

**THE A75 TRUNK ROAD (HARDGROVE TO KINMOUNT IMPROVEMENT)
COMPULSORY PURCHASE ORDER 2009**

Made

16th October 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—

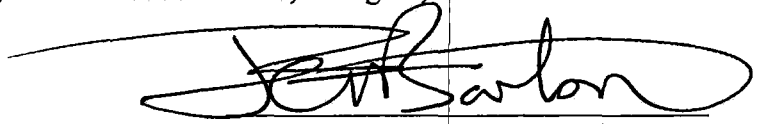
1. This Order may be cited as the A75 Trunk Road (Hardgrove to Kinmount Improvement) Compulsory Purchase Order 2009.

2. Subject to the provisions of this Order, the acquiring authority are hereby authorised to purchase compulsorily for purposes of improving the A75 Gretna – Dumfries – Stranraer Trunk Road between Carrutherstown and Upper Mains Farm, in the vicinity of Carrutherstown, Dumfries and Galloway, the land which is described in the Schedule hereto and is shown numbered and delineated in red and coloured pink on the map signed with reference to this Order and marked “Map referred to in the A75 Trunk Road (Hardgrove to Kinmount Improvement) Compulsory Purchase Order 2009”, a duplicate of which map is 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purchase section 70 of the Railways Clauses Consolidation (Scotland) Act 1845 and sections 71 to 78 of that Act as originally enacted and not as amended for certain purposes by section 15 of the Mines (Working Facilities and Support) Act 1923 are hereby incorporated with the enactment under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 Railway 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 lands 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 James Graham Barton, Chief Road Engineer and Director of Trunk Roads Network Management of Transport Scotland, being an officer of the Scottish Ministers at Glasgow on the 16th day of October Two Thousand 2009, before the witness Alistair McCall Sellar, Civil Servant, Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF.



J G Barton

A Sellar

Witness

This is the Schedule referred to in the foregoing the A75 Trunk Road (Hardgrove to Kinmount Improvement) Compulsory Purchase Order 2009.

SCHEDULE

In this Schedule:-

1. All the land described is situated in the County of Dumfries.
2. The “the existing trunk road” means that part of the existing A75 Gretna – Dumfries - Stranraer Trunk Road lying at and between Carrutherstown and Upper Mains Farm, in the vicinity of Carrutherstown, Dumfries and Galloway.
3. “the B725” means the existing B class road between Dumfries and Waterbeck in the vicinity of Carrutherstown.
4. “the U103a” means the existing unclassified road between Carrutherstown and Whitecroftgate Cottage including the turning head.
5. “the U81a” means the existing unclassified road between Gillhall and Newfield boundary north of Muirfield including boundary near Murraythwaite, in the vicinity of Carrutherstown.
6. 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.
7. 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 Land	Owners	Lessees and Occupiers
1 - 100	Numbers not allocated.	-----	-----
101	799 square metres or thereby of the verge of the existing trunk road lying to the south west of Carrutherstown Hotel and to the north of the farm buildings known as Searigg. CPO Sheet 1 of 2	Unknown	Occupied by the Scottish Ministers as roads authority.
102	1014 square metres or thereby of arable/ grazing land lying to the south and the south west of Carrutherstown Hotel and to the north of the farm buildings known as Searigg. CPO Sheet 1 of 2	J and J H Dunlop 21 Fruids Park Avenue Annan DG12 6AY J Dunlop Junior Searigg Carrutherstown Dumfries DG1 4NX	J Dunlop Junior Searigg Carrutherstown Dumfries DG1 4NX

Number on Map	Description of Land	Owners	Lessees and Occupiers
103	852 square metres or thereby of the <i>solum</i> and verges of the B725 lying to the south of the existing trunk road and to the north of the farm buildings known as Searigg. CPO Sheet 1 of 2	Unknown	Occupied by Dumfries and Galloway Council as local roads authority.
104	126 square metres or thereby of arable/ grazing land lying to the south of Carrutherstown Hotel and to the north west of the farm buildings known as Fostermeadow. CPO Sheet 1 of 2	J and J H Dunlop 21 Fruids Park Avenue Annan DG12 6AY J Dunlop Junior Searigg Carrutherstown Dumfries DG1 4NX	J Dunlop Junior Searigg Carrutherstown Dumfries DG1 4NX
105	320 square metres or thereby of arable/ grazing land lying to the south east of Carrutherstown Hotel and to the north, north west of the farm buildings known as Fostermeadow. CPO Sheet 1 of 2	R B Wright Fostermeadow Carrutherstown Dumfries DG1 4LG	R B Wright Fostermeadow Carrutherstown Dumfries DG1 4LG <u>Liferent Interest</u> M M Wright Hayberry Mill Ruthwell Dumfries DG1 4NS
106	64 square metres or thereby of the verge of the B725 lying to the south east of Carrutherstown Hotel and to the north, north west of the farm buildings known as Fostermeadow. CPO Sheet 1 of 2	Unknown	Occupied by Dumfries and Galloway Council as local roads authority.
107	10 square metres or thereby of arable/ grazing land lying to the south east of Carrutherstown Hotel and to the north of the farm buildings known as Fostermeadow. CPO Sheet 1 of 2	R B Wright Fostermeadow Carrutherstown Dumfries DG1 4LG	R B Wright Fostermeadow Carrutherstown Dumfries DG1 4LG <u>Liferent Interest</u> M M Wright Hayberry Mill Ruthwell Dumfries DG1 4NS

Number on Map	Description of Land	Owners	Lessees and Occupiers
108	240 square metres or thereby of <i>solum</i> and verges of the U103a lying to the east of the B725 and north of the farm buildings known as Fostermeadow. CPO Sheet 1 of 2	Unknown	Occupied by Dumfries and Galloway Council as local roads authority..
109	746 square metres or thereby of <i>solum</i> and verges of the U103a lying to the east of the B725 and north of the farm buildings known as Fostermeadow. CPO Sheet 1 of 2	Unknown	Occupied by Dumfries and Galloway Council as local roads authority.
110	1,190 square metres or thereby of arable/ grazing land lying to the east of the B725 and to the north of the farm buildings known as Fostermeadow. CPO Sheet 1 of 2	R B Wright Fostermeadow Carrutherstown Dumfries DG1 4LG	R B Wright Fostermeadow Carrutherstown Dumfries DG1 4LG <u>Liferent Interest</u> M M Wright Hayberry Mill Ruthwell Dumfries DG1 4NS
111	19 square metres or thereby of the verge of the U103a lying to the east of the B725 and north of the farm buildings known as Fostermeadow. CPO Sheet 1 of 2	Unknown	Occupied by Dumfries and Galloway Council as local roads authority.
112	871 square metres or thereby of the verge of the existing trunk road lying to the south east of Carrutherstown Hotel and to the north of the farm buildings known as Fostermeadow. CPO Sheet 1 of 2	Unknown	Occupied by the Scottish Ministers as roads authority.

Number on Map	Description of Land	Owners	Lessees and Occupiers
113	<p>13,109 square metres or thereby of arable/ grazing land and the beds and the banks of the unnamed watercourse lying to the south of the existing trunk road and to the north of the farm buildings known as Fostermeadow.</p> <p>CPO Sheet 1 of 2</p>	<p>R B Wright Fostermeadow Carrutherstown Dumfries DG1 4LG</p>	<p>R B Wright Fostermeadow Carrutherstown Dumfries DG1 4LG</p> <p><u>Liferent Interest</u> M M Wright Hayberry Mill Ruthwell Dumfries DG1 4NS</p>
114	<p>91 square metres or thereby of the verge of the existing trunk road lying to the south east of Whitecroftgate Cottage and to the north east of the farm buildings known as Fostermeadow.</p> <p>CPO Sheet 1 of 2</p>	Unknown	Occupied by the Scottish Ministers as roads authority.
115	<p>194 square metres or thereby of the verge of the B725 lying to the north east of the farm buildings known as Searigg and to the west of the farm buildings known as Fostermeadow.</p> <p>CPO Sheet 1 of 2</p>	Unknown	Occupied by Dumfries and Galloway Council as local roads authority.
116	<p>837 square metres or thereby of arable/ grazing land lying to the north east of the farm buildings known as Searigg and to the west of the farm buildings known as Fostermeadow.</p> <p>CPO Sheet 1 of 2</p>	<p>J and J H Dunlop 21 Fruids Park Avenue Annan DG12 6AY</p> <p>J Dunlop Junior Searigg Carrutherstown Dumfries DG1 4NX</p>	<p>J Dunlop Junior Searigg Carrutherstown Dumfries DG1 4NX</p>
117	<p>23 square metres or thereby of the verge of the B725 lying to the east of the farm buildings known as Searigg and to the west of the farm buildings known as Fostermeadow.</p> <p>CPO Sheet 1 of 2</p>	Unknown	Occupied by Dumfries and Galloway Council as local roads authority.

Number on Map	Description of Land	Owners	Lessees and Occupiers
118	<p>116 square metres or thereby of arable/ grazing land lying to the east of the farm buildings known as Searigg and to the west of the farm buildings known as Fostermeadow.</p> <p>CPO Sheet 1 of 2</p>	<p>J and J H Dunlop 21 Fruids Park Avenue Annan DG12 6AY</p> <p>J Dunlop Junior Searigg Carrutherstown Dumfries DG1 4NX</p>	<p>J Dunlop Junior Searigg Carrutherstown Dumfries DG1 4NX</p>
119	<p>825 square metres or thereby of arable/ grazing land and access track lying to the south east of the farm buildings known as Searigg and to the south west of the farm buildings known as Fostermeadow.</p> <p>CPO Sheet 1 of 2</p>	<p>R B Wright Fostermeadow Carrutherstown Dumfries DG1 4LG</p>	<p>R B Wright Fostermeadow Carrutherstown Dumfries DG1 4LG</p> <p><u>Liferent Interest</u> M M Wright Hayberry Mill Ruthwell Dumfries DG1 4NS</p>
120	<p>591 square metres or thereby of the verge of the B725 lying to the south east of the farm buildings known as Searigg and to the south west of the farm buildings known as Fostermeadow.</p> <p>CPO Sheet 1 of 2</p>	<p>R B Wright Fostermeadow Carrutherstown Dumfries DG1 4LG</p>	<p>Occupied by Dumfries and Galloway Council as local roads authority.</p> <p><u>Liferent Interest</u> M M Wright Hayberry Mill Ruthwell Dumfries DG1 4NS</p>

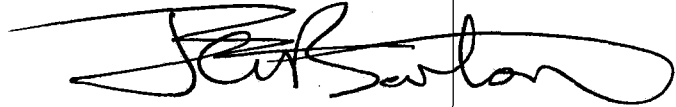
Number on Map	Description of Land	Owners	Lessees and Occupiers
121	<p>52,081 square metres or thereby of arable/grazing land and plantation lying to the south of the existing trunk road and to the west of the U81a.</p> <p>CPO Sheet 1 of 2</p>	<p>Hardgrave Farm (Dumfries) Ltd, Hardgrave Farm, Carrutherstown, Dumfries DG1 4NT <u>(reversionary interest)</u></p> <p>The Governor and Company of Bank of Scotland PO Box No. 5 The Mound Edinburgh EH1 1YZ</p>	<p>A Marshall Hardgrove Farm Carrutherstown Dumfries DG1 4NT</p>
122	<p>2,810 square metres or thereby of the verge of the existing trunk road lying to the east of the farm buildings known as Fostermeadow and to the west of the U81a.</p> <p>CPO Sheet 1 of 2</p>	<p>Hardgrave Farm (Dumfries) Ltd, Hardgrave Farm, Carrutherstown, Dumfries DG1 4NT <u>(reversionary interest)</u></p> <p>The Governor and Company of Bank of Scotland PO Box No. 5 The Mound Edinburgh EH1 1YZ</p>	<p>Occupied by the Scottish Ministers as roads authority.</p>
123	<p>1,575 square metres or thereby of the <i>solum</i> and verges of the U81a lying to the south of the existing trunk road and to the east of the farm buildings known as Searigg.</p> <p>CPO Sheet 1 of 2</p>	<p>Hardgrave Farm (Dumfries) Ltd, Hardgrave Farm, Carrutherstown, Dumfries DG1 4NT <u>(reversionary interest)</u></p> <p>The Governor and Company of Bank of Scotland PO Box No. 5 The Mound Edinburgh EH1 1YZ</p>	<p>Occupied by Dumfries and Galloway Council as local roads authority.</p>

Number on Map	Description of Land	Owners	Lessees and Occupiers
124	<p>43 square metres or thereby of the verge of the existing trunk road lying to the east of the U81a and to the east of the farm buildings known as Fostermeadow.</p> <p>CPO Sheet 1 of 2</p>	<p>Hardgrave Farm (Dumfries) Ltd, Hardgrove Farm, Carrutherstown, Dumfries DG1 4NT <u>(reversionary interest)</u></p> <p>The Governor and Company of Bank of Scotland PO Box No. 5, The Mound, Edinburgh EH1 1YZ</p>	<p>Occupied by the Scottish Ministers as roads authority.</p>
125 - 200	Numbers not allocated.	-----	-----
201	<p>50,600 square metres or thereby of arable/ grazing land and plantation and the beds and banks of unnamed watercourses lying to the south of the existing trunk road and to the south of Oakbank Cottage.</p> <p>CPO Sheet 2 of 2</p>	<p>Hardgrave Farm (Dumfries) Ltd, Hardgrove Farm, Carrutherstown, Dumfries DG1 4NT <u>(reversionary interest)</u></p> <p>The Governor and Company of Bank of Scotland PO Box No. 5 The Mound Edinburgh EH1 1YZ</p>	<p>A Marshall Hardgrove Farm Carrutherstown Dumfries DG1 4NT</p>
202	<p>4,977 square metres or thereby of arable/ grazing land, the bed and banks of the Stenries Burn, and the <i>solum</i> and verges of access road to the farm buildings known as Topmuir lying to the north west of Upper Mains Cottages and to the south west of the farm buildings known as Nether Stenries.</p> <p>CPO Sheet 2 of 2</p>	<p>E M Birkbeck Glenstuart House Cummertrees Annan DG12 5QA</p>	<p>Hoddam & Kinmount Estate Office, Hoddam, Lockerbie DG11 1BE</p> <p>D H R Johnstone and C Johnstone Topmuir Carrutherstown Dumfries DG1 4LQ</p>

Number on Map	Description of Land	Owners	Lessees and Occupiers
203	<p>4,446 square metres or thereby of arable/ grazing land and the <i>solum</i> and verges of access road to the farm buildings known as Topmuir lying to the north west of Upper Mains Cottages and to the south west of the farm buildings known as Nether Stenries.</p> <p>CPO Sheet 2 of 2</p>	<p>E M Birkbeck Glenstuart House Cummertrees Annan DG12 5QA</p>	<p>Hoddam & Kinmount Estate Office, Hoddam, Lockerbie DG11 1BE</p> <p>D H R Johnstone and C Johnstone Topmuir Carrutherstown Dumfries DG1 4LQ</p> <p>Scotia Gas Networks St. Lawrence House Station Road Horley Surrey RH6 9HS</p>
204	<p>10,732 square metres or thereby of arable/ grazing land and the <i>solum</i> and verges of access road to the farm buildings known as Topmuir, and the beds and banks of Glen Burn lying to the north west of Upper Mains Cottages and to the south west of the farm buildings known as Nether Stenries.</p> <p>CPO Sheet 2 of 2</p>	<p>E M Birkbeck Glenstuart House Cummertrees Annan DG12 5QA</p>	<p>Hoddam & Kinmount Estate Office, Hoddam, Lockerbie DG11 1BE</p> <p>D H R Johnstone and C Johnstone Topmuir Carrutherstown Dumfries DG1 4LQ</p>
205	<p>12,970 square metres or thereby of the <i>solum</i> and verges of the existing trunk road lying to the north west of Upper Mains Cottages and to the south west and south of the farm buildings known as Nether Stenries.</p> <p>CPO Sheet 2 of 2</p>	<p>Unknown</p>	<p>Occupied by the Scottish Ministers as roads authority.</p>

Number on Map	Description of Land	Owners	Lessees and Occupiers
206	3,912 square metres or thereby of plantation lying to the north of the existing trunk road and to the south west of the farm buildings known as Nether Stenries. CPO Sheet 2 of 2	G C E Birkbeck Kinmount House Annan DG12 5RH	Hoddam & Kinmount Estate Office, Hoddam, Lockerbie DG11 1BE
207	228 square metres or thereby of the <i>solum</i> and verges of access road to the farm buildings known as Nether Stenries lying to the north of the existing trunk road and to the south west of the farm buildings known as Nether Stenries. CPO Sheet 2 of 2	E M Birkbeck Glenstuart House Cummertrees Annan DG12 5QA	Hoddam & Kinmount Estate Office, Hoddam, Lockerbie DG11 1BE <u>Access Rights Only</u> D H R Johnstone and C Johnstone Stenries View Carrutherstown DG1 4LQ The New Nether Stenries Farm Partnership, Nether Stenries, Carrutherstown DG1 4LQ
208	17,494 square metres or thereby of plantation, and the bed and banks of the Glen Burn lying to the north of the existing trunk road and to south of the farm buildings known as Nether Stenries. CPO Sheet 2 of 2	G C E Birkbeck Kinmount House Annan DG12 5RH	Hoddam & Kinmount Estate Office, Hoddam, Lockerbie DG11 1BE
209	1,005 square metres or thereby of arable/ grazing land lying to the south of the existing trunk road and to the north west of Upper Mains Cottages. Title No:DMF20402 CPO Sheet 2 of 2	E and A Graham Upper Mains Farm Annan DG12 5RR	E and A Graham Upper Mains Farm Annan DG12 5RR

Number on Map	Description of Land	Owners	Lessees and Occupiers
210	69 square metres or thereby of the verge of the existing trunk road lying to the south of the farm buildings known as Nether Stenries and to the north of Upper Mains Cottages. CPO Sheet 2 of 2	P Bell Smithy Cottage Cotehill Carlisle CA4 0DX	Occupied by the Scottish Ministers as roads authority.

A handwritten signature in black ink, appearing to read 'P Bell', is written across the bottom of the table's columns.

Roads (Scotland) Act 1984

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

The A75 Trunk Road (Hardgrove to
Kinmount Improvement) Compulsory
Purchase Order 2009

Land in the County of Dumfries for the
A75 Trunk Road

16th October 2009

Solicitor to the Scottish Government
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Transport Scotland Ref: RYC/DG11/10