

WARNING

1. **If in any doubt about the effects of this Notice consult the acquiring authority or a Solicitor.**
2. **Information on the rights to compensation payable and on any time limits may be obtained from the acquiring authority.**

THE ROADS (SCOTLAND) ACT 1984 THE ACQUISITION OF LAND (AUTHORISATION PROCEDURE) (SCOTLAND) ACT 1947

THE A737/A738 TRUNK ROAD (IMPROVEMENTS AT BEITH) COMPULSORY PURCHASE ORDER 2020

To: Owner/ Lessee/ Occupier

Of: Plots 210, 214, 218, 224 & 233.

1. Notice is hereby given that the Scottish Ministers (herein referred to as “the acquiring authority”), in exercise of the powers conferred by sections 103 to 108 inclusive of the Roads (Scotland) Act 1984 as read with section 110(2) of that Act, have made a Compulsory Purchase Order entitled "The A737/A738 Trunk Road (Improvements At Beith) Compulsory Purchase Order 2020".
2. The Order as made provides for the purchase of the land and servitude rights described in the Schedule hereto, for the purpose of improving and constructing a new length of the A737/A738 St James Interchange – Kilwinning – Hawkhill trunk road in the vicinity of the town of Beith, North Ayrshire.
3. In accordance with the Coronavirus (Scotland) Act 2020, Schedule 6, Part 3, para 9, the Orders and Maps will not be available for inspection at public display locations.

A copy of the Orders and Maps can be viewed on the Transport Scotland website at:

<https://www.transport.gov.scot/projects/a737-improvements-at-beith/a737-improvements-at-beith/>

4. The Order as made becomes operative on the Ninth Day of December Two Thousand and Twenty being the date on which this notice is first published; but any person aggrieved by the Order may, in accordance with the provisions of paragraph 15 of the First Schedule to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 as extended by section 60 of the Land Compensation (Scotland) Act 1973, by application to the Court of Session within 6 weeks from that date, question its validity on the grounds (i) that the authorisation granted by the Order is not empowered to be granted or (ii) that the applicant’s interests have been substantially prejudiced by failure to comply with any statutory requirement relating to the Order.

5. The acquiring authority may acquire the land to which this notice relates by making a general vesting declaration under section 195 of the Town and Country Planning (Scotland) Act 1997 (hereinafter referred to as “the Planning Act”). Such a declaration shall not be executed before the end of the period of two months beginning with the date of the first publication of this notice except with the consent of every occupier of the land affected.

6. The effect of the making of such a declaration is to vest the land in the acquiring authority at the end of such period as may be specified in the declaration but which will be not less than twenty eight days from the date on which the service of notices required by paragraph 4 of Schedule 15 to the Planning Act is completed. These notices shall specify the land and state the effect of the declaration and shall be served on every occupier of any of the land specified in the declaration (other than land in which there subsists a short tenancy or a long tenancy which is about to expire as hereinafter defined) and on every other person who has given information to the acquiring authority with respect to any of the land to which this notice relates in pursuance of the invitation published and included in this notice.

7. The effect of a general vesting declaration is as follows:–

At the end of the aforesaid period specified in the declaration the land specified in the declaration, together with the right to enter upon and take possession of it, shall vest in the acquiring authority and on being registered in the Land Register of Scotland the declaration shall have the same effect as a conveyance registered in accordance with section 80 of the Lands Clauses Consolidation (Scotland) Act 1845. Also on the date of vesting, the Acts providing for compensation shall apply as if, on the date on which the declaration was made, a notice to treat had been served on every person on whom, under section 17 of the said Act of 1845, the acquiring authority could have served such a notice (other than any person entitled to an interest in the land in respect of which such a notice had actually been served before the date of vesting and any person entitled to a short tenancy or a long tenancy which is about to expire).

8. Where any land specified in the declaration is land in which there subsists a short tenancy or a long tenancy which is about to expire the right of entry shall not be exercisable in respect of that land unless, after serving notice to treat in respect of that tenancy, the acquiring authority has served on every occupier of any land in which the tenancy subsists a notice stating that, at the end of such period as is specified in the notice (not being less than fourteen days) from the date on which the notice is served, they intend to enter upon and take possession of such land as is specified in the notice, and that period has expired. The vesting of the land in the acquiring authority shall be subject to the tenancy until that period expires or the tenancy comes to an end whichever first occurs.

9. Paragraph 38 of Schedule 15 to the Planning Act defines “short tenancy” and “long tenancy which is about to expire” as follows:–

“Short tenancy” means a tenancy for a year or from year to year or any lesser interest and “long tenancy which is about to expire”, in relation to a general vesting declaration, means a tenancy granted for an interest greater than a short tenancy, but having at the date of the declaration a period still to run which is not more than the specified period (that is

to say, such period longer than one year as may be specified in the declaration in relation to the land in which the tenancy subsists).

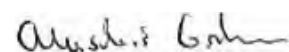
In determining what period a tenancy still has to run at the date of a general vesting declaration it shall be assumed—

- (a) that the tenant will exercise any option to renew the tenancy and will not exercise any option to terminate the tenancy then or thereafter available to the tenant; and
- (b) that the landlord will exercise any option to terminate the tenancy then or thereafter available to the tenant.

10. Persons entitled to claim compensation in respect of any interest in the land in respect of which a notice to treat has not been given are invited to give information with respect to their name and address and the land and their interests therein on the prescribed form (Form 9), a copy of which will be sent by the acquiring authority on application to the Director of Major Projects, 5th Floor West, Buchanan House, 58 Port Dundas Road, Glasgow G4 0HF, or by completing the electronic version which can be found on Transport Scotland's website at the link above and by emailing:-

A737-Improvements-at-Beith@transport.gov.scot

Dated this Sixth Day of November Two Thousand and Twenty



A GRAHAM

A member of the staff of the Scottish Ministers

Transport Scotland
Major Transport Infrastructure Projects
Buchanan House
Glasgow
G4 0HF
6 November 2020

This is the Schedule referred to in the foregoing Notice relating to the A737/A738 Trunk Road (Improvements at Beith) Compulsory Purchase Order 2020

SCHEDULE

The plot references and areas referred to below correspond to those given in the Schedule and map annexed to “the A737/A738 Trunk Road (Improvements at Beith) Compulsory Purchase Order 2020”.

Plot No	Land in the County of Ayr
201	127 square metres or thereby of grass verge and footway, lying to the north of the centre point of Manrahead Roundabout, north west of Manrahead Farm and the A737.
203	4,771 square metres or thereby of grassland and access tracks, lying to the south west of the centre point of Manrahead Roundabout, west of Manrahead Farm and to the north west of the A737.
204	1,277 square metres or thereby of grassland, access track and hardstanding, lying east of the centre point of Manrahead Roundabout, west and north west of Manrahead Farm and to the south east of the A737.
205	5,096 square metres or thereby of grassland, lying to the north east of the centre point of Manrahead Roundabout, north and east of Manrahead Farm and to the south east of the A737. Land Register of Scotland Title Number AYR10110.
206	1,049 square metres or thereby of grassland and former railway solum, lying to the north east of the centre point of Manrahead Roundabout, north and east of Manrahead Farm and to the south east of the A737. Land Register of Scotland Title Number AYR3475.
207	18,478 square metres or thereby of grassland, lying to the north east of the centre point of Manrahead Roundabout, north and east of Manrahead Farm and to the south east of the A737.
208	12 square metres or thereby of garden ground, lying to the north east of the centre point of Manrahead Roundabout, south west of Geilsland School and to the south east of the A737. Land Register of Scotland Title Number AYR18774.
209	680 square metres or thereby of grassland and grass verge, lying to the north east of the centre point of Manrahead Roundabout, south west of Geilsland School and to the south east of the A737.
210	5,666 square metres or thereby forming the solum of the B706 Barrmill Road, lying to the north east of the centre point of Manrahead Roundabout, south west of Geilsland School and to the south east of the A737.
211	8,057 square metres or thereby of grassland, lying to the north east of the centre point of Manrahead Roundabout, south west of Geilsland School and to the south east of the A737.
212	24,141 square metres or thereby of grassland, lying to north east of the centre point of Manrahead Roundabout, south west of Geilsland School and to the south east of the A737.
213	524 square metres or thereby of grassland and former electricity sub -station, lying to the north east of the centre point of Manrahead Roundabout, west of Geilsland School and to the south east of the A737.
214	1,067 square metres or thereby forming the solum of B706 Barrmill Road, lying north east of the centre point of Manrahead Roundabout, south west of Geilsland School and to the north west of the A737.

215	626 square metres or thereby of grassland, lying to the north east of the centre point of Manrahead Roundabout, south west of Geilsland School and to the south west of the A737.
216	5,129 square metres or thereby forming the solum of the existing A737 Beith Bypass Road, lying to the north east of the centre point of Manrahead Roundabout, generally west of Geilsland School and south west of Head Street Junction.
217	19,432 square metres or thereby of grassland, lying to the north east of the centre point of Manrahead Roundabout, west of Geilsland School and south west of Head Street Junction. Land Register of Scotland Title Number AYR71328
218	3,042 square metres or thereby forming the solum of the existing Wardrop Street, lying to the north of Geilsland School and south east of Head Street Junction.
219	A heritable and irredeemable servitude over 1220 square metres or thereby of grassland, lying south west of the centre point of Manrahead Roundabout, west of Manrahead Farm and to the north west of the A737.
221	426 square metres or thereby of grassland lying to the north east of Geilsland School and south east of the A737 and Head Street Junction. Land Register of Scotland Title Number AYR71328
222	64 square metres or thereby of farm access track, lying to the north east of Geilsland School and south east of the A737 and Head Street Junction. Land Register of Scotland Title Number AYR71328
223	1,994 square metres or thereby of grassland, lying to the north east of Geilsland School and south east of the A737 and Head Street Junction. Land Register of Scotland Title Number AYR71328
224	756 square metres or thereby forming the solum of Spiersland Way, lying to the north east of the centre point of Manrahead Roundabout, south west of Geilsland School and to the south east of the A737.
225	3,668 square metres or thereby of grassland, lying to the north of Geilsland School, south east of the A737 and east of Head Street Junction. Land Register of Scotland Title Number AYR71328
226	847 square metres or thereby of grassland and hardstanding, lying to the north west of Geilsland School, north east of Head Street Junction and south east of the A737.
227	889 square metres or thereby of grassland, lying to the north west of Geilsland School, north east of Head Street Junction and east of the A737.
228	3,405 square metres or thereby of grassland lying to the north of Geilsland School, north east of Head Street Junction and east of the A737. Land Register of Scotland Title Number AYR71328
229	A heritable and irredeemable servitude over 1191 square metres or thereby of grassland, lying to the north east of the centre point of Manrahead Roundabout, south west of Geilsland School and to the south east of the A737
230	952 square metres or thereby forming the solum and footways of the existing A737 lying to the north west of Geilsland School and north of the Head Street Junction.
231	170 square metres or thereby of grassland, lying to the northwest of Geilsland School, south west of Head Street Junction and the A737.
233	1,296 square metres or thereby forming the solum of Geilsland Road, lying to the north east of the centre point of Manrahead Roundabout, south west of Geilsland School and to the south east of the A737.
234	A heritable and irredeemable servitude over 135 square metres or thereby of grassland lying to the north west of Geilsland School, north of Head Street Junction and north west of the A737.

237	25 square metres or thereby of garden ground, lying to the north east of the centre point of Manrahead Roundabout, south west of Geilsland School and to the south east of the A737.
243	417 square metres or thereby of grass verge, lying to the north east of the centre point of Manrahead Roundabout, south west of Geilsland School and north west of the A737.
244	246 square metres or thereby of grassland, lying to the west of Geilsland School, south west of Head Street Junction and west of the A737.
245	8 square metres or thereby of grassland, lying to the north west of Geilsland School, north east of Head Street Junction and east of the A737.
246	157 square metres or thereby of grassland, lying to the north west of Geilsland School, south east of Head Street Junction and east of the A737. Land Register of Scotland Title Number AYR71328
247	149 square metres or thereby of grassland lying to the northwest of Geilsland School, south west of Head Street Junction and the A737.
248	429 square metres or thereby forming the solum of B706 Barrmill Road, lying north east of the centre point of Manrahead Roundabout, south west of Geilsland School and to the north west of the A737.