

**PERTH AND KINROSS COUNCIL
ROADS (SCOTLAND) ACT 1984**

**PERTH AND KINROSS COUNCIL (ELM DRIVE, BLAIRGOWRIE)
(RE-DETERMINATION OF MEANS OF EXERCISE OF PUBLIC RIGHT OF
PASSAGE) ORDER 2019
(01/19)**

Perth and Kinross Council in exercise of the powers conferred on them by Section 1, 1 (1) and 152 (2) of the Roads (Scotland) Act 1984 and of all other powers enabling them in that behalf and hereby make the following Order:-

**PART I
GENERAL PROVISIONS**

Commencement and Citation

1. This Order may be cited as the "Perth and Kinross Council (Elm Drive, Blairgowrie) (Re-determination of Means of Exercise of Public Right of Passage) Order 2019" and shall come into operation on the Twenty-third day of January Two thousand and nineteen.

Interpretation

2. In this Order except where the context otherwise requires, the following expressions shall have the meaning hereby assigned to them:-

"**Chief Constable**" means the Chief Constable of Police Scotland;

"**Council**" means Perth and Kinross Council;

"**cycle track**" means a way over which the public have a right of way on pedal cycles which are motor vehicles within the meaning of the Roads (Scotland) Act 1984 with or without a right of way on foot;

"**footpath**" means a way not associating with a carriageway over which the public have a right of way on foot only;

"**footway**" means a way of associating with a carriageway over which the public have a right of way on foot only;

"**cycle**" means a bicycle, a tricycle or cycle having four or more wheels, not being in any case a motor vehicle;

"**vehicle**" means a vehicle of any description and includes a machine or implement of any kind drawn or propelled along roads whether by animal or mechanical power;

"**schedule**" means the schedule to this Order.

PART II

Designation

1. The lengths of roads specified in the Schedule to this Order, shall become cycle tracks, the right of passage being exercisable on pedal cycle and foot only.

**PART III
EXEMPTIONS**

From Driving Prohibition

1. Nothing in Part II 1. hereof shall prevent any person from causing or permitting any vehicle to be driven in any of the lengths of roads specified in the Schedule hereto if the vehicle is any other vehicle being used for Police, Fire Brigade or Ambulance emergency purposes or is a motor vehicle in the service of a Local Authority and is being used in pursuance of statutory powers and duties, including the cleansing, maintenance improvement of the cycle track or its verges or the maintenance or alteration of any structure or other work situated therein.

SIGNED and the COMMON SEAL of the COUNCIL hereto AFFIXED at PERTH on the FOURTEENTH day of JANUARY TWO THOUSAND AND NINETEEN.




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Head of Legal & Governance Services

**PERTH AND KINROSS COUNCIL (ELM DRIVE, BLAIRGOWRIE)
(RE-DETERMINATION OF MEANS OF EXERCISE OF PUBLIC RIGHT OF
PASSAGE) ORDER 2019**

SCHEDULE

**ROADS OVER WHICH MEANS OF EXERCISE OF PUBLIC RIGHT OF PASSAGE
IS TO BE DETERMINED**

- 1. Elm Drive, Blairgowrie**
Footway on the south side of Elm Drive from the junction with Walnut Grove southwestwards to the junction with Willow Place for 63 metres or thereby.
- 2. Elm Drive, Blairgowrie**
Footway on the south side of Elm Drive from the junction with Willow Place southwestwards to the junction with Maple Place for 115 metres or thereby.
- 3. Elm Drive, Blairgowrie**
Footway on the southeast side of Elm Drive from the junction with Maple Place southwestwards for 202 metres or thereby.

All as the said areas are delineated and sawtooth hatched on the plan annexed to this Order.

Council Reasons

In accordance with Council Policy of providing facilities to encourage cycling, a Cycle Route within Blairgowrie is being created. The Redetermination of these sections of footway at Elm Drive as a cycle track for use by both pedestrian and cyclists will allow a Cycle Route to be provided and link existing Cycle Routes.



Legend



Area of footprint/footpath to be re-determined as shared use



Date	Revised Details	By	Approved	Date
AMENDMENTS				



PERTH & KINROSS COUNCIL

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ELM DRIVE, BLAIRGOWRIE

(RE-DETERMINATION OF MEANS OF EXERCISE OF PUBLIC RIGHT OF PASSAGE) ORDER 2018

Housing & Environment

Drawn by: **CBEATTIE**
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 Approved by: **B. CARGILL**
 Date: **31/05/2018**

Executive Director - **B. Renton BA Hons**

Drawing Number: **NTS**
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