

2016 No. 138

ROADS AND BRIDGES

**The M77/A77 Trunk Road (Maybole Bypass) (Side Roads)
Order 2016**

Made - - - - *2nd March 2016*

Coming into force - - *16th March 2016*

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.

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 4th December 2013.

They prepared an environmental statement and published notice of it on 4th December 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 M77/A77 Trunk Road (Maybole Bypass) (Side Roads) Order 2016 and shall come into force on 16th March 2016.

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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 Directive 2011/92/EU repealed and recast the provisions contained in Council Directive 85/337/EEC, O.J. L 175, 5.7.1985, p.40, as amended by Council Directive 97/11/EC, O.J. L 73,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 1 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(4)(a), schedule 2, paragraphs 2 and 3 and schedule 3, paragraph 1 and S.S.I. 1999/1, S.S.I. 2006/614 and S.S.I. 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 3 and 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 South Ayrshire Council^(a) as the roads authority for those roads and they shall enter those roads in their list of public roads^(b).

M F RENNIE

A member of the staff of the Scottish Ministers

Buchanan House,
Glasgow
2nd March 2016

(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 the M77/A77 Glasgow - Stranraer Trunk Road in the vicinity of Maybole, South Ayrshire;

“plan SRO/1” means the plan numbered SRO/1 and entitled “The M77/A77 Trunk Road (Maybole Bypass) (Side Roads) Order 2016”, 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.

“plan SRO/2” means the plan numbered SRO/2 and entitled “The M77/A77 Trunk Road (Maybole Bypass) (Side Roads) Order 2016”, 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.

“plan SRO/3” means the plan numbered SRO/3 and entitled “The M77/A77 Trunk Road (Maybole Bypass) (Side Roads) Order 2016”, 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.

point “1” means the intersection of the existing centrelines of the trunk road and the access track to Broomknowes Farm, Maybole as shown on plan, SRO/1;

point “2” means the intersection of the existing centrelines of the B7023 Culzean Road, Maybole and the access track to East Enoch Farm, Maybole, KA19 8DU as shown on plan, SRO/1;

point “3” means the south west corner of the property known as 4 McCrae Court, Maybole, KA19 8BU as shown on plan, SRO/1;

point “4” means the intersection of the existing centrelines of Gardenrose Path, Maybole and Fineview Place, Maybole as shown on plan SRO/1;

point “5” means the north east corner of the property known as 53 Ashgrove Avenue, Maybole, KA19 8BJ as shown on plan SRO/1;

point “6” means the intersection of the existing centrelines of the B7024 Alloway Road, Maybole and the access track known as Lover’s Lane, Maybole as shown on plan SRO/2;

point “7” means the intersection of the existing centrelines of the trunk road and the access track to Knoweholm, Maybole, KA19 8DJ as shown on plan SRO/3.

SCHEDULE 2

Article 3(a)

THE ROUTES OF THE NEW SIDE ROADS

- 1.** From a point 43 metres or thereby north west of point 1, in an easterly direction for a distance of 164 metres, or thereby, as shown by stipple and numbered “A1” on plan SRO/1.
- 2.** From a point 31 metres or thereby south east of point 2, in a south easterly direction for a distance of 215 metres or thereby, as shown by stipple and numbered “A2” on plan SRO/1.
- 3.** From a point 58 metres or thereby south east of point 2, in a north westerly direction for a distance of 160 metres or thereby, as shown by stipple and numbered “A3” on plan SRO/1.
- 4.** From a point 116 metres or thereby north west of point 3, in a south easterly direction for a distance of 121 metres or thereby, as shown by stipple and marked “A4” on plan SRO/1.
- 5.** From a point 13 metres or thereby north west of point 4, in a north westerly direction for a distance of 356 metres or thereby, as shown by stipple and marked “A5” on plan SRO/1.
- 6.** From a point 157 metres or thereby north of point 5, in a northerly direction for a distance of 96 metres or thereby, as shown by stipple and marked “A6” on plan SRO/1.
- 7.** From a point 29 metres or thereby south east of point 5, in a northerly direction for a distance of 316 metres or thereby, as shown by stipple and marked “A7” on plan SRO/1.
- 8.** From a point 48 metres or thereby north east of point 5, in a northerly direction for a distance of 9 metres or thereby, as shown by stipple and marked “A8” on plan SRO/1.
- 9.** From a point 139 metres or thereby south of point 6, in a northerly direction for a distance of 295 metres or thereby, as shown by stipple and marked “A9” on plan SRO/2.
- 10.** From a point 490 metres or thereby south west of point 7, in a northerly then north westerly direction for a distance of 254 metres or thereby, as shown by stipple and marked “A10” on plan SRO/3.
- 11.** From a point 335 metres or thereby south west of point 7, in a westerly direction for a distance of 120 metres or thereby, as shown by stipple and marked “A11” on plan SRO/3.

SCHEDULE 3

Article 3(b)

ROADS TO BE IMPROVED

- 1.** From a point 54 metres or thereby north east of point 1, in an easterly direction for a distance of 80 metres or thereby, as shown by cross hatching and numbered “B1” on plan SRO/1.
- 2.** From a point 117 metres or thereby south east of point 2, in a north westerly direction for a distance of 303 metres or thereby, as shown by cross hatching and numbered “B2” on plan SRO/1.
- 3.** From a point 72 metres or thereby west of point 3, in a south easterly direction for a distance of 73 metres or thereby, as shown by the cross hatching and numbered “B3” on plan SRO/1.
- 4.** From a point 14 metres or thereby north west of point 4, in a north westerly direction for a distance of 91 metres or thereby, as shown by the cross hatching and numbered “B4” on plan SRO/1.
- 5.** From a point 301 metres or thereby north west of point 4, in a north westerly direction for a distance of 114 metres or thereby, as shown by the cross hatching and numbered “B5” on plan SRO/1.
- 6.** From a point 35 metres or thereby south east of point 5, in a northerly direction for a distance of 91 metres or thereby, as shown by the cross hatching and numbered “B6” on plan SRO/1.
- 7.** From a point 80 metres or thereby north of point 5, in a northerly direction for a distance of 225 metres or thereby, as shown by the cross hatching and numbered “B7” on plan SRO/1.
- 8.** From a point 35 metres or thereby east of point 5, in an easterly direction for a distance of 25 metres or thereby, as shown by the cross hatching and numbered “B8” on plan SRO/1.
- 9.** From a point 122 metres or thereby south of point 6, in a southerly direction for a distance of 67 metres or thereby, as shown by the cross hatching and numbered “B9” on plan SRO/2.
- 10.** From a point 79 metres or thereby north west of point 6, in a northerly direction for a distance of 193 metres or thereby, as shown by the cross hatching and numbered “B10” on plan SRO/2.
- 11.** From a point 443 metres or thereby south west of point 7, in a southerly direction for a distance of 119 metres or thereby, as shown by the cross hatching and numbered “B11” on plan SRO/3.
- 12.** From a point 370 metres or thereby south west of point 7, in a south westerly direction for a distance of 121 metres or thereby, as shown by the cross hatching and numbered “B12” on plan SRO/3.

SCHEDULE 4

Article 3(c)

LENGTHS OF ROAD TO BE STOPPED UP

1. From a point 119 metres or thereby north east of point 1, in a south westerly direction for a distance of 372 metres or thereby, as shown by zebra hatching and numbered “C1” on plan SRO/1.

2. From a point 60 metres or thereby south east of point 2, in a south easterly direction for a distance of 321 metres or thereby, as shown by zebra hatching and numbered “C2” on plan SRO/1.

3. From a point 32 metres or thereby south east of point 2, in a north westerly direction for a distance of 123 metres or thereby, as shown by zebra hatching and numbered “C3” on plan SRO/1.

4. From a point 17 metres or thereby north west of point 4, in a north westerly direction for a distance of 326 metres or thereby, as shown by zebra hatching and numbered “C4” on plan SRO/1.

5. From a point 33 metres or thereby south east of point 5, in a northerly direction for a distance of 177 metres or thereby, as shown by zebra hatching and numbered “C5” on plan SRO/1.

6. From a point 189 metres or thereby south of point 6, in a northerly direction for a distance of 350 metres or thereby, as shown by zebra hatching and numbered “C6” on plan SRO/2.

7. From a point 64 metres or thereby south west of point 7, in a south westerly and then southerly direction for a distance of 440 metres or thereby, as shown by zebra hatching and numbered “C7” on plan SRO/3.

8. From a point 222 metres or thereby south west of point 7, in a westerly and then south westerly direction for a distance of 204 metres or thereby, as shown by zebra hatching and numbered “C8” on plan SRO/3.

SCHEDULE 5

Article 3(d)

PRIVATE MEANS OF ACCESS TO BE STOPPED UP

1. The private means of access to Cultzeoun Farm, Maybole, KA19 8HG on the north side of the trunk road from a point 165 metres or thereby south west of point 1, as shown by a solid black bar and numbered “D1” on plan SRO/1.

2. The private means of access to a field lying on the north side of the trunk road from a point 34 metres or thereby north of point 1, as shown by a solid black bar and numbered “D2” on plan SRO/1.

3. The private means of access to Broomknowes Farm, Maybole, KA19 8HF lying on the south side of the trunk road from a point 6 metres or thereby south of point 1, as shown by a solid black bar and numbered “D3” on plan SRO/1.

4. The private means of access to a field lying on the north side of the trunk road from a point 118 metres or thereby east of point 1, as shown by a solid black bar and numbered “D4” on plan SRO/1.

5. The private means of access to a field lying on the south side of the trunk road from a point 126 metres or thereby east of point 1, as shown by a solid black bar and numbered “D5” on plan SRO/1.

6. The private means of access to a field lying on the south side of the B7023 Culzean Road, Maybole from a point 122 metres or thereby south east of point 2, as shown by a solid black bar and numbered “D6” on plan SRO/1.

7. The private means of access to a field lying on the south side of the B7023 Culzean Road, Maybole from a point 111 metres or thereby west of point 3, as shown by a solid black bar and numbered “D7” on plan SRO/1.

8. The private means of access to a field lying on the west side of the Gardenrose Path, Maybole from a point 270 metres or thereby north west of point 4, as shown by a solid black bar and numbered “D8” on plan SRO/1.

9. The private means of access to a field lying on the east side of the Gardenrose Path, Maybole from a point 268 metres or thereby north west of point 4, as shown by a solid black bar and numbered “D9” on plan SRO/1.

10. The private means of access to a field lying on the west side of Kirklandhill Path, Maybole from a point 118 metres or thereby north of point 5, as shown by a solid black bar and numbered “D10” on plan SRO/1.

11. The private means of access to a field lying on the east side of Kirklandhill Path, Maybole from a point 120 metres or thereby north of point 5, as shown by a solid black bar and numbered “D11” on plan SRO/1.

12. The private means of access to a field lying on the west side of B7024 Alloway Road, Maybole from a point 19 metres or thereby north of point 6, as shown by a solid black bar and numbered “D12” on plan SRO/2.

13. The private means of access to a field lying on the west side of the B7024 Alloway Road, Maybole from a point 35 metres or thereby north of point 6, as shown by a solid black bar and numbered “D13” on plan SRO/2.

14. The private means of access to a field lying on the south west side of the trunk road from a point 384 metres or thereby south west of point 7, as shown by a solid black bar and numbered “D14” on plan SRO/3.

15. The private means of access to a field lying on the south side of the Laigh Grange Road, Maybole from a point 381 metres or thereby south west of point 7, as shown by a solid black bar and numbered “D15” on plan SRO/3.

16. The private means of access to field lying on the north side of the Laigh Grange Road, Maybole from a point 246 metres or thereby south west of point 7, as shown by a solid black bar and numbered “D16” on plan SRO/3.

17. The private means of access to a field lying on the south side of the Laigh Grange Road, Maybole from a point 264 metres or thereby south west of point 7, as shown by a solid black bar and numbered “D17” on plan SRO/3.

SCHEDULE 6

Article 3(e)

NEW MEANS OF ACCESS TO BE PROVIDED

- 1.** From a point 66 metres or thereby north east of point 1, in a northerly and then westerly direction for a distance of 296 metres or thereby as shown by diagonal line hatching and numbered “E1” on plan SRO/1.
- 2.** From a point 61 metres or thereby north east of point 1, in a northerly direction for a distance of 11 metres or thereby as shown by diagonal line hatching and numbered “E2” on plan SRO/1.
- 3.** From a point 61 metres or thereby north of point 1, in a northerly direction for a distance of 64 metres or thereby as shown by diagonal line hatching and numbered “E3” on plan SRO/1.
- 4.** From a point 75 metres or thereby north of point 1, in a westerly direction for a distance of 74 metres or thereby as shown by diagonal line hatching and numbered “E4” on plan SRO/1.
- 5.** From a point 108 metres or thereby north west of point 1, in a northerly direction for a distance of 69 metres or thereby as shown by diagonal line hatching and numbered “E5” on plan SRO/1.
- 6.** From a point 197 metres or thereby west of point 1, in a northerly direction for a distance of 15 metres or thereby as shown by diagonal line hatching and numbered “E6” on plan SRO/1.
- 7.** From a point 124 metres or thereby north west of point 1, in a southerly direction for a distance of 10 metres or thereby as shown by diagonal line hatching and numbered “E7” on plan SRO/1.
- 8.** From a point 23 metres or thereby north east of point 1, in a southerly direction for a distance of 68 metres or thereby as shown by diagonal line hatching and numbered “E8” on plan SRO/1.
- 9.** From a point 82 metres or thereby west of point 2, in a southerly direction for a distance of 14 metres or thereby as shown by diagonal line hatching and numbered “E9” on plan SRO/1.
- 10.** From a point 83 metres or thereby west of point 2, in a northerly direction for a distance of 21 metres or thereby as shown by diagonal line hatching and numbered “E10” on plan SRO/1.
- 11.** From a point 1 metres or thereby south of point 2, in a northerly direction for a distance of 49 metres or thereby as shown by diagonal line hatching and numbered “E11” on plan SRO/1.
- 12.** From a point 94 metres or thereby north west of point 3, in a south westerly direction for a distance of 32 metres or thereby as shown by diagonal line hatching and numbered “E12” on plan SRO/1.
- 13.** From a point 23 metres or thereby south west of point 3, in a north easterly direction for a distance of 11 metres or thereby as shown by diagonal line hatching and numbered “E13” on plan SRO/1.
- 14.** From a point 34 metres or thereby north west of point 4, in a south westerly direction for a distance of 11 metres or thereby as shown by diagonal line hatching and numbered “E14” on plan SRO/1.
- 15.** From a point 42 metres or thereby north west of point 4, in a north easterly direction for a distance of 15 metres or thereby as shown by diagonal line hatching and numbered “E15” on plan SRO/1.
- 16.** From a point 301 metres or thereby north west of point 4, in a north easterly direction for a distance of 20 metres or thereby as shown by diagonal line hatching and numbered “E16” on plan SRO/1.

17. From a point 362 metres or thereby north west of point 4, in a south westerly direction for a distance of 21 metres or thereby as shown by diagonal line hatching and numbered “E17” on plan SRO/1.

18. From a point 93 metres or thereby north of point 5, in a westerly direction for a distance of 20 metres or thereby as shown by diagonal line hatching and numbered “E18” on plan SRO/1.

19. From a point 95 metres or thereby north of point 5, in an easterly direction for a distance of 20 metres or thereby as shown by diagonal line hatching and numbered “E19” on plan SRO/1.

20. From a point 119 metres or thereby north of point 5, in a northerly direction for a distance of 159 metres or thereby as shown by diagonal line hatching and numbered “E20” on plan SRO/1.

21. From a point 254 metres or thereby north of point 5, in a westerly direction for a distance of 10 metres or thereby as shown by diagonal line hatching and numbered “E21” on plan SRO/1.

22. From a point 255 metres or thereby north of point 5, in an easterly direction for a distance of 10 metres or thereby as shown by diagonal line hatching and numbered “E22” on plan SRO/1.

23. From a point 301 metres or thereby north of point 5, in a westerly direction for a distance of 5 metres or thereby as shown by diagonal line hatching and numbered “E23” on plan SRO/1.

24. From a point 13 metres or thereby west of point 6, in an easterly and then southerly direction for a distance of 42 metres or thereby as shown by diagonal line hatching and numbered “E24” on plan SRO/2.

25. From a point 2 metres or thereby south of point 6, in a southerly direction for a distance of 10 metres or thereby as shown by diagonal line hatching and numbered “E25” on plan SRO/2.

26. From a point 21 metres or thereby east of point 6, in an easterly direction for a distance of 18 metres or thereby as shown by diagonal line hatching and numbered “E26” on plan SRO/2.

27. From a point 36 metres or thereby east of point 6, in a north easterly direction for a distance of 650 metres or thereby as shown by diagonal line hatching and numbered “E27” on plan SRO/2.

28. From a point 58 metres or thereby north west of point 6, in a westerly direction for a distance of 16 metres or thereby as shown by diagonal line hatching and numbered “E28” on plan SRO/2.

29. From a point 173 metres or thereby north of point 6, in an easterly direction for a distance of 44 metres or thereby as shown by diagonal line hatching and numbered “E29” on plan SRO/2.

30. From a point 518 metres or thereby south west of point 7, in a westerly direction for a distance of 20 metres or thereby as shown by diagonal line hatching and numbered “E30” on plan SRO/3.

31. From a point 455 metres or thereby south west of point 7, in an easterly direction for a distance of 14 metres or thereby as shown by diagonal line hatching and numbered “E31” on plan SRO/3.

32. From a point 478 metres or thereby south west of point 7, in a southerly direction for a distance of 16 metres or thereby as shown by diagonal line hatching and numbered “E32” on plan SRO/3.

33. From a point 395 metres or thereby south west of point 7, in a southerly direction for a distance of 47 metres or thereby as shown by diagonal line hatching and numbered “E33” on plan SRO/3.

34. From a point 361 metres or thereby south west of point 7, in a north westerly direction for a distance of 35 metres or thereby as shown by diagonal line hatching and numbered “E34” on plan SRO/3.

35. From a point 349 metres or thereby south west of point 7, in a north westerly direction for a distance of 42 metres or thereby as shown by diagonal line hatching and numbered “E35” on plan SRO/3.