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PLEASE FIND BELOW APPENDIX A IN RELATION TO THE REPORT 'ACCESS FROM THE NORTH (THIRD DON CROSSING), COMPULSORY PURCHASE ORDER'

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Agenda Item 9.1

THE ABERDEEN CITY COUNCIL ACCESS FROM THE NORTH PROPOSALS ("THIRD DON CROSSING") COMPULSORY PURCHASE ORDER 2010

The Roads (Scotland) Act 1984 and the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947

ABERDEEN CITY COUNCIL (hereinafter referred to as "the acquiring authority") in exercise of the powers conferred by sections 103, 104, 105 and 106 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 Aberdeen City Council Access from the North Proposals ("Third Don Crossing") Compulsory Purchase Order 2010.
2. Subject to the provisions of this Order, the acquiring authority are hereby authorised to purchase compulsorily for the purpose of constructing a new road, bridges, bridge supports and other structures at and between the A90(T) Parkway, Aberdeen and Gordon's Mills Road, Aberdeen as a public road, improving the existing public road network at and from Gordon's Mills Road, aforesaid, along Tillydrone Road and Tillydrone Avenue to Bedford Road, Aberdeen, and constructing cycleways, underpasses, road equipment, road apparatus and road junctions including new road junctions at St. Machar Drive, Grandholm Drive and Hayton Road, Aberdeen, (a) as authorised by Section 104(1)(a) of the said Act, the land described in the First Schedule hereto and shown coloured red on the map signed with reference to this Order and marked "Map referred to in the Aberdeen City Council Access from the North Proposals ("Third Don Crossing") Compulsory Purchase Order 2010" ; (b) as authorised by Section 110(2) of the said Act, the servitude rights described in the First Schedule hereto and shown coloured blue on the said map; and (c) as authorised by Section 110(2) of the said Act, a right in or over land (by way of the creation of a new right), namely the right to enter upon and take temporary possession of land as the said right is more particularly described in the Second Schedule hereto and as the land over which such right may be created is shown coloured green on the said map.
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 reference in the said sections to the company shall be construed as reference to the acquiring authority and reference to railway or works shall be construed as reference 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 First 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.
5. The registration of a conveyance, as defined in section 106(5) of the Title Conditions (Scotland) Act 2003, in implement of this Order, shall extinguish all rights to enforce real burdens or servitudes.

Subscribed by Jane Glaister MacEachran, Head of Legal and Democratic Services, Aberdeen City Council, Proper Officer of the said Council at Aberdeen on the [] day of [] Two Thousand and Ten, in the presence of [] of Town House, Broad Street, Aberdeen.

Jane Glaister MacEachran,

Witness

FIRST SCHEDULE

Land to be purchased

Number on Map	Description of the land	Owners	Lessees and Occupiers
2	2,127 square metres or thereby of amenity land lying on or towards the south of the A90(T) Parkway and on or toward the east of Fairview Street, Danestone, Aberdeen	Mitchells and Butlers plc, 27 Fleet Street, Birmingham, B3 1JP	Scottish and Southern Energy plc, Inveralmond House, 200 Dunkeld Road, Perth, PH1 3AQ
3	14 square metres or thereby of amenity land lying on or towards the west of Fairview Street, Danestone, Aberdeen		
4a	277 square metres or thereby of amenity land lying on or towards the east of Fairview Street, Danestone, Aberdeen		
4b	1,357 square metres or thereby of amenity land lying generally on or towards the south of Fairview Street, Danestone, Aberdeen		
5	13 square metres or thereby of road verge lying on or towards the west of the private road known as Laurel Lane, Danestone, Aberdeen		
6	14 square metres or thereby forming part of the solum of the private road known as Laurel Lane, Danestone, Aberdeen		
9	20 square metres or thereby of amenity land lying on or towards the east of Fairview Drive, Danestone, Aberdeen	William Cowie, 35 Fairview Drive, Danestone, Aberdeen, AB22 8ZL	Maninder Roley, 43 Fairview Drive, Danestone, Aberdeen, AB22 8ZL

		<p>Andrew Campbell and Gayle Campbell, 37 Fairview Drive, Danestone, Aberdeen, AB22 8ZL</p> <p>Laura Miller, 39 Fairview Drive, Danestone, Aberdeen, AB22 8ZL</p> <p>Neil Gallagher, 41 Fairview Drive, Danestone, Aberdeen, AB22 8ZL</p> <p>Stuart MacMillan, 43 Fairview Drive, Danestone, Aberdeen, AB22 8ZL</p> <p>Stephen Cryle, 45 Fairview Drive, Danestone, Aberdeen, AB22 8ZL</p> <p>Sean Russell, 47 Fairview Drive, Danestone, Aberdeen, AB22 8ZL</p> <p>Andrew Bain 49 Fairview Drive, Danestone, Aberdeen, AB22 8ZL</p> <p>David Stephen, 51 Fairview Drive, Danestone, Aberdeen, AB22 8ZL</p> <p>Gladys Watt, 53 Fairview Drive, Danestone, Aberdeen, AB22 8ZL</p>	<p>Sarah Atkinson, 57 Fairview Drive, Danestone, Aberdeen, AB22 8ZL</p>
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10	27 square metres or thereby of road verge lying on or towards the northwest of the private road known as Laurel Lane, Danestone, Aberdeen		
11	120 square metres or thereby forming part of the solum of the private road known as Laurel Lane, Danestone, Aberdeen		
13	6,916 square metres or thereby of amenity land lying generally on or towards the southeast of the private road known as Laurel Lane, Danestone, Aberdeen		

15	5 square metres or thereby of garden ground forming part of 16 Laurel Grove, Bridge of Don, Aberdeen	Keith Leys and Laurie Ann Leys, 16 Laurel Grove, Aberdeen, AB22 8YJ	
16	5,227 square metres or thereby of partly arable land, partly garden ground and partly amenity land all lying generally on or towards the northeast of Laurel Avenue, Danestone, Aberdeen		
17	6,389 square metres or thereby of partly arable land, partly garden ground and partly amenity land all lying generally on or towards the northeast of Laurel Avenue, Danestone, Aberdeen	Alexander Gordon, Danestone Market Gardens, Danestone, Aberdeen, AB22 8AJ	
21	124 square metres or thereby of amenity land lying on or towards the north of Grandholm Drive, Bridge of Don, Aberdeen	Barratt West Scotland Limited, Barratt House, Forest Hill Business Park, Cartwright Way, Leicester, LE67 1UF	
22	187 square metres or thereby of amenity land lying on or towards the north of Grandholm Drive, Bridge of Don, Aberdeen	Barratt West Scotland Limited, Barratt House, Forest Hill Business Park, Cartwright Way, Leicester, LE67 1UF	
23	2,791 square metres or thereby of amenity land lying on or towards the south of Balgownie Drive, Bridge of Don, Aberdeen	Cala Grandholm Limited, Johnstone House, 52 – 54 Rose Street, Aberdeen, AB10 1HA	
24	195 square metres or thereby of amenity land	Aviemore Homes Limited,	

	lying on or towards the south of Grandholm Drive, Bridge of Don, Aberdeen	c/o DLA Piper, Rutland Square, Edinburgh, EH1 2AA	
26	15,171 square metres or thereby of amenity land lying on or towards the south of Grandholm Drive, Bridge of Don, Aberdeen	<p>1 Grandholm Avenue Danestone Aberdeen AB22 8AU</p> <p>2 Grandholm Avenue Danestone Aberdeen AB22 8AU</p> <p>3 Grandholm Avenue Danestone Aberdeen AB22 8AU</p> <p>4 Grandholm Avenue Danestone Aberdeen AB22 8AU</p> <p>5 Grandholm Avenue Danestone Aberdeen AB22 8AU</p> <p>6 Grandholm Avenue Danestone Aberdeen AB22 8AU</p> <p>7 Grandholm Avenue Danestone Aberdeen AB22 8AU</p> <p>8 Grandholm Avenue Danestone Aberdeen AB22 8AU</p> <p>9 Grandholm Avenue Danestone</p>	

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		<p>Aberdeen AB22 8AX</p> <p>15 Grandholm Grove Danestone Aberdeen AB22 8AX</p> <p>16 Grandholm Grove Danestone Aberdeen AB22 8AX</p> <p>17 Grandholm Grove Danestone Aberdeen AB22 8AX</p> <p>18 Grandholm Grove Danestone Aberdeen AB22 8AX</p> <p>19 Grandholm Grove Danestone Aberdeen AB22 8AX</p> <p>20 Grandholm Grove Danestone Aberdeen AB22 8AX</p> <p>21 Grandholm Grove Danestone Aberdeen AB22 8AX</p> <p>22 Grandholm Grove Danestone Aberdeen AB22 8AX</p> <p>23 Grandholm Grove Danestone Aberdeen, AB22 8AX</p>	
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		24 Grandholm Grove Danestone Aberdeen AB22 8AX	
		25 Grandholm Grove Danestone Aberdeen AB22 8AX	
		26 Grandholm Grove Danestone Aberdeen AB22 8AX	
		27 Grandholm Grove Danestone Aberdeen AB22 8AX	
		28 Grandholm Grove Danestone Aberdeen AB22 8AX	
		29 Grandholm Grove Danestone Aberdeen AB22 8AX	
		30 Grandholm Grove Danestone Aberdeen AB22 8AX	
		31 Grandholm Grove Danestone Aberdeen AB22 8AX	
		32 Grandholm Grove Danestone Aberdeen AB22 8AX	
		33 Grandholm Grove	

		Danestone Aberdeen AB22 8AX	
		34 Grandholm Grove Danestone Aberdeen AB22 8AX	
		35 Grandholm Grove Danestone Aberdeen AB22 8AX	
		36 Grandholm Grove Danestone Aberdeen AB22 8AX	
		37 Grandholm Grove Danestone Aberdeen AB22 8AX	
		1 Grandholm Way Danestone Aberdeen AB22 8AF	
		2 Grandholm Way Danestone Aberdeen AB22 8AF	
		3 Grandholm Way Danestone Aberdeen AB22 8AF	
		4 Grandholm Way Danestone Aberdeen AB22 8AF	

		<p>5 Grandholm Way Danestone Aberdeen AB22 8AF</p> <p>6 Grandholm Way Danestone Aberdeen AB22 8AF</p> <p>7 Grandholm Way Danestone Aberdeen AB22 8AF</p> <p>8 Grandholm Way Danestone Aberdeen AB22 8AF</p> <p>9 Grandholm Way Danestone Aberdeen AB22 8AF</p> <p>10 Grandholm Way Danestone Aberdeen AB22 8AF</p> <p>11 Grandholm Way Danestone Aberdeen AB22 8AF</p> <p>12 Grandholm Way Danestone Aberdeen AB22 8AF</p> <p>14 Grandholm Way Danestone Aberdeen, AB22 8AF</p>	
29a	73 square metres or thereby of amenity land lying on or towards the northwest of the River		

	Don at Grandholm, Aberdeen		
31	120 square metres or thereby forming part of the river bank lying immediately on or towards the northwest of the River Don at Grandholm, Aberdeen	The President, Vice President and Secretary of Aberdeen & District Angling Association, 14 Albyn Place, Aberdeen AB10 1RZ	
32	773 square metres or thereby forming part of the bed of the River Don at Grandholm, Aberdeen		
33	765 square metres or thereby forming part of the bed of the River Don at Grandholm Aberdeen	Aberdeen City Council, Town House, Broad Street, Aberdeen AB10 1AQ	
34	200 square metres or thereby of amenity land lying on or towards the southeast of the River Don at Grandholm, Aberdeen		
37	43 square metres or thereby of garden ground forming part of 16 Meadow Place, Tillydrone, Aberdeen	Glen Morrison and Susan Morrison, 16 Meadow Place, Aberdeen AB24 2SL	
41	111 square metres or thereby of amenity land lying on or towards the southwest of Gordon's Mills Road, Aberdeen	Aberdeen City Council Town House, Broad Street, Aberdeen AB10 1AQ Ernest Falconer and Elizabeth Falconer, 21 Gordon's Mills Road, Aberdeen AB24 2YR	

		<p>Solbud Property and Development Company Limited, 21 Carden Place, Aberdeen AB10 1UQ</p> <p>Linda Robertson, 27 Gordon's Mills Road, Aberdeen, AB24 2YR</p> <p>Kathleen Aldridge, 33 Gordon's Mills Road, Aberdeen AB24 2YR</p>	
42a	0.1 square metres or thereby of garden ground forming part of 10 Gordon's Mills Road, Aberdeen	Jennifer Thomson, 10 Gordon's Mills Road, Aberdeen AB24 2RG	
51	13 square metres or thereby of garden ground forming part of 3 Gordon's Mills Road, Aberdeen	Elizabeth May Wilson, 3 Gordon's Mills Road, Aberdeen AB24 2YU	
52	5,843 square metres or thereby of development land lying on or towards the northeast of Gordon's Mills Road and thereafter Tillydrone Road, Aberdeen respectively.	Donside Limited, Exchange Tower, 19 Canning Street, Edinburgh EH3 8EH	
52a	280 square metres or thereby of amenity land lying on or towards the northeast of Tillydrone Road, Aberdeen	Langstane Housing Association Limited, 680 King Street, Aberdeen AB24 1SL	
56	723 square metres or thereby of amenity land lying on or towards the southwest of Tillydrone Avenue, Aberdeen	Aberdeen City Council, Town House, Broad Street, Aberdeen AB10 1AQ	

		<p>Charles Rigby and Elizabeth Rigby, 5 Tillydrone Avenue, Aberdeen, AB24 2TE</p> <p>Gail Davidson,</p> <p>Manower Hossain</p> <p>Gordon Ford and Gail Ford, 27 Tillydrone Avenue, Aberdeen, AB24 2TE</p> <p>Eduardo Jaen and Maria Luna,</p>	
57	382 square metres or thereby of amenity land lying on or towards the southwest of Tillydrone Avenue, Aberdeen	<p>Aberdeen City Council, Town House, Broad Street, Aberdeen, AB10 1AQ</p> <p>Lynn Fraser, 12 Wingate Road, Aberdeen AB24 2SR</p>	
60	51 square metres or thereby of amenity land lying on or towards the west of Bedford Road, Aberdeen		
61	1,439 square metres or thereby of amenity land lying on or towards the south of St. Machar Drive, Aberdeen	The University Court of the University of Aberdeen, King's College, Aberdeen AB24 3FX	

Servitude Rights to be acquired

Number on Map	Description of the land and Rights to be acquired over the land	Owners	Lessees and Occupiers
14	A heritable and irredeemable servitude right over 65 square metres or thereby of garden ground forming part of 16 Laurel Grove, Bridge of Don, Aberdeen	Keith Leys and Laurie Ann Leys, 16 Laurel Grove, Aberdeen, AB22 8YJ	

This is the First Schedule referred to in the Aberdeen City Council Access from the North Proposals (“Third Don Crossing”) Compulsory Purchase Order 2010.

SECOND SCHEDULE

Land subject to temporary possession

The acquiring authority shall have the right to enter upon and take temporary possession of the land described in this Second Schedule for the purpose and the works specified in this Second Schedule in relation to that land, including the right to remove any buildings, structures or other erections and vegetation from that land, and the right to construct temporary works (including the provision of means of access) and buildings, structures or other erections on the land, and that on condition that (1) not less than 28 days before entering upon and taking temporary possession of land referred to herein the acquiring authority shall serve notice of the intended entry on the owners and occupiers of the land; (2) the acquiring authority may remain in possession of any land referred to herein for a period of five years beginning with the date of completion of the work specified in relation to that land; and (3) before giving up possession of the land referred to herein the acquiring authority shall remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land, but declaring that the acquiring authority shall not be required to replace any building removed in accordance with the terms of this Second Schedule.

Number on Map	Owners	Description of land	Purposes for which temporary possession may be taken	Authorised work	Occupiers
18	527 square metres or thereby of part access road and part amenity land lying generally on or towards the north of Laurel Avenue, Bridge of Don, Aberdeen	Barratt West Scotland Limited, Barratt House, Forest Hill Business Park, Cartwright Way, Leicester, LE67 1UF			
18a	183 square metres or thereby	Barratt West Scotland Limited, Barratt House, Forest Hill Business Park, Cartwright Way, Leicester, LE67 1UF			

18b	87 square metres or thereby	Barratt West Scotland Limited, Barratt House, Forest Hill Business Park, Cartwright Way, Leicester, LE67 1UF			
19	227 square metres or thereby of amenity land lying generally on or towards the northeast of Laurel Avenue, Bridge of Don, Aberdeen	Alexander Gordon, Danestone Market Gardens, Danestone, Aberdeen, AB22 8AJ			
36	40 square metres or thereby of amenity land lying on or towards the southwest of Gordon's Mills Road, Aberdeen	Glen Morrison and Susan Morrison, 16 Meadow Place, Aberdeen, AB24 2SL			
40	92 square metres or thereby of amenity land lying on or towards the southwest of Gordon's Mills Road, Aberdeen	Aberdeen City Council Town House, Broad Street, Aberdeen AB10 1AQ Ernest Falconer and Elizabeth Falconer, 21 Gordon's Mills Road, Aberdeen AB24 2YR			

		<p>Solbud Property and Development Company Limited, 21 Carden Place, Aberdeen AB10 1UQ</p> <p>Linda Robertson, 27 Gordon's Mills Road, Aberdeen, AB24 2YR</p> <p>Kathleen Aldridge, 33 Gordon's Mills Road, Aberdeen AB24 2YR</p>			
46	1,060 square metres or thereby of development land lying on or towards the southeast of Meadow Lane, Aberdeen	Donside Limited, Exchange Tower, 19 Canning Street, Edinburgh, EH3 8EH			
54	114 square metres or thereby of part access road and part amenity land lying on or towards the northeast of Tillydrone Road, Aberdeen	Langstane Housing Association Limited, 680 King Street, Aberdeen, AB24 1SL			

58	41 square metres or thereby of access road lying on or towards the east of Tillydrone Avenue, Aberdeen	The University Court of the University of Aberdeen, King's College, Aberdeen, AB24 3FX			
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This is the Second Schedule referred to in the Aberdeen City Council Access from the North Proposals ("Third Don Crossing") Compulsory Purchase Order 2010