

**2015 No. 415**

**ROADS AND BRIDGES**

**The A737/A738 Trunk Road (The Den, Dalry) (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 22nd May 2013.

They prepared an environmental statement and published notice of it on 22nd May 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 (The Den, Dalry) (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 Directive 2011/92/EU repealed and recast the provisions contained in Council Directive 85/337/EEC, O.J. L 175, 5.7.1985, p.40, as amended by Council Directive 97/11/EC, O.J. L 73,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, 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.

### **Road 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 length of road described in Part 3 of the Schedule shall cease to be a trunk road and North Ayrshire Council(a) shall become the roads authority for that length of road and shall enter the road in their list of public roads(b).



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

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;

“point A” means the junction of the U53 Brownhill Road with the trunk road;

“point B” means the junction of Maulside Road with the trunk road; and

“the plan” means the plan numbered DO/1 and entitled “The A737/A738 Trunk Road (The Den, Dalry) (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.

### PART 2 ROUTE OF THE NEW TRUNK ROAD

From a point on the trunk road 78 metres or thereby north east of point A, generally in a north easterly direction for a distance of 602 metres or thereby to a point 223 metres or thereby south west of point B, as shown by a heavy black line between points marked “1” and “2” on the plan.

### PART 3 LENGTH OF ROAD CEASING TO BE A TRUNK ROAD

That length of the trunk road 85 metres or thereby north east of point A, generally in a north easterly direction for a distance of 500 metres or thereby to a point 345 metres or thereby south west of the point B as shown by the zebra hatching between points “3” and “4” on the plan.

