

**2015 No. 414**

**ROADS AND BRIDGES**

**The A737/A738 Trunk Road (The Den, Dalry) (Side Roads)  
Order 2015**

*Made* - - - - *2nd December 2015*

*Coming into force* - - *16th December 2015*

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 12(1) and (5) and 70(1) of the Roads (Scotland) Act 1984(a) and all other powers enabling them to do so.

In accordance with section 12(3) of that Act, they are satisfied that another reasonably convenient route will be provided before the roads are stopped up pursuant to this Order.

In accordance with sections 71(3) of that Act, they are satisfied that another reasonably convenient means of access is available or will be provided in pursuance of this Order before the accesses are stopped up pursuant to this Order.

They determined that the project falls within Annex II to Directive 2011/92/EU of the European Parliament and of the Council(b), on the assessment of the effects of certain public and private projects on the environment and have published notice of that determination on 22nd May 2013.

They prepared an environmental statement and published notice of it on 22nd May 2013. This Order is made in compliance with the provisions of Parts I and III of Schedule 1(c) to the Roads (Scotland) Act 1984.

**Citation and commencement**

**1.** This Order may be cited as the A737/A738 Trunk Road (The Den, Dalry) (Side Roads) Order 2015 and shall come into force on 16th December 2015.

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(a) 1984 c.54. 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).

(b) O.J. L 26, 28.1.2012, p.1. Directive 2011/92/EU repealed and recast the provisions contained in Council Directive 85/337/EEC, O.J. L 175, 5.7.1985, p.40, as amended by Council Directive 97/11/EC, O.J. L 73, 14.3.1997, p.5, Directive 2003/35/EC of the European Parliament and of the Council, O.J. L 156, 25.6.2003, p.17 and Directive 2009/31/EC of the European Parliament and of the Council, O.J. L 140, 5.6.2009, p.114. Directive 2011/92/EU was amended by Directive 2014/52/EU of the European Parliament and of the Council, O.J. L 124 25.4.2014, p.1.

(c) Part I of Schedule 1 was amended by the Local Government etc. (Scotland) Act 1994 (c.39) Schedule 13, paragraph 135, the Water Industry (Scotland) Act 2002 (asp 3), schedule 7, paragraph 14, the Transport and Works (Scotland) Act 2007 (asp 8), section 24, schedule 2, paragraphs 2 and 3 and schedule 3, paragraph 1 and S.S.I. 1999/1, 2006/614 and 2011/396. Part III of Schedule 1 was amended by the New Roads and Street Works Act 1991 (c.22), Schedule 8, paragraph 96(2) and the Transport and Works (Scotland) Act 2007 (asp 8), schedule 3, paragraph 1.

### **Side roads and new means of access**

2. The meanings in Schedule 1 to this Order have effect.
3. The Scottish Ministers as roads authority are authorised—
  - (a) to construct those lengths of road (hereinafter referred to as “the new side roads”) along the routes described in Schedule 2 to this Order;
  - (b) to improve those lengths of road described in Schedule 3 to this Order;
  - (c) to stop up those lengths of road described in Schedule 4 to this Order when the new side roads are open for the purposes of through traffic;
  - (d) to stop-up the private means of access described in Schedule 5 to this Order when the new means of access described in Schedule 6 have been provided; and
  - (e) to provide those new means of access described in Schedule 6.

### **Statutory Undertakers**

4. Where immediately before the date this Order comes into force there is under, in, on, over, along or across any of the lengths of road described in Schedules 2 to 4 any apparatus belonging to a statutory undertaker, any rights of the statutory undertaker in respect of such apparatus shall be preserved.

### **Transfer of Roads**

5. On 1st April next after the date on which the new side roads are all open for the purposes of through traffic, the new side roads shall be transferred to North Ayrshire Council<sup>(a)</sup> as the roads authority for those roads and they shall enter those roads in their list of public roads<sup>(b)</sup>.

*M RENNIE*

A member of the staff of the Scottish Ministers

Buchanan House,  
Glasgow  
2nd December 2015

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(a) A council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 (c.39).

(b) The list of public roads prepared and kept by the local roads authority under section 1(1) of the Roads (Scotland) Act 1984.

## SCHEDULE 1

Article 2

### INTERPRETATION

In these Schedules—

“the trunk road” means the existing A737/A738 St James Interchange – Kilwinning – Hawkhill Trunk Road;

“point A” means the junction of the U53 Brownhill Road with the trunk road;

“point B” means the junction of the U48 Muirhouse Road with the trunk road;

“point C” means the junction of the U43 Auchengree Road with the trunk road; and

“the plan” means the plan numbered SRO/1 and entitled “The A737/A738 Trunk Road (The Den, Dalry) (Side Roads) Order 2015”, signed with reference to this Order and deposited at the offices of Transport Scotland, Major Transport Infrastructure Projects, Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF.

## SCHEDULE 2

Article 3(a)

### THE ROUTES OF THE NEW SIDE ROADS

- 1.** From point A in a north westerly direction for a distance of 27 metres, or thereby, as shown by stipple and numbered “1” on the plan.
- 2.** From a point 68 metres or thereby north east of point A, in a north easterly direction for a distance of 56 metres or thereby and in a southerly direction for a distance of 15 metres of thereby, as shown by stipple and numbered “2” on the plan.
- 3.** From a point 5 metres or thereby north east of point C, in a northerly direction for a distance of 33 metres or thereby, as shown by stipple and marked “3” on the plan.
- 4.** From a point 56 metres or thereby north west of point C, in a south westerly direction for a distance of 32 metres or thereby, as shown by stipple and marked “4” on the plan.

## SCHEDULE 3

Article 3(b)

### LENGTHS OF ROAD TO BE IMPROVED

- 1.** From a point 27 metres or thereby north west of point A, in a north westerly direction for a distance of 11 metres or thereby, as shown by cross hatching and numbered “5” on the plan.
- 2.** From a point 84 metres or thereby north east of point A, in a north easterly direction for a distance of 46 metres or thereby, as shown by cross hatching and numbered “6” on the plan.
- 3.** From a point 56 metres or thereby north west of point C, in a north westerly direction for a distance of 32 metres or thereby, as shown by the cross hatching and numbered “7” on the plan.
- 4.** From a point 5 metres or thereby north east of point C, in a south westerly direction for a distance of 35 metres or thereby, as shown by the cross hatching and numbered “8” on the plan.

## SCHEDULE 4

Article 3(c)

### LENGTHS OF ROAD TO BE STOPPED UP

- 1.** From a point 32 metres or thereby north east of point A, in a north easterly direction for a distance of 100 metres or thereby, as shown by zebra hatching and numbered “9” on the plan.
- 2.** From a point 36 metres or thereby north west of point C, in a north westerly direction for a distance of 21 metres or thereby, as shown by zebra hatching and numbered “10” on the plan.
- 3.** From a point 5 metres or thereby west of point C, in a north westerly direction for a distance of 31 metres or thereby, as shown by zebra hatching and numbered “11” on the plan.
- 4.** From a point 16 metres or thereby south west of point C, in a north easterly direction for a distance of 196 metres or thereby, as shown by zebra hatching and numbered “12” on the plan.

## SCHEDULE 5

Article 3(d)

### PRIVATE MEANS OF ACCESS TO BE STOPPED UP

1. The private means of access to The Graze Restaurant, 1-5 Crossroads, Dalry, KA24 4JF from the existing trunk road from a point 41 metres or thereby south west of point A, as shown by a solid black bar and numbered “13” on the plan.

2. The private means of access at the Crossroads, Dalry, KA24 on the southern side of the Trunk Road, 10m or thereby south of point A, as shown by a solid black bar and numbered “14” on the plan.

3. The private means of access to Fernside Cottage, 12 Crossroads, The Den, Dalry, KA24 4JG from the existing trunk road from a point 49 metres or thereby north east of point A, as shown by a solid black bar and numbered “15” on the plan.

4. The private means of access to Meadowhead Farm, The Den, Dalry, KA24 4JG from the existing trunk road from a point 70 metres or thereby north west of point B on the plan, as shown by a solid black bar and numbered “16” on the plan.

## SCHEDULE 6

Article 3(e)

### NEW MEANS OF ACCESS TO BE PROVIDED

- 1.** From a point 48 metres or thereby south west of point A in a south easterly direction for a distance of 57 metres or thereby as shown by diagonal line hatching and numbered “17” on the plan.
- 2.** From a point 20 metres or thereby north west of point A in a south westerly direction for a distance of 5 metres or thereby as shown by diagonal line hatching and numbered “18” on the plan.
- 3.** From a point 65 metres or thereby north east of point A in an easterly direction for a distance of 4 metres or thereby as shown by diagonal line hatching and numbered “19” on the plan.
- 4.** From a point 96 metres or thereby north west of point B in a north westerly direction for a distance of 44 metres or thereby and in a south westerly direction for a distance of 30 metres or thereby as shown by diagonal line hatching and numbered “20” on the plan.
- 5.** From a point 14 metres or thereby north west of point B in a north westerly direction for a distance of 57 metres or thereby and in a south westerly direction for a distance of 15 metres or thereby as shown by diagonal line hatching and numbered “21” on the plan.
- 6.** From a point 13 metres or thereby north east of point C in a north easterly direction for a distance of 68 metres or thereby and in a north westerly direction for a distance of 10 metres or thereby as shown by diagonal line hatching and numbered “22” on the plan.
- 7.** From a point 63 metres or thereby north west of point C in an easterly direction for a distance of 69 metres or thereby and in a north westerly direction for a distance of 10 metres or thereby as shown by diagonal hatching and numbered “23” on the plan.