

2015 No. 413

ROADS AND BRIDGES

**The A737/A738 Trunk Road (Dalry Bypass) (Trunking and
Detrunking) 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 section 5(2) and (6) of the Roads (Scotland) Act 1984(a) and all other powers enabling them to do so.

In accordance with section 5(2) of that Act, they have taken into consideration the requirements of local and national planning, including the requirements of agriculture and industry and are satisfied as to expediency.

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, commencement and interpretation

1.—(1) This order may be cited as the A737/A738 Trunk Road (Dalry Bypass) (Trunking and Detrunking) Order 2015 and comes into force on 16th December 2015.

(2) The definitions in Part 1 of the Schedule to this Order have effect.

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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 Directive 2011/92/EU repealed and recast the provisions contained in Council Directive 85/337/EEC, O.J. L 175, 5.7.1985, p.40, as amended by Council Directive 97/11/EC, O.J. L 73,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 (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.

Trunk road

2. The Scottish Ministers direct that the length of road (hereinafter referred to as “the new trunk road”) which they propose to construct along the route described in Part 2 of the Schedule to this Order shall become a trunk road on the date this Order comes into force.

Roads ceasing to be a trunk road

3. On 1st April next after the date on which the new trunk road is open for the purpose of through traffic, the lengths of road described in Part 3 of the Schedule shall cease to be trunk road and North Ayrshire Council^(a) shall become the roads authority for those lengths of road and shall enter them in their list of public roads^(b).

M RENNIE

A member of the staff of the Scottish Ministers

Buchanan House,
Glasgow
2nd December 2015

(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 TRUNK ROAD

Articles 1, 2 and 3

PART 1 INTERPRETATION

In this Schedule—

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

“the plan” means the plan numbered TR1 entitled the A737/A738 Trunk Road (Dalry Bypass) (Trunking and Detrunking) 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 the plan;

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

“point 3” means the intersection of the existing centrelines of the B707 and the access track of Highfield Farm as shown on the plan; and

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

PART 2 THE ROUTE OF THE NEW TRUNK ROAD

1. From a point 155 metres or thereby north-west of point 1 in a clockwise direction for a distance of 190 metres or thereby returning to the same point 155 metres or thereby north-west of point 1 forming a circulatory carriageway of the roundabout as shown by a heavy black line and marked point A1 on the plan.

2. From a point 145 metres or thereby north-west of point 1 in a generally north-easterly direction for a distance of 2420 metres or thereby to a point 250 metres or thereby west of point 3 as shown by a heavy black line between the points marked A2 and A3 on the plan.

3. From a point 280 metres or thereby west of point 3 in a clockwise direction for a distance of 190 metres or thereby returning to the same point 280 metres or thereby west of point 3 forming a circulatory carriageway of the roundabout as shown by a heavy black line and marked point A4 on the plan.

4. From a point 240 metres or thereby north-west of point 3 in a generally north-easterly direction for a distance of 1365 metres or thereby to a point 710 metres or thereby north-east of point 4 as shown by a heavy black line between the points marked A5 and A6 on the plan.

PART 3

LENGTHS OF ROAD CEASING TO BE A TRUNK ROAD

5. That length of the trunk road from a point 190 metres or thereby north-west of point 1 in a generally north-westerly then northerly then north-easterly then south-easterly then easterly then northerly then easterly then north-easterly then south easterly direction for a distance of 3210 metres or thereby to a point 420 metres or thereby north-west of point 3 as shown by a diagonal hatch between the points marked B1 and B2 on the plan.

6. That length of the trunk road from a point 370 metres or thereby north-west 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 3 as shown by a diagonal hatch between the points marked B3 and B4 on the plan.

7. That length of the trunk road from a point 335 metres or thereby north-west of point 3 in a generally north-easterly direction for a distance of 250 metres or thereby to a point 160 metres or thereby south-west of point 4 as shown by a diagonal hatch between the points marked B5 and B6 on the plan.

8. That length of the trunk road from a point 30 metres or thereby south-west of point 4 in a generally north-easterly direction for a distance of 485 metres or thereby to a point 455 metres or thereby north-east of point 4 as shown by a diagonal hatch between the points marked B7 and B8 on the plan.