

**THE A737/A738 TRUNK ROAD  
(THE DEN, DALRY)  
COMPULSORY PURCHASE ORDER 2015**

*Made*

*2 December 2015*

The Roads (Scotland) Act 1984 and the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947.

The Scottish Ministers (hereinafter referred to as “the acquiring authority”) in exercise of the powers conferred by sections 103 to 108 inclusive as read with section 110(2) of the Roads (Scotland) Act 1984 hereby make the following compulsory purchase order-

1. This Order may be cited as the A737/A738 Trunk Road (The Den, Dalry) Compulsory Purchase Order 2015.

2. Subject to the provisions of this Order, the acquiring authority are hereby authorised to purchase compulsorily for the purpose of improving the A737/A738 St James Interchange-Kilwinning-Hawkhill Trunk Road in the vicinity of The Den, Dalry, North Ayrshire the land which is described in the Schedule hereto and is delineated in red and coloured pink on the map signed with reference to this Order and marked “Map referred to in the A737/A738 Trunk Road (The Den, Dalry) Compulsory Purchase Order 2015”, a duplicate of which map is given in terms of section 48 of the Conveyancing (Scotland) Act 1924.

3. In relation to the foregoing purchase section 70 of the Railways Clauses Consolidation (Scotland) Act 1845 and sections 71 to 78 of that Act as originally enacted and not as amended for certain purposes by section 15 of the Mines (Working Facilities and Support) Act 1923 are hereby incorporated with the enactment under which the said purchase is authorised, subject to the modifications that references in the said sections to the company shall be construed as references to the acquiring authority and references to the railway or works shall be construed as references to the land authorised to be purchased and any building or works constructed or to be constructed thereon.

4. For the purpose of the said section 71 of the Railways Clauses Consolidation (Scotland) Act 1845, as incorporated in this Order, the prescribed distance in relation to any seam of minerals lying under land adjoining the works to be constructed upon the land described in the Schedule hereto shall be such a lateral distance from the said works on every side thereof as is equal at every point along the said works to one half of the depth of the seam below the natural surface of the ground at that point or 37 metres (40 yards), whichever is the greater.

Subscribed by Michelle Frances Rennie, Director of Major Transport Infrastructure Projects, being an officer of the Scottish Ministers at Glasgow on the Second day of December Two Thousand and Fifteen, before the witness Andrew John Hynds, Civil Servant, Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF

  
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**M F Rennie**

  
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Witness

**This is the Schedule referred to in the foregoing A737/A738 Trunk Road (The Den, Dalry) Compulsory Purchase Order 2015.**

**SCHEDULE**

In this Schedule:-

1. All the land described is situated in the County of Ayr.
2. The "A737" means that part of the existing A737/A738 St James Interchange - Kilwinning –Hawkhill Trunk Road in the vicinity of The Den, Dalry, North Ayrshire;
3. Where all or part of a plot forms part of a title or titles registered in the Land Register of Scotland, the Land Register of Scotland Title Number is given at the end of the description.

<b>Number on Map</b>	<b>Description of the land or servitude right</b>	<b>Owners</b>	<b>Lessees and Occupiers</b>
1	3,480 square metres or thereby of the <i>solum</i> of the A737 lying to the north of Fernside Cottage, 12 Crossroads, The Den, Dalry, KA24 4JG and to the south west of Maulside Lodge, Dalry Road, Beith, KA15 1JJ.	Unknown	Occupied by the Scottish Ministers as roads authority.
2	650 square metres or thereby of rough pasture land lying to the west of Fernside Cottage, 12 Crossroads, The Den, Dalry, KA24 4JG and south of the A737.	North Ayrshire Council Cunninghame House Irvine KA12 8EE	Owner
3	1,769 square metres or thereby of pasture land lying to the west of Fernside Cottage, 12 Crossroads, The Den, Dalry, KA24 4JG and south of the A737.	William Shanks West Muirhouse Farm Dalry KA24 4JH	Owner

Number on Map	Description of the land or servitude right	Owners	Lessees and Occupiers
4	54 square metres or thereby of a field access track lying to the west of Fernside Cottage, 12 Crossroads, The Den, Dalry, KA24 4JG and south of the A737.	North Ayrshire Council Cunninghame House Irvine KA12 8EE	1. Owner  2. <b><u>Benefited Proprietor - Access rights</u></b> William Shanks West Muirhouse Farm Dalry KA24 4JH  3. <b><u>Benefited Proprietor - Access rights</u></b> James Lindsay Wheatiefaulds House Dalry KA24 4JW
5	93 square metres or thereby of the garden of Fernside Cottage, 12 Crossroads, The Den, Dalry, KA24 4JG lying to the south of the A737 and to the south-east of The Graze Restaurant, 1-5 Crossroads, Dalry, KA24 4JF.	North Ayrshire Council Cunninghame House Irvine KA12 8EE	Owner
6	208 square metres or thereby of the <i>solum</i> of Brownhill Road lying to the north west of Fernside Cottage, 12 Crossroads, The Den, Dalry, KA24 4JG and north of the junction with the A737.	Unknown	Occupied by North Ayrshire Council as roads authority.
7	5 square metres or thereby of waste ground lying to the north west of Fernside Cottage, 12 Crossroads, The Den, Dalry, KA24 4JG and east of The Graze Restaurant, 1-5 Crossroads, Dalry, KA24 4JF	North Ayrshire Council Cunninghame House Irvine KA12 8EE	Owner.



Number on Map	Description of the land or servitude right	Owners	Lessees and Occupiers
8	136 square metres or thereby of waste ground lying to the north of Fernside Cottage, 12 Crossroads, The Den, Dalry, KA24 4JG and east of The Graze Restaurant, 1-5 Crossroads, Dalry, KA24 4JF.	North Ayrshire Council Cunninghame House Irvine KA12 8EE	Owner
9	3,031 square metres or thereby of pasture land lying to the north east of Fernside Cottage, 12 Crossroads, The Den, Dalry, KA24 4JG and north of the A737.  Land Register of Scotland Title Number AYR95682	Duncan Cameron Campbell Greenridge Farm Kilbirnie KA25 7JZ	Owner
10	5,200 square metres or thereby of pasture land lying to the north east of Fernside and north of the A737.	North Ayrshire Council Cunninghame House Irvine KA12 8EE	Owner
11	1,040 square metres or thereby of rough pasture land lying to the east north-east of Fernside Cottage, 12 Crossroads, The Den, Dalry, KA24 4JG and north of the A737.  Land Register of Scotland Title Number AYR26160.	Iain Strang Telfer Meikle Auchengree Farm Dalry KA14 3BU	Owner
12	2,598 square metres or thereby of part of a plantation and farm access lying to the south of Meadowhead Farm and north west of 27 The Den, both Dalry, KA24 4JG.	Andrew Burns Gilbert Meadowhead Farm Dalry KA24 4JG	Hugh Gilbert Meadowhead Farm Dalry KA24 4JG

Number on Map	Description of the land or servitude right	Owners	Lessees and Occupiers
13A	4,209 square metres or thereby of part of a plantation lying to the south of Meadowhead Farm and north west of 27 The Den, both Dalry, KA24 4JG.	North Ayrshire Council Cunninghame House Irvine KA12 8EE	Owner
13B	2,536 square metres or thereby of part of a plantation lying to the south east of Meadowhead Farm and north of 27 The Den, both Dalry, KA24 4JG.	North Ayrshire Council Cunninghame House Irvine KA12 8EE	Owner
13C	382 square metres or thereby of a farm access road lying to the south of Meadowhead Farm and north west of 27 The Den, both Dalry, KA24 4JG.	North Ayrshire Council Cunninghame House Irvine KA12 8EE	1. Owner 2. <b><u>Benefited Proprietor - Access rights</u></b> Hugh Gilbert Meadowhead Farm Dalry KA24 4JG
13D	167 square metres or thereby of a farm access road lying to the south of Meadowhead Farm and south west of 27 The Den, both Dalry, KA24 4JG.	North Ayrshire Council Cunninghame House Irvine KA12 8EE	1. Owner 2. <b><u>Benefited Proprietor - Access rights</u></b> Isabella Sheila Stalker 27 The Den Dalry KA24 4JG 3. <b><u>Benefited Proprietor - Access rights</u></b> Hugh Gilbert Meadowhead Farm Dalry KA24 4JG
14	1,653 square metres or thereby of part of a plantation lying to the west of 27 The Den, Dalry, KA24 4JG and north of the A737.	Andrew Burns Gilbert Meadowhead Farm Dalry KA24 4JG	Hugh Gilbert Meadowhead Farm Dalry KA24 4JG

Number on Map	Description of the land or servitude right	Owners	Lessees and Occupiers
15	Number not allocated		
16	1,389 square metres or thereby of part of a plantation lying to the north west of 27 The Den, Dalry, KA24 4JG and north of the A737.	Andrew Burns Gilbert Meadowhead Farm Dalry KA24 4JG	Hugh Gilbert Meadowhead Farm Dalry KA24 4JG
17	260 square metres or thereby of rough pasture land lying to the east south-east of Meadowhead Farm and north east of 27 The Den, both Dalry, KA24 4JG.	John Norman Knowles and Aileen Mary Knowles 29 The Den Dalry KA24 4JG	Owner
18	1,223 square metres or thereby of rough pasture land lying to the east south-east of Meadowhead Farm and north east of 27 The Den, both Dalry, KA24 4JG	North Ayrshire Council Cunninghame House Irvine KA12 8EE	Owner
19	427 square metres or thereby of rough pasture land lying to the south east of Meadowhead Farm and north east of 27 The Den, both Dalry, KA24 4JG	John Norman Knowles and Aileen Mary Knowles 29 The Den Dalry KA24 4JG	Owner
20	667 square metres or thereby of the <i>solum</i> of Auchengree Road north of its junction with the A737 lying to the east of Meadowhead Farm and north east of 27 The Den, both Dalry, KA24 4JG.	North Ayrshire Council Cunninghame House Irvine KA12 8EE	Occupied by North Ayrshire Council as roads authority.



Number on Map	Description of the land or servitude right	Owners	Lessees and Occupiers
21	225 square metres or thereby of the <i>solum</i> of the Auchengree Road lying to the east south-east of Meadowhead Farm and east north-east of 27 The Den, both Dalry, KA24 4JG	Unknown	Occupied by North Ayrshire Council as roads authority.
22	624 square metres or thereby of rough pasture land lying to the east south-east of Meadowhead Farm and east north-east of 27 The Den, both Dalry, KA24 4JG  Land Register of Scotland Title Number AYR82999	Graeme Dobson and Stephenie Dobson Maulside Lodge Dalry Road Beith KA15 1JJ.	Owner
23	4,790 square metres or thereby of rough pasture land lying to the south east of Meadowhead Farm, The Den, Dalry, KA24 4JG and west south-west of Maulside Lodge, Dalry Road, Beith, KA15 1JJ.	North Ayrshire Council Cunninghame House Irvine KA12 8EE.	Owner
24	1,659 square metres or thereby of rough pasture land lying to the east of Meadowhead Farm, The Den, Dalry, KA24 4JG and west south-west of Maulside Lodge, Dalry Road, Beith, KA15 1JJ.  Land Register of Scotland Title Number AYR82999.	Graeme Dobson and Stephenie Dobson Maulside Lodge Dalry Road Beith KA15 1JJ	Owner
25	4,250 square metres or thereby of the <i>solum</i> of the A737 lying to the south west of Maulside Lodge, Dalry Road, Beith, KA15 1JJ and north east of 29 The Den, Dalry, KA24 4JG.	Unknown	Occupied by The Scottish Ministers as roads authority.



Number on Map	Description of the land or servitude right	Owners	Lessees and Occupiers
26	465 square metres or thereby of rough pasture land lying to the south west of Fernside Cottage, 12 Crossroads, The Den, Dalry, KA24 4JG and north of the A737.  Land Register of Scotland Title Number AYR55489	David Castelvechi 37 Walkerston Avenue Largs KA30 8EP	Owner
27	Number not allocated		
28	46 square metres or thereby of landscaped land lying to the north west of Fernside Cottage, 12 Crossroads, The Den, Dalry, KA24 4JG and north of the A737.  Land Register of Scotland Title Number AYR56208	David Castelvechi 37 Walkerston Avenue Largs KA30 8EP	Owner
29	272 square metres or thereby of an access track lying to the west of Fernside Cottage, 12 Crossroads, The Den, Dalry, KA24 4JG and south of the A737.	Unknown	1. <b><u>Benefited Proprietor - Access rights</u></b> William Shanks West Muirhouse Farm Dalry KA24 4JH  2. <b><u>Benefited Proprietor - Access rights</u></b> James Lindsay Wheatiefaulds House Dalry KA24 4JW
30	88 square metres or thereby of the <i>solum</i> of Brownhill Road lying to the east of The Graze Restaurant, 1-5 Crossroads, Dalry, KA24 4JF and north of the A737.	Unknown	Occupied by North Ayrshire Council as roads authority.

Number on Map	Description of the land or servitude right	Owners	Lessees and Occupiers
31	719 square metres or thereby of waste land lying to the east of The Graze Restaurant, 1-5 Crossroads, Dalry, KA24 4JF and north of the A737.  Land Register of Scotland Title Number AYR71760	Andrew Greg McTaggart 52 Castlepark Drive Fairlie KA29 0DG	Owner.
32	Number not allocated		
33	508 square metres or thereby of pasture land lying to the east of Fernside Cottage, 12 Crossroads, The Den, Dalry, KA24 4JG and south of the A737.	William Shanks West Muirhouse Farm Dalry KA24 4JH	Owner
34	151 square metres or thereby of the <i>solum</i> of the A737 lying to the north east of 29 The Den, Dalry, KA24 4JG and south west of Maulside Lodge, Dalry Road, Beith, KA15 1JJ.	Unknown	Occupied by The Scottish Ministers as roads authority.
35	48 square metres or thereby of garden of 29 The Den lying to the north east of 29 The Den, Dalry, KA24 4JG and north of the A737.	John Norman Knowles and Aileen Mary Knowles 29 The Den Dalry KA24 4JG	Owner
36	3227 square metres or thereby of pasture land lying to the south west of Maulside Lodge, Dalry Road, Beith, KA15 1JJ and south of the A737.	William Shanks West Muirhouse Farm Dalry KA24 4JH	Owner

Number on Map	Description of the land or servitude right	Owners	Lessees and Occupiers
37	<p>290 square metres or thereby of rough pasture land lying to the south west of Fernside Cottage, 12 Crossroads, The Den, Dalry, KA24 4JG and north of the A737.</p> <p>Land Register of Scotland Title Number AYR93593</p>	<p>David Castelvechi 37 Walkerston Avenue Largs KA30 8EP</p>	<p>Owner</p>

  


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**M F Rennie**



Roads (Scotland) Act 1984

Acquisition of Land (Authorisation Procedure)  
(Scotland) Act 1947

The A737/A738 Trunk Road  
(The Den, Dalry)  
Compulsory Purchase Order 2015

2015

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Transport Scotland Ref:  
A737 The Den Dalry: Orders: 2011-