

**2015 No. 412**

**ROADS AND BRIDGES**

**The A737/A738 Trunk Road (Dalry Bypass) (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 section 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 31st July 2013.

They prepared an environmental statement and published notice of it on 31st July 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 (Dalry Bypass) (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 Directive 2011/92/EU repealed and recast the provisions contained in Council Directive 85/337/EEC, O.J. L 175, 5.7.1985, p40, as amended by Council Directive 97/11/EC, O.J. L 73, 14.3.1997, p5, 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 (4)(a), 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 definitions 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;

“plan SR1” means the plan numbered SR1 and entitled the A737/A738 Trunk Road (Dalry Bypass) (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;

“plan SR2” means the plan numbered SR2 and entitled the A737/A738 Trunk Road (Dalry Bypass) (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;

“plan SR3” means the plan numbered SR3 and entitled the A737/A738 Trunk Road (Dalry Bypass) (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;

“point 1” means the intersection of the existing centrelines of the trunk road and the access track of Hillend Farm as shown on plan SR1;

“point 2” means the intersection of the existing centrelines of Blair Road and Baidland Avenue as shown on plan SR1 and SR2;

“point 3” means the intersection of the existing centrelines of the A737 and B707 as shown on plan SR2;

“point 4” means the intersection of the existing centrelines of the B707 and the access track of Highfield Farm as shown on plan SR2;

“point 5” means the north east corner of the building known as Pasturehill Cottage, Dalry, North Ayrshire, KA24 4HR as shown on plan SR3;

“point 6” means the south west corner of the building known as Hareshaw Farm, Dalry, North Ayrshire, KA24 4JE as shown on plan SR3;and

“point 7” means the north west corner of the building known as Bradgate, Dalry, North Ayrshire, KA24 4HU as shown on plan SR2.

## SCHEDULE 2

Article 3(a)

### THE ROUTES OF THE NEW SIDE ROADS

**1.** From a point 175 metres or thereby north-east of point 3 in a generally easterly direction for a distance of 100 metres or thereby to a point 440 metres or thereby west, north-west of point 4 as shown by stipple and marked A1 on plan SR2.

**2.** From a point 240 metres or thereby north-east of point 3 in a generally south-easterly direction for a distance of 175 metres or thereby to a point 280 metres or thereby west, north-west of point 4 as shown by stipple and marked A2 on plan SR2.

**3.** From a point 300 metres or thereby north-east of point 3 in a generally north-easterly direction for a distance of 115 metres or thereby to a point 345 metres or thereby north-west of point 4 as shown by stipple and marked A3 on plan SR2.

**4.** From a point 365 metres or thereby north-east of point 3 in a generally north-easterly direction for a distance of 270 metres or thereby to a point 405 metres or thereby north-west of point 4 as shown by stipple and marked A4 on plan SR2.

**5.** From a point 530 metres or thereby north-east of point 3 in a generally north-easterly direction for a distance of 25 metres or thereby to a point 350 metres or thereby north-west of point 4 as shown by stipple and marked A5 on plan SR2.

**6.** From a point 425 metres or thereby east of point 3 in a generally south-easterly direction for a distance of 20 metres or thereby to a point 220 metres or thereby west of point 4 as shown by stipple and marked A6 on plan SR2.

**7.** From a point 410 metres or thereby east of point 3 in a generally north-easterly then south-easterly direction for a distance of 20 metres or thereby to a point 225 metres or thereby west of point 4 as shown by stipple and marked A7 on plan SR2.

**8.** From a point 440 metres or thereby east of point 3 in a generally south-easterly then southerly direction for a distance of 280 metres or thereby to a point 350 metres or thereby south-west of point 4 as shown by stipple and marked A8 on plan SR2.

**9.** From a point 470 metres or thereby south-east of point 3 in a generally north-easterly direction for a distance of 165 metres or thereby to a point 35 metres or thereby south-west of point 4 as shown by stipple and marked A9 on plan SR2.

**10.** From a point 440 metres or thereby north-east of point 5 in a generally north-easterly then north-westerly direction for a distance of 30 metres or thereby to a point 455 metres or thereby south-west of point 6 as shown by stipple and marked A10 on plan SR3.

**11.** From a point 20 metres or thereby north-east of point 5 in a generally south-easterly direction for a distance of 10 metres or thereby to a point 20 metres or thereby north-east of point 5 as shown by stipple and marked A11 on plan SR3.

**12.** From a point 410 metres or thereby north-east of point 3 in a generally easterly direction for a distance of 15 metres or thereby to a point 260 metres or thereby north-west of point 4 as shown by stipple and marked A12 on plan SR2.

## SCHEDULE 3

Article 3(b)

### LENGTHS OF ROAD TO BE IMPROVED

- 1.** From a point 55 metres or thereby south-east of point 2 in a generally south-easterly direction for a distance of 200 metres or thereby to a point 255 metres or thereby south-east of point 2 as shown by a cross hatch and marked B1 on plan SR2.
- 2.** From a point 170 metres or thereby north-east of point 3 in a generally easterly direction for a distance of 120 metres or thereby to a point 420 metres or thereby north-west of point 4 as shown by a cross hatch and marked B2 on plan SR2.
- 3.** From a point 335 metres or thereby north-east of point 3 in a generally north-easterly direction for a distance of 135 metres or thereby to a point 340 metres or thereby north-west of point 4 as shown by a cross hatch and marked B3 on plan SR2.
- 4.** From a point 565 metres or thereby north-east of point 3 in a generally north-westerly then north-easterly direction for a distance of 125 metres or thereby to a point 440 metres or thereby north-west of point 4 as shown by a cross hatch and marked B4 on plan SR2.
- 5.** From a point 480 metres or thereby north-east of point 3 in a generally north-easterly direction for a distance of 125 metres or thereby to a point 345 metres or thereby north-west of point 4 as shown by a cross hatch and marked B5 on plan SR2.
- 6.** From a point 365 metres or thereby east of point 3 in a generally south-easterly direction for a distance of 5 metres or thereby to a point 285 metres or thereby west of point 4 as shown by a cross hatch and marked B6 on plan SR2.
- 7.** From a point 420 metres or thereby east of point 3 in a generally south-easterly then southerly direction for a distance of 430 metres or thereby to a point 480 metres or thereby south-west of point 4 as shown by a cross hatch and marked B7 on plan SR2.
- 8.** From a point 535 metres or thereby east of point 3 in a generally north-easterly direction for a distance of 105 metres or thereby to a point 15 metres or thereby south west of point 4 as shown by a cross hatch and marked B8 on plan SR2.
- 9.** From a point 315 metres or thereby north-east of point 5 in a generally north-easterly direction for a distance of 135 metres or thereby to a point 475 metres or thereby south-west of point 6 as shown by a cross hatch and marked B9 on plan SR3.
- 10.** From a point 5 metres or thereby west of point 3 in a generally north-westerly then north-easterly direction for a distance of 40 metres or thereby to a point 45 metres or thereby north-west of point 3 as shown by a cross hatch and marked B10 on plan SR2.

## SCHEDULE 4

Article 3(c)

### LENGTHS OF ROAD TO BE STOPPED UP

**1.** From a point 170 metres or thereby north-east of point 3 in a generally easterly direction for a distance of 85 metres or thereby to a point 445 metres or thereby north-west of point 4 as shown by zebra hatching and marked C1 on plan SR2.

**2.** From a point 250 metres or thereby north-east of point 3 in a generally north-easterly direction for a distance of 115 metres or thereby to a point 360 metres or thereby north-west of point 4 as shown by zebra hatching and marked C2 on plan SR2.

**3.** From a point 400 metres or thereby north-east of point 3 in a generally north-easterly direction for a distance of 165 metres or thereby to a point 365 metres or thereby north-west of point 4 as shown by zebra hatching and marked C3 on plan SR2.

**4.** From a point 570 metres or thereby north-east of point 3 in a generally north-easterly direction for a distance of 110 metres or thereby to a point 435 metres or thereby north-west of point 4 as shown by zebra hatching and marked C4 on plan SR2.

**5.** From a point 245 metres or thereby east of point 3 in a generally east, north-easterly direction for a distance of 125 metres or thereby to a point 285 metres or thereby west of point 4 as shown by zebra hatching and marked C5 on plan SR2.

**6.** From a point 375 metres or thereby north-east of point 3 in a generally north-easterly then south-easterly direction for a distance of 40 metres or thereby to a point 235 metres or thereby north-west of point 4 as shown by zebra hatching and marked C6 on plan SR2.

**7.** From a point 400 metres or thereby north-east of point 3 in a generally south-easterly direction for a distance of 40 metres or thereby to a point 260 metres or thereby north-west of point 4 as shown by zebra hatching and marked C7 on plan SR2.

**8.** From a point 435 metres or thereby east of point 3 in a generally south-easterly then easterly direction for a distance of 160 metres or thereby to a point 55 metres or thereby south-west of point 4 as shown by zebra hatching and marked C8 on plan SR2.

**9.** From a point 425 metres or thereby east of point 3 in a generally south-easterly then southerly direction for a distance of 295 metres or thereby to a point 370 metres or thereby south-west of point 4 as shown by zebra hatching and marked C9 on plan SR2.

**10.** From a point 540 metres or thereby south-east of point 3 in a generally southerly direction for a distance of 115 metres or thereby to a point 475 metres or thereby south-west of point 4 as shown by zebra hatching and marked C10 on plan SR2.

**11.** From a point 155 metres or thereby south-west of point 5 in a generally north-easterly direction for a distance of 50 metres or thereby to a point 105 metres or thereby south-west of point 5 as shown by zebra hatching and marked C11 on plan SR3.

**12.** From a point 105 metres or thereby south-west of point 5 in a generally north-easterly direction for a distance of 80 metres or thereby to a point 25 metres or thereby south-west of point 5 as shown by zebra hatching and marked C12 on plan SR3.

**13.** From a point 425 metres or thereby north-east of point 5 in a generally north-easterly direction for a distance of 270 metres or thereby to a point 290 metres or thereby south of point 6 as shown by zebra hatching and marked C13 on plan SR3.

## SCHEDULE 5

Article 3(d)

### PRIVATE MEANS OF ACCESS TO BE STOPPED UP

- 1.** The private means of access from Blairland Farm, North Ayrshire, at a point 525 metres or thereby north-east of point 1 as shown by solid black infill and marked D1 on plan SR1.
- 2.** The private means of access from Blairland Farm, North Ayrshire, at a point 470 metres or thereby north-east of point 1 as shown by solid black infill and marked D2 on plan SR1.
- 3.** The private means of access to Blairland Wood, North Ayrshire, at a point 815 metres or thereby north-east of point 1 as shown by solid black infill and marked D3 on plan SR1.
- 4.** The private means of access to Blairland Wood, North Ayrshire, at a point 815 metres or thereby north-east of point 1 as shown by solid black infill and marked D4 on plan SR1.
- 5.** The private means of access from Blair Road, North Ayrshire, at a point 285 metres or thereby north-east of point 2 as shown by solid black infill and marked D5 on plan SR2.
- 6.** The private means of access from Blair Road, North Ayrshire, at a point 290 metres or thereby north-east of point 2 as shown by solid black infill and marked D6 on plan SR2.

## SCHEDULE 6

Article 3(e)

### NEW MEANS OF ACCESS TO BE PROVIDED

**1.** From a point 250 metres or thereby north-west of point 1 in a generally easterly and south-easterly direction for a distance of 290 metres or thereby to a point 200 metres or thereby north-east of point 1 as shown by a diagonal hatch and marked E1 on plan SR1.

**2.** From a point 250 metres or thereby north of point 1 in a generally south westerly direction for a distance of 15 metres or thereby to a point 235 metres or thereby north-west of point 1 as shown by a diagonal hatch and marked E2 on plan SR1.

**3.** From a point 205 metres or thereby north-east of point 1 in a generally easterly direction for a distance of 15 metres or thereby to a point 220 metres or thereby north-east of point 1 as shown by a diagonal hatch and marked E3 on plan SR1.

**4.** From a point 85 metres or thereby north of point 1 in a generally easterly direction for a distance of 10 metres or thereby to a point 85 metres or thereby north of point 1 as shown by a diagonal hatch and marked E4 on plan SR1.

**5.** From a point 375 metres or thereby north-east of point 1 in a generally easterly direction for a distance of 15 metres or thereby to a point 390 metres or thereby north-east of point 1 as shown by a diagonal hatch and marked E5 on plan SR1.

**6.** From a point 420 metres or thereby north-east of point 1 in a generally south-westerly then southerly direction for a distance of 70 metres or thereby to a point 385 metres or thereby north-east of point 1 as shown by a diagonal hatch and marked E6 on plan SR1.

**7.** From a point 45 metres or thereby south-east of point 2 in a generally south-westerly then southerly then easterly then south-easterly direction for a distance of 930 metres or thereby to a point 485 metres or thereby north-east of point 1 as shown by a diagonal hatch and marked E7 on plan SR1.

**8.** From a point 470 metres or thereby north-east of point 1 in a generally westerly direction for a distance of 20 metres or thereby to a point 455 metres or thereby north-east of point 1 as shown by a diagonal hatch and marked E8 on plan SR1.

**9.** From a point 485 metres or thereby north-east of point 1 in a generally north-easterly direction for a distance of 40 metres or thereby to a point 520 metres or thereby north-east of point 1 as shown by a diagonal hatch and marked E9 on plan SR1.

**10.** From a point 505 metres or thereby north-east of point 1 in a generally north-westerly direction for a distance of 15 metres or thereby to a point 500 metres or thereby north-east of point 1 as shown by a diagonal hatch and marked E10 on plan SR1.

**11.** From a point 90 metres or thereby south-east of point 2 in a generally north-easterly then easterly then north-easterly then north-westerly then north-easterly direction for a distance of 585 metres or thereby to a point 555 metres or thereby south of point 3 as shown by a diagonal hatch and marked E11 on plan SR2.

**12.** From a point 105 metres or thereby east of point 2 in a generally north-westerly direction for a distance of 15 metres or thereby to a point 100 metres or thereby east of point 2 as shown by a diagonal hatch and marked E12 on plan SR2.

**13.** From a point 495 metres or thereby north-east of point 2 in a generally north-easterly direction for a distance of 15 metres or thereby to a point 530 metres or thereby south-east of point 3 as shown by a diagonal hatch and marked E13 on plan SR2.



**14.** From a point 35 metres or thereby north-west of point 3 in a generally easterly then north-easterly direction for a distance of 40 metres or thereby to a point 50 metres or thereby north-east of point 3 as shown by a diagonal hatch and marked E15 on plan SR2.

**15.** From a point 15 metres or thereby north-west of point 3 in a generally north-westerly direction for a distance of 10 metres or thereby to a point 30 metres or thereby north-west of point 3 as shown by a diagonal hatch and marked E16 on plan SR2.

**16.** From a point 500 metres or thereby north-east of point 3 in a generally south-easterly direction for a distance of 15 metres or thereby to a point 360 metres or thereby north-west of point 4 as shown by a diagonal hatch and marked E17 on plan SR2.

**17.** From a point 615 metres or thereby north-east of point 3 in a generally south-easterly direction for a distance of 15 metres or thereby to a point 405 metres or thereby north-west of point 4 as shown by a diagonal hatch and marked E18 on plan SR2.

**18.** From a point 150 metres or thereby north-east of point 7 in a generally south-easterly direction for a distance of 15 metres or thereby to a point 150 metres or thereby north-east of point 7 as shown by a diagonal hatch and marked E19 on plan SR2.

**19.** From a point 395 metres or thereby north-east of point 3 in a generally easterly direction for a distance of 15 metres or thereby to a point 285 metres or thereby north-west of point 4 as shown by a diagonal hatch and marked E20 on plan SR2.

**20.** From a point 525 metres or thereby south-east of point 3 in a generally south-easterly direction for a distance of 20 metres or thereby to a point 370 metres or thereby south-west of point 4 as shown by a diagonal hatch and marked E22 on plan SR2.

**21.** From a point 605 metres or thereby south-east of point 3 in a generally south-easterly direction for a distance of 20 metres or thereby to a point 465 metres or thereby south-west of point 4 as shown by a diagonal hatch and marked E23 on plan SR2.

**22.** From a point 215 metres or thereby south-west of point 5 in a generally south-easterly direction for a distance of 15 metres or thereby to a point 220 metres or thereby south-west of point 5 as shown by a diagonal hatch and marked E24 on plan SR3.

**23.** From a point 175 metres or thereby south-west of point 5 in a generally north-westerly then northerly direction for a distance of 20 metres or thereby to a point 170 metres or thereby south-west of point 5 as shown by a diagonal hatch and marked E25 on plan SR3.

**24.** From a point 325 metres or thereby north-east of point 5 in a generally north-westerly then south-westerly then north-westerly then north-easterly direction for a distance of 155 metres or thereby to a point 590 metres or thereby south-west of point 6 as shown by a diagonal hatch and marked E26 on plan SR3.

**25.** From a point 380 metres or thereby north-east of point 5 in a generally north-westerly direction for a distance of 15 metres or thereby to a point 545 metres or thereby south-west of point 6 as shown by a diagonal hatch and marked E27 on plan SR3.

**26.** From a point 270 metres or thereby south-east of point 6 in a generally north-westerly direction for a distance of 40 metres or thereby to a point 230 metres or thereby south-east of point 6 as shown by a diagonal hatch and marked E28 on plan SR3.

**27.** From a point 115 metres or thereby north-east of point 7 in a generally south-easterly direction for a distance of 5 metres or thereby to a point 110 metres or thereby north-east of point 7 as shown by a diagonal hatch and marked E29 on plan SR2.