

**THE A68 TRUNK ROAD (PATHHEAD TO TYNEHEAD JUNCTION
IMPROVEMENT) COMPULSORY PURCHASE ORDER 2009**

Made

18th June 2009

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-

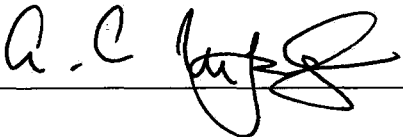
1. This Order may be cited as the A68 Trunk Road (Pathhead to Tynehead Junction Improvement) Compulsory Purchase Order 2009

2. Subject to the provisions of this Order, the acquiring authority are hereby authorised to purchase compulsorily for the purpose of improving that section of the A68 Edinburgh-Carter Bar Trunk Road between Pathhead and Fala Village, both Midlothian 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 A68 Trunk Road (Pathhead to Tynehead Junction Improvement) Compulsory Purchase Order 2009”, 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purchase section 70 of the Railways Clauses Consolidation (Scotland) Act 1845 and sections 71 to 78 of that Act as originally enacted and not as amended for certain purposes by section 15 of the Mines (Working Facilities and Support) Act 1923 are hereby incorporated with the enactment under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, Transport Scotland, being an officer of the Scottish Ministers at Glasgow on the Eighteenth day of June Two Thousand and Nine, before this witness Alistair McCall Sellar, Civil Servant, Buchanan House, Glasgow.



A Sellar
_____ (witness)

This is the Schedule referred to in the foregoing A68 Trunk Road (Pathhead to Tynehead Junction Improvement) Compulsory Purchase Order 2009.

SCHEDULE

In this Schedule:-

1. All the land described lies in the County of Midlothian.
2. The "A68 " means that part of the A68 Edinburgh – Carter Bar Trunk Road between Pathhead and Fala Village, both Midlothian.
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 servitude right	Owners	Lessees and Occupiers
1 – 100	Numbers not allocated.	-----	-----
101	20,485 square metres or thereby of the <i>solum</i> of the A68 lying to the south-east of Hope, Pathhead and at and to the north-west of the junction of the B6458 Tynehead and Saughland Road with the A68. CPO Sheet 1 of 2	Unknown	Occupied by the Scottish Ministers as roads authority. Interest currently held by the acquiring authority.
102	8,880 square metres or thereby of grazing land and woodland lying to the north-east of the A68 and to the north-west of the junction of the U60 Longfauth Road with the A68. CPO Sheet 1 of 2	Alastair E. H. Salvesen Whitburgh Farm Farm Office Middle Whitburgh Pathhead EH37 5SR	Owner

Number on Map	Description of the land or servitude right	Owners	Lessees and Occupiers
103	155 square metres or thereby of an access track lying to the north-east of the A68 and to the north-west of the junction of the U60 Longfaugh Road with the A68. CPO Sheet 1 of 2	Alastair E. H. Salvesen Whitburgh Farm Farm Office Middle Whitburgh Pathhead EH37 5SR	1. John H. B. Callander Prestonhall House Prestonhall Pathhead EH37 5UG 2. M E Riddell Longfaugh Farm Longfaugh Pathhead EH37 5SL 3. I Riddell Longfaugh Farm Longfaugh Pathhead EH37 5SL
104	902 square metres or thereby of grazing and arable land lying to the south-west of the A68 and to the north-west of the U60 Longfaugh Road at its junction with the A68. CPO Sheet 1 of 2	John H. B. Callander Prestonhall House Prestonhall Pathhead EH37 5UG	1. M E Riddell Longfaugh Farm Longfaugh Pathhead EH37 5SL 2. I Riddell Longfaugh Farm Longfaugh Pathhead EH37 5SL
105	943 square metres or thereby of the <i>solum</i> of the U60 Longfaugh Road at its junction with the A68 lying to the north-east of the steading at Longfaugh Farm, Longfaugh, Pathhead. CPO Sheet 1 of 2	Unknown	Occupied by Midlothian Council as local roads authority. Interest not being acquired.

Number on Map	Description of the land or servitude right	Owners	Lessees and Occupiers
106	666 square metres or thereby of grazing and arable land lying to the south-west of the A68 and to the south-east of the U60 Longfaugh Road at its junction with the A68. CPO Sheet 1 of 2	John H. B. Callander Prestonhall House Prestonhall Pathhead EH37 5UG	1. M E Riddell Longfaugh Farm Longfaugh Pathhead EH37 5SL 2. I Riddell Longfaugh Farm Longfaugh Pathhead EH37 5SL
107	11,036 square metres or thereby of arable land lying to the north-east of the A68 and to the west of Marldene, Pathhead. CPO Sheet 1 of 2	John H. B. Callander Prestonhall House Prestonhall Pathhead EH37 5UG	1. M E Riddell Longfaugh Farm Longfaugh Pathhead EH37 5SL 2. I Riddell Longfaugh Farm Longfaugh Pathhead EH37 5SL
108	1,765 square metres or thereby of woodland area lying to the north-east of the A68 and to the south-west of Marldene, Pathhead. CPO Sheet 1 of 2	Midlothian Council Buccleuch Street Dalkeith EH22 1DN	Owner
109	223 square metres or thereby of an access track lying to the north-east of the A68 and to the south-west of Marldene, Pathhead. CPO Sheet 1 of 2	Unknown	1. Alastair E. H. Salvesen Whitburgh Farms Farm Offices Middle Whitburgh Pathhead EH37 5SR 2. D & K Oldfield Marldene Pathhead EH37 5SN

Number on Map	Description of the land or servitude right	Owners	Lessees and Occupiers
110	5,645 square metres or thereby of grazing land lying to the north-east of the A68 and to the south-west and south of Marldene, Pathhead.	John H. B. Callander Prestonhall House Prestonhall Pathhead EH37 5UG	Owner
	CPO Sheet 1 of 2		

Number on Map	Description of the land or servitude right	Owners	Lessees and Occupiers
111	<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 benefitted property:-</p> <p>The plots numbered 101, 109, 110, 112, 113, 114 and 115 and more particularly described in this Schedule.</p>	<p>Alastair E. H. Salvesen Whitburgh Farms Farm Office Middle Whitburgh Pathhead EH37 5SR</p>	Owner

A heritable and irredeemable servitude over 42 square metres or thereby of arable land and the bed and banks of Salters Burn lying to the north-east of the A68 and to the south of Marldene, Pathhead (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 benefitted property in, over and through the burdened property and to be carried away by said Salters Burn, (b) enter the burdened property for the purpose of laying down, maintaining, improving or renewing drainage pipes, conduits and apparatus to convey road and other drainage from the benefitted property in, over and through the burdened property and to be carried away by the said Salters Burn on a line at the discretion of the acquiring authority or their successors as the benefitted property and (c) take pedestrian and vehicular access from the benefitted property over, through and across the burdened property for the purposes 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 the A68 Edinburgh –

Number on Map	Description of the land or servitude right	Owners	Lessees and Occupiers
	Carter Bar Trunk Road between Pathhead and Fala Village as shown on the said map. CPO Sheet 1 of 2		
112	2,354 square metres or thereby of the <i>solum</i> of the U77 Fala Dam Road at its junction with the A68 lying to the south of Marldene, Pathhead. CPO Sheet 1 of 2	Unknown	Occupied by Midlothian Council as local roads authority. Interest not being acquired.
113	8,068 square metres or thereby of woodland, scrubland and arable land lying to the north-east of the A68 and to the south and south-east of Marldene, Pathhead. CPO Sheet 1 of 2	John H. B. Callander Prestonhall House Prestonhall Pathhead EH37 5UG	Owner
114	5,389 square metres or thereby of grazing and arable land lying to the south-west of the A68 and to the north-west of the B6458 Tynehead and Saughland Road at its junction with the A68. CPO Sheet 1 of 2	Richard Callander Saughland Pathhead EH37 5XP	Owner
115	13,490 square metres or thereby of arable land lying to the north-east of the A68 and to the south-west and south of Haugh Head House, Pathhead. CPO Sheet 1 of 2	Trustees under Deed of Trust by Mary Callander (1983 Trust for Richard Callander's children) 1. Richard Callander Saughland Pathhead EH37 5XP 2. John H. B. Callander Prestonhall House Prestonhall EH37 5UG	1. Richard Callander Saughland Pathhead EH37 5XP

Number on Map	Description of the land or servitude right	Owners	Lessees and Occupiers
116	2,014 square metres or thereby of the <i>solum</i> of the U77 Fala Dam Road lying to the north-east of the A68 and to the south-east of Haugh Head House, Pathhead. CPO Sheet 1 of 2	3. Charles Callander Tynehead Farm Tynehead Midlothian EH37 5XS Unknown	Occupied by Midlothian Council as local roads authority. Interest not being acquired.
117	1,540 square metres or thereby of the <i>solum</i> of the B6458 Tynehead and Saughland Road at its junction with the A68 lying to the south of Haugh Head House, Pathhead. CPO Sheet 1 of 2	Unknown	Occupied by Midlothian Council as local roads authority. Interest not being acquired.
118	450 square metres or thereby of arable land lying to the north-east of the A68 and to the south of Haugh Head House, Pathhead. CPO Sheet 1 of 2	Trustees under Deed of Trust by Mary Callander (1983 Trust for Richard Callander's children) 1. Richard Callander Saughland Pathhead EH37 5XP 2. John H. B. Callander Prestonhall House Prestonhall EH37 5UG	1. Richard Callander Saughland Pathhead EH37 5XP

Number on Map	Description of the land or servitude right	Owners	Lessees and Occupiers
		3. Charles Callander Tynehead Farm Tynehead Midlothian EH37 5XS	
119 – 200	Numbers not allocated.	-----	-----
201	14,446 square metres or thereby of the <i>solum</i> of the A68 lying at and to the south-east of the junction of the B6458 Tynehead and Saughland Road with the A68 and to the north-west of Fala Tunnel, Pathhead. CPO Sheet 2 of 2	Unknown	Occupied by the Scottish Ministers as roads authority. Interest currently held by the acquiring authority.
202	5,472 square metres or thereby of grazing and arable land lying to the south-west of the A68 and to the south-east of the B6458 Tynehead and Saughland Road at its junction with the A68. CPO Sheet 2 of 2	Richard Callander Saughland Pathhead EH37 5XP	Owner
203	1,793 square metres or thereby of arable land lying to the north-east of the A68 and to the north-west of the U78 Costerton Road at its junction with the A68. CPO Sheet 2 of 2	Trustees under Deed of Trust by Mary Callander (1983 Trust for Richard Callander's children) 1. Richard Callander Saughland Pathhead EH37 5XP 2. John H. B. Callander Prestonhall House Prestonhall EH37 5UG	1. Richard Callander Saughland Pathhead EH37 5XP

Number on Map	Description of the land or servitude right	Owners	Lessees and Occupiers
204	730 square metres or thereby of the <i>solum</i> of the U78 Costerton Road at its junction with the A68 lying to the west of Fala Dam. CPO Sheet 2 of 2	3. Charles Callander Tynehead Farm Tynehead Midlothian EH37 5XS Unknown	Occupied by Midlothian Council as local roads authority. Interest not being acquired.
205	6,417 square metres or thereby of arable land lying to the north-east of the A68 and to the south-east of the U78 Costerton Road at its junction with the A68. CPO Sheet 2 of 2	Trustees under Deed of Trust by Mary Callander (1983 Trust for Richard Callander's children) 1. Richard Callander Saughland Pathhead EH37 5XP 2. John H. B. Callander Prestonhall House Prestonhall EH37 5UG 3. Charles Callander Tynehead Farm Tynehead Midlothian EH37 5XS	1. Richard Callander Saughland Pathhead EH37 5XP

Number on Map	Description of the land or servitude right	Owners	Lessees and Occupiers
206	7,587 square metres or thereby of grazing and arable land lying to the south-west of the A68 and to the north-west of Fala Tunnel. CPO Sheet 2 of 2	Trustees under Deed of Trust by Mary Callander (1983 Trust for Richard Callander's children) 1. Richard Callander Saughland Pathhead EH37 5XP 2. John H. B. Callander Prestonhall House Prestonhall EH37 5UG 3. Charles Callander Tynehead Farm Tynehead Midlothian EH37 5XS	1. Richard Callander Saughland Pathhead EH37 5XP



Roads (Scotland) Act 1984

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

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Junction Improvement) Compulsory Purchase
Order 2009

2009

Scottish Government Legal Directorate
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Transport Scotland Ref: RYC/B48/15