SCOTTISH STATUTORY INSTRUMENTS

2010 No. 261

ROADS AND BRIDGES

The M77/A77 Trunk Road (Symington And Bogend Toll Improvements) (Side Roads) (No. 2) Order 2010

Made *16th June 2010*

Coming into force *2nd July 2010*

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 12(1) and (5) , 70(1) and 143(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 any road is 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 accordance with sections 20A(**b**) and 55A(**c**) of that Act, they have determined that the project is a relevant project falling within Annex II to Council Directive No 85/337/EEC(**d**) on the assessment of the effects of certain public and private projects on the environment.

In accordance with sections 20A(2) and 55A(2) of that Act, they have prepared an Environmental Statement and Environmental Statement Addendum and published notice of them on 30 January 2007 and 23 September 2008 respectively and have complied with all other provisions of sections 20A and 55A of that Act.

They have complied with the requirements of Part 1 of Schedule 1(**e**) to that Act.

(**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**) Section 20A was substituted by S.S.I. 1999/1 and was amended by S.S.I. 2006/614.
(**c**) Section 55A was substituted by S.S.I. 1999/1 and was amended by S.S.I. 2006/614.
(**d**) 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) and Council Directive 2003/35/EC (O.J. L 156, 25.6.2003, p.17).
(**e**) Part 1 of Schedule 1 was relevantly 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, paragraph 2 and schedule 3; and by S.S.I.1999/1 and 2006/614.

Citation and Commencement

1. This Order may be cited as the M77/A77 Trunk Road (Symington And Bogend Toll Improvements) (Side Roads) (No. 2) Order 2010 and comes into force on 2nd July 2010.

Side roads and means of access

2. The Scottish Ministers as roads authority are hereby authorised -

(a) to construct those lengths of road (hereinafter referred to as "the new side roads") along the routes described in Part 1 of the Schedule;

(b) to improve those lengths of road described in Part 2 of the Schedule;

(c) to stop up those private means of access described in Part 3 of the Schedule when the new means of access described in Part 4 of the Schedule have been provided; and

(d) to provide those new means of access to land described in Part 4 of the Schedule.

Statutory Undertakers

3. 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 the Schedule any apparatus of a statutory undertaker, any rights of the statutory undertaker in respect of such apparatus shall be preserved.

Transfer of Roads

4. 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 as roads authority for those roads and they shall enter the relevant lengths of road lying within their local authority boundary area, in their lists of public roads

A C McLaughlin
A member of the staff of the Scottish Ministers

Transport Scotland
Buchanan House
58 Port Dundas Road
Glasgow
G4 0HF
16th June 2010

Article 2

SCHEDULE

INTERPRETATION

In this Schedule -

"the Plan Folio" means the plan folio numbered OTG/1660/3a entitled "The M77/A77 Trunk Road (Symington and Bogend Toll Improvements) (Side Roads) (No.2) Order 2010", signed with reference to this Order and deposited at the offices of Transport Scotland, Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF.

"the Trunk Road" means the M77/A77 Glasgow - Stranraer Trunk Road.

The point "A" refers to the point of intersection of the Trunk Road and the projected centre line of the existing access to Brocket, as shown on Plan SR1 in the Plan Folio.

The point "B" refers to the point of intersection of the Trunk Road and the projected centre line of the C138 road to Underwood and Ladykirk, as shown on Plan SR2 in the Plan Folio.

The point "C" refers to the point of intersection of the Trunk Road and the projected centre line of the existing C34 Symington Road South, as shown on Plan SR3 in the Plan Folio.

The point "D" refers to the point of intersection of the Trunk Road and the projected centre line of the existing Whitelees Road, as shown on Plan SR4 in the Plan Folio.

The point "E" refers to the point of intersection of the Trunk Road and the projected centre line of the existing B730 Tarbolton Road, as shown on Plan SR4 in the Plan Folio.

Article 2(a)

Part 1

THE ROUTES OF THE NEW SIDE ROADS

1. From a point 57 metres or thereby west south west of point C, to a point 50 metres or thereby north north east of point C, generally in a north easterly direction for a distance of 100 metres or thereby, to a point 95 metres or thereby north of point C, generally in a anti-clockwise direction for a distance of 60 metres or thereby, as shown by stipple and numbered '1' on Plan SR3 in the Plan Folio.

2. From a point 200 metres or thereby north north west of point C, to a point 310 metres or thereby north of point C in a northerly direction for a distance of 120 metres or thereby, as shown by stipple and numbered '2' on Plan SR3 in the Plan Folio.

3. From a point 155 metres or thereby north of point C, to a point 450 metres or thereby north of point C, generally in a northerly direction for a distance of 320 metres or thereby, as shown by stipple and numbered '3' on Plan SR3 in the Plan Folio.

4. From a point 105 metres or thereby north of point C, to a point 142 metres or thereby north of point C, generally in a north westerly direction for a distance of 44 metres or thereby, to a point 160 metres or thereby north east of point C, generally in a clockwise direction for a distance of 132 metres or thereby, then to a point 225 metres or thereby east northeast of point C generally in an anti-clockwise direction for a distance of 122 metres or thereby, as shown by stipple and numbered ‘4’ on Plan SR3 in the Plan Folio.

5. From a point 105 metres or thereby north of point C, to a point 290 metres or thereby north east of point C, generally in a north easterly direction for a distance of 240 metres or thereby, as shown by stipple and numbered ‘5’ on Plan SR3 in the Plan Folio.

6. From a point 726 metres or thereby north north east of point C, to a point 750 metres or thereby north north east of point C, generally in a north easterly direction for a distance of 40 metres or thereby, as shown by stipple and numbered ‘6’ on Plan SR3 in the Plan Folio.

7. From a point 726 metres or thereby north north east of point C, to a point 740 metres or thereby north north east of point C, generally in a northerly direction for a distance of 10 metres or thereby, as shown by stipple and numbered ‘7’ on Plan SR3 in the Plan Folio.

8. From a point 15 metres or thereby east of point D, to a point 35 metres or thereby east of point D, generally in a easterly direction for a distance of 20 metres or thereby, as shown by stipple and numbered ‘8’ on Plan SR4 in the Plan Folio.

9. From a point 145 metres or thereby east north east of point D, to a point 255 metres or thereby east north east of point D, generally in an east north easterly direction for a distance of 110 metres or thereby, as shown by stipple and numbered ‘9’ on Plan SR4 in the Plan Folio.

10. From a point 265 metres or thereby east north east of point D, to a point 620 metres or thereby east north east of point D, generally in an east north easterly direction for a distance of 370 metres or thereby, as shown by stipple and numbered ‘10’ on Plan SR4 in the Plan Folio.

11. From a point 106 metres or thereby south east of point E, to a point 200 metres or thereby south east of point E, generally in a south easterly direction for a distance of 100 metres or thereby, to a point 220 metres or thereby south of point E in a south westerly direction for a distance of 80 metres or thereby, to a point 145 metres or thereby south west of point E, generally in a north westerly direction for a distance of 150 metres or thereby, to a point 140 metres west of point E, generally in a north westerly direction for a distance of 150 metres or thereby, to a point 105 metres or thereby north west of point E in a north easterly direction for a distance of 125 metres or thereby, to a point 25 metres or thereby north west of point E in a south easterly direction for a distance of 80 metres or thereby, as shown by stipple and numbered ‘11’ on Plan SR4 in the Plan Folio.

12. From a point 240 metres or thereby south of point E, to a point 230 metres or thereby south east of point E, generally in an easterly direction for a distance of 160 metres or thereby, to a point 300 metres south east of point E, generally in a south easterly direction for a distance of 70 metres or thereby, as shown by stipple and numbered ‘12’ on Plan SR4 in the Plan Folio.

Article 2(b)

Part 2

LENGTHS OF ROAD TO BE IMPROVED

1. That length of the existing C138 road to Underwood and Ladykirk from a point 35 metres or thereby south of point B, to a point 40 metres or thereby south east of point B, generally in a easterly direction for a distance of 20 metres or thereby, as shown by cross hatching and numbered ‘13’ on Plan SR2 in the Plan Folio.

2. That length of the existing road to Helenton Mains from a point 300 metres or thereby south west of point D, to a point 320 metres or thereby south west of point D, generally in a westerly direction for a distance of 25 metres or thereby, as shown by cross hatching and numbered ‘14’ on Plan SR4 in the Plan Folio.

Article 2(c)

Part 3

PRIVATE MEANS OF ACCESS TO BE STOPPED UP

1. The private means of access to Langlands on the south side of the Trunk Road 180 metres or thereby north east of point B, as shown by a solid black bar and numbered ‘15’ on Plan SR2 in the Plan Folio.

2. The private means of access to Hansel Village on the south side of the Trunk Road 310 metres or thereby north east of point B, as shown by a solid black bar and numbered ‘16’ on Plan SR2 in the Plan Folio.

3. The private means of access to Templands Cottage on the north side of the Trunk Road 40 metres or thereby north of point C, as shown by a solid black bar and numbered ‘17’ on Plan SR3 in the Plan Folio.

4. The private means of access to Fairfield House on the west side of the B730 Tarbolton Road 160 metres or thereby north west of point E, as shown by a solid black bar and numbered ‘18’ on Plan SR4 in the Plan Folio.

Article 2(d)

Part 4

NEW MEANS OF ACCESS TO BE PROVIDED

1. From a point 10 metres or thereby south east of point A, to a point 25 metres or thereby south east of point A, generally in a south easterly direction for a distance of 15 metres or thereby as shown by hatching and numbered ‘19’ on Plan SR1 in the Plan Folio.

2. From a point 200 metres or thereby north east of point A, to a point 204 metres or thereby north east of point A, generally in a north westerly direction for a distance of 20 metres or thereby as shown by hatching and numbered ‘20’ on Plan SR1 in the Plan Folio.

3. From a point 340 metres or thereby north east of point A, to a point 340 metres or thereby north east of point A, generally in a south easterly direction for a distance of 20 metres or thereby as shown by hatching and numbered ‘21’ on Plan SR1 in the Plan Folio.

4. From a point 300 metres or thereby south east of point B, to a point 310 metres or thereby east south east of point B, generally in a north easterly direction for a distance of 90 metres or thereby, to a point 275 metres or thereby east south east of point B, generally in a northerly direction for a distance of 110 metres or thereby as shown by hatching and numbered ‘22’ on Plan SR2 in the Plan Folio.

5. From a point 150 metres or thereby north east of point B, to a point 165 metres or thereby north north east of point B, generally in a north westerly direction for a distance of 40 metres or thereby as shown by hatching and numbered ‘23’ on Plan SR2 in the Plan Folio.

6. From a point 505 metres or thereby north east of point B, to a point 505 metres or thereby north east of point B, generally in a south easterly direction for a distance of 25 metres or thereby as shown by hatching and numbered ‘24’ on Plan SR2 in the Plan Folio.

7. From a point 25 metres or thereby north north west of point C, to a point 35 metres or thereby north of point C, generally in a north easterly direction for a distance of 15 metres or thereby as shown by hatching and numbered ‘25’ on Plan SR3 in the Plan Folio.

8. From a point 120 metres or thereby north of point C, to a point 130 metres or thereby north of point C, generally in a north easterly direction for a distance of 10 metres or thereby as shown by hatching and numbered ‘26’ on Plan SR3 in the Plan Folio.

9. From a point 255 metres or thereby east north east of point C, to a point 245 metres or thereby east north east of point C, generally in a south westerly direction for a distance of 9 metres or thereby as shown by hatching and numbered ‘27’ on Plan SR3 in the Plan Folio.

10. From a point 260 metres or thereby east north east of point D, to a point 260 metres or thereby east north east of point D, generally in a north westerly direction for a distance of 10 metres or thereby as shown by hatching and numbered ‘28’ on Plan SR4 in the Plan Folio.

11. From a point 194 metres or thereby north west of point E, to a point 194 metres or thereby north west of point E, generally in a south westerly direction for a distance

of 10 metres or thereby as shown by hatching and numbered ‘29’ on Plan SR4 in the Plan Folio.

12. From a point 125 metres or thereby west north west of point E, to a point 120 metres or thereby west north west of point E, generally in a south easterly direction for a distance of 6 metres or thereby as shown by hatching and numbered ‘30’ on Plan SR4 in the Plan Folio.

13. From a point 262 metres or thereby south east of point E, to a point 262 metres or thereby south east of point E, generally in a south westerly direction for a distance of 5 metres or thereby as shown by hatching and numbered ‘31’ on Plan SR4 in the Plan Folio.