N” and numbered “7” on plan ROW2 in the plan folio.
4. An alternative right of way will be provided from a point 795 metres or thereby west, north-west of Point A2 in a generally northerly then north, north-easterly direction for a distance of 10 metres or thereby to a point 800 metres or thereby west, north-west of Point A2 as shown by stipple between points marked “O” and “P” and numbered “8” on plan ROW2 in the plan folio.