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SCOTTISH STATUTORY INSTRUMENTS

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**2010 No. 255**

**ROADS AND BRIDGES**

**The M77/A77 Trunk Road (Symington and Bogend Toll Improvements)  
(Side Roads) 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<sup>(a)</sup> 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 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<sup>(b)</sup> and 55A<sup>(c)</sup> of that Act they have determined that the project falls within Annex II to Council Directive No 85/337/EEC<sup>(d)</sup> on the assessment of the effect 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 it 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 I of Schedule 1<sup>(e)</sup> to that Act.

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<sup>(a)</sup> 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). Section 143 was relevantly amended by the New Roads and Street Works Act 1991 (c.22), Schedule 8, paragraph 93, by S.I. 1991/2286, and by the Local Government etc. (Scotland) Act 1994 (c.39) Schedule 13, paragraph 135.

<sup>(b)</sup> Section 20A was substituted by S.S.I. 1999/1 and was amended by S.S.I. 2006/214.

<sup>(c)</sup> Section 55A was substituted by S.S.I. 1999/1 and was amended by S.S.I. 2006/214.

<sup>(d)</sup> O.J. No L175, 5.7.1985, p.40 as amended by O.J. No. L73, 14.3.1997, p.5. and O.J. K 156, 25.6.2003, p17.

<sup>(e)</sup> Part I of Schedule 1 was relevantly amended by regulation 73 of S.I. 1988/1221, regulation 4(d) of S.I. 1994/2012, 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 S.S.I. 2006/614.

## **Citation and Commencement**

1. This Order may be cited as the M77/A77 Trunk Road (Symington and Bogend Toll Improvements) (Side Roads) Order 2010, and comes into force on 2nd July 2010.

## **Side roads and means of access**

2. 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 Part 1 of the Schedule;
  - b. to improve those lengths of road described in Part 2 of the Schedule;
  - c. to stop-up those lengths of road described in Part 3 of the Schedule when the new side roads are open for through traffic;
  - d. to stop-up those private means of access described in Part 4 of the Schedule when the new means of access described in Part 5 of the Schedule have been provided; and
  - e. to provide those new means of access described in Part 5 of the Schedule.

## **Statutory undertakers**

3. Where immediately before the date this Order comes into force there is under, in, on, along or across any of the lengths of road or accesses described in Parts 1 to 4 of the Schedule, any apparatus belonging to 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 that the new side roads are open for the purpose of through traffic, the new side roads shall be transferred to South Ayrshire Council as roads authority 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  
Glasgow  
G4 0HF  
16th June 2010

## **SCHEDULE**

### **INTERPRETATION**

In this schedule the following expressions shall have the following meanings:

“the Plan Folio” means the plan folio numbered OTG/1660/3 entitled “The M77/A77 Trunk Road (Symington and Bogend Toll Improvements) (Side Roads) 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 C34 Symington South Road, 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 existing B730 Tarbolton Road, as shown on Plan SR2 in the Plan Folio.

The point “C” refers to the existing access to Coodham Estate at Coodham East Lodge, as shown on Plan SR3 in the Plan Folio.

Article 2(a)

### **PART 1**

#### **ROUTES OF THE NEW SIDE ROADS**

1. From a point 80 metres or thereby north east of point A, to a point 380 metres or thereby north of point A, generally in a northerly direction for a distance of 360 metres or thereby, as shown by stipple and numbered ‘1’ on Plan SR1 in the Plan Folio.
2. From a point 175 metres or thereby north of point A, to a point 180 metres or thereby north north west of point A, generally in a south westerly direction for a distance of 35 metres or thereby, as shown by stipple and numbered ‘2’ on Plan SR1 in the Plan Folio.
3. From a point 130 metres or thereby north of point A, to a point 160 metres or thereby north east of point A, generally in a clockwise direction for a distance of 150 metres or thereby, then to a point 250m or thereby north east of point A, generally in an anti-clockwise direction for a distance of 220 metres or thereby, as shown by stipple and numbered ‘3’ on Plan SR1 in the Plan Folio.
4. From a point 685 metres or thereby north north east of point A, to a point 360 metres or thereby north east of point A, generally in a south westerly direction for a distance of 330 metres or thereby, as shown by stipple and numbered ‘4’ on Plan SR1 in the Plan Folio.

5. From a point 730 metres or thereby north north east of point A, generally in a clockwise direction for a distance of 90 metres or thereby, as shown by stipple and numbered '5' on Plan SR1 in the Plan Folio.
6. From a point 665 metres or thereby south south west of point B, to a point 230 metres or thereby south of point B, generally in a north easterly direction for a distance of 495 metres or thereby, as shown by stipple and numbered '6' on Plan SR2 in the Plan Folio.
7. From a point 210 metres or thereby south east of point B, to a point 220 metres or thereby south south east of point B in a south westerly direction for a distance of 110 metres or thereby, to a point 150 metres or thereby south west of point B, generally in a north westerly direction for a distance of 230 metres or thereby, to a point 120 metres north west of point B, generally in a northerly direction for a distance of 140 metres or thereby, as shown by stipple and numbered '7' on Plan SR2 in the Plan Folio.
8. From a point 175 metres or thereby south east of point B, to a point 305 metres or thereby south east of point B, generally in a south easterly direction for a distance of 130 metres or thereby, as shown by stipple and numbered '8' on Plan SR2 in the Plan Folio.
9. From a point 80 metres or thereby south east of point B, to a point 240 metres or thereby south east of point B, generally in a south easterly direction for a distance of 160 metres or thereby, as shown by stipple and numbered '9' on Plan SR2 in the Plan Folio.
10. From a point 215 metres or thereby south east of point B, to a point 250 metres or thereby east of point B, generally in an easterly direction for a distance of 45 metres or thereby, as shown by stipple and numbered '10' on Plan SR2 in the Plan Folio.
11. From a point 90 metres or thereby north west of point B, to a point 190 metres or thereby north west of point B, generally in a north westerly direction for a distance of 100 metres or thereby, as shown by stipple and numbered '11' on Plan SR2 in the Plan Folio.
12. From a point 100 metres or thereby north west of point B, to a point 140 metres or thereby north west of point B, generally in a north westerly direction for a distance of 20 metres or thereby, as shown by stipple and numbered '12' on Plan SR2 in the Plan Folio.
13. From a point 135 metres or thereby north north east of point C, to a point 140 metres or thereby north north east of point C, generally in a north westerly direction for a distance of 40 metres or thereby, as shown by stipple and numbered '13' on Plan SR3 in the Plan Folio.

**PART 2**

**LENGTHS OF ROAD TO BE IMPROVED**

1. That length of the existing C34 Symington Road South from a point 365 metres or thereby north of point A, to a point 430 metres or thereby north of point A, generally in a northerly direction for a distance of 80 metres or thereby, as shown by cross hatching and numbered '14' on Plan SR1 in the Plan Folio.
2. That length of the existing Whitelees Road from a point 785 metres or thereby south west of point B, to a point 660 metres or thereby south west of point B, generally in a north north easterly direction for a distance of 140 metres or thereby, as shown by cross hatching and numbered '15' on Plan SR2 in the Plan Folio.
3. That length of the existing B730 Tarbolton Road from a point 220 metres or thereby south east of point B, to a point 310 metres or thereby south east of point B, generally in a south easterly direction for a distance of 90 metres or thereby, as shown by cross hatching and numbered '16' on Plan SR2 in the Plan Folio.
4. That length of the existing B730 Tarbolton Road from a point 80 metres or thereby south east of point B, to a point 195 metres or thereby south east of point B, generally in a south easterly direction for a distance of 115 metres or thereby, as shown by cross hatching and numbered '17' on Plan SR2 in the Plan Folio.
5. That length of the existing Stafflar Road from a point 250 metres or thereby south east of point B, to a point 270 metres or thereby east of point B, generally in an easterly direction for a distance of 35 metres or thereby, as shown by cross hatching and numbered '18' on Plan SR2 in the Plan Folio.
6. That length of the existing B730 Tarbolton Road from a point 70 metres or thereby north west of point B, to a point 115 metres or thereby north west of point B, generally in a north westerly direction for a distance of 45 metres or thereby, as shown by cross hatching and numbered '19' on Plan SR2 in the Plan Folio.
7. That length of the existing B730 Tarbolton Road from a point 130 metres or thereby north west of point B, to a point 205 metres or thereby north west of point B, generally in a north westerly direction for a distance of 75 metres or thereby, as shown by cross hatching and numbered '20' on Plan SR2 in the Plan Folio.
8. That length of the existing Coodham Estate access road from a point 125 metres or thereby north west of point B, to a point 125 metres or thereby north north west of point B, generally in a north easterly direction for a distance of 30 metres or thereby, as shown by cross hatching and numbered '21' on Plan SR2 in the Plan Folio.

### **PART 3**

#### **LENGTHS OF ROAD TO BE STOPPED UP**

1. That length of the existing C34 Symington Road South from a point 30 metres or thereby north west of point A, to a point 140 metres or thereby south west of point A generally in a south westerly direction for a distance of 140 metres or thereby, as shown by zebra hatching and numbered '22' on Plan SR1 in the Plan Folio.
2. That length of the existing C34 Symington Road South from a point 210 metres or thereby north north west of point A, to a point 400 metres or thereby north of point A, generally in a north north easterly direction for a distance of 200 metres or thereby, as shown by zebra hatching and numbered '23' on Plan SR1 in the Plan Folio.
3. That length of the existing C34 Symington Road North from a point 680 metres or thereby north east of point A, to a point 540 metres or thereby north east of point A, generally in a south westerly direction for a distance of 140 metres or thereby, as shown by zebra hatching and numbered '24' on Plan SR1 in the Plan Folio.
4. That length of the existing Whitelees Road from a point 780 metres or thereby south west of point B, to a point 780 metres or thereby south west of point B, generally in a east south easterly direction for a distance of 8 metres or thereby, as shown by zebra hatching and numbered '25' on Plan SR2 in the Plan Folio.
5. That length of the existing Stafflar Road from a point 230 metres or thereby south east of point B, to a point 235 metres or thereby south east of point B, generally in a north easterly direction for a distance of 15 metres or thereby, as shown by zebra hatching and numbered '26' on Plan SR2 in the Plan Folio.

### **PART 4**

#### **PRIVATE MEANS OF ACCESS TO BE STOPPED UP**

1. The private means of access to Jeanfield on the east side of the Trunk Road 14 metres or thereby south east of point A, as shown by a solid black bar and numbered '27' on Plan SR1 in the Plan Folio.
2. The private means of access to Stockbridge on the west side of the C34 Symington Road North 270 metres or thereby north north east of point A, as shown by a solid black bar and numbered '28' on Plan SR1 in the Plan Folio.
3. The private means of access to Helentongate Farm Compound on the east side of the Trunk Road 410 metres or thereby north east of point A, as shown by a solid black bar and numbered '29' on Plan SR1 in the Plan Folio.
4. The private means of access to Trynlaw Cottage South and Trynlaw Cottage North on the west side of the Trunk Road 380 metres or thereby north east of

point A, as shown by a solid black bar and numbered '30' on Plan SR1 in the Plan Folio.

5. The private means of access to Woodvale on the west side of the Trunk Road 398 metres or thereby north east of point A, as shown by a solid black bar and numbered '31' on Plan SR1 in the Plan Folio.
6. The private means of access to Balbir's Restaurant on the east side of the Trunk Road 520 metres or thereby south west of point B, as shown by a solid black bar and numbered '32' on Plan SR2 in the Plan Folio.
7. The private means of access to Balbir's Restaurant on the east side of the Trunk Road 485 metres or thereby south west of point B, as shown by a solid black bar and numbered '33' on Plan SR2 in the Plan Folio.
8. The private means of access to No. 38 and No. 40 Kilmarnock Road (A77) on the east side of the Trunk Road 350 metres or thereby south west of point B, as shown by a solid black bar and numbered '34' on Plan SR2 in the Plan Folio.

Article 2(e)

## **PART 5**

### **NEW MEANS OF ACCESS TO BE PROVIDED**

1. From a point 225 metres or thereby east north east of point A, to a point 255 metres or thereby east of point A, generally in a south easterly direction for a distance of 40 metres or thereby, then to a point 410 metres or thereby north east of point A, generally in a north easterly direction for a distance of 160 metres or thereby as shown by hatching and numbered '35' on the Plan SR1 in the Plan Folio.
2. From a point 240 metres or thereby east north east of point A, to a point 185 metres or thereby east of point A, generally in a south westerly direction for a distance of 65 metres or thereby as shown by hatching and numbered '36' on the Plan SR1 in the Plan Folio.
3. From a point 360 metres or thereby north north east of point A, to a point 365 metres or thereby north east of point A, generally in a south easterly direction for a distance of 30 metres or thereby as shown by hatching and numbered '37' on the Plan SR1 in the Plan Folio.
4. From a point 565 metres or thereby south south west of point B, to a point 565 metres or thereby south south west of point B, generally in a north westerly direction for a distance of 10 metres or thereby as shown by hatching and numbered '38' on the Plan SR2 in the Plan Folio.
5. From a point 375 metres or thereby south south west of point B, to a point 355 metres or thereby south west of point B, generally in a north westerly direction for a distance of 65 metres or thereby as shown by hatching and numbered '39' on the Plan SR2 in the Plan Folio.