

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

Made

16 March 2020

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 (Improvements at Beith) Compulsory Purchase Order 2020.

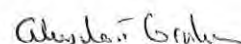
2. Subject to the provisions of this Order, the acquiring authority are hereby authorised to purchase compulsorily for the purpose of improving and constructing a new length of the A737/A738 St James Interchange – Kilwinning – Hawkhill trunk road in the vicinity of the town of Beith, North Ayrshire, the land and servitude rights which are described in the First Schedule hereto and are delineated in red and coloured pink and blue respectively on the map signed with reference to this Order and marked “Map referred to in the A737/A738 Trunk Road (Improvements at Beith) Compulsory Purchase Order 2020”, 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purchase section 70 of the Railways Clauses Consolidation (Scotland) Act 1845 and sections 71 to 78 of that Act as originally enacted and not as amended for certain purposes by section 15 of the Mines (Working Facilities and Support) Act 1923 are hereby incorporated with the enactment under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.

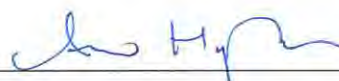
4. For the purpose of the said section 71 of the Railways Clauses Consolidation (Scotland) Act 1845, as incorporated in this Order, the prescribed distance in relation to any seam of minerals lying under land adjoining the works to be constructed upon the land described in the Schedule hereto shall be 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.

5. In this article “the order land” means the land described as open or common space in plots 215, 231 & 244 in the First Schedule hereto and “the exchange land” means the land which is described in the Second Schedule hereto and is delineated blue and coloured blue on the said map. The exchange land is land which has been or will be given in exchange for the order land subject to like rights, trusts, and incidents as attach to the order land.

Subscribed by Alasdair Graham, Director of Major Projects, being an officer of the Scottish Ministers at Glasgow on Sixteenth day of March Two Thousand and Twenty, before the witness Andrew John Hynds, Civil Servant, Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF.



A GRAHAM



Witness

These are the Schedules referred to in the foregoing A737/A738 Trunk Road (Improvements at Beith) Compulsory Purchase Order 2020.

FIRST SCHEDULE

In the First and Second Schedules:-

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 Beith, North Ayrshire.
3. “Manrahead Roundabout” means the existing roundabout at the junction of the A737; the existing B777 Kilbirnie Road and the existing B7049 Dalry Road, Beith, North Ayrshire.
4. “Manrahead Farm” means the steading known as Manrahead Farm, Dalry Road, Beith KA15 1JW
5. “Geilsland School” means the former Geilsland House and School Campus site, Geilsland Road, Beith, North Ayrshire KA15 1HD.
6. “Head Street Junction” means the existing junction between the A737 and the B777 Wardop Street, Beith, North Ayrshire.
7. Where all or part of a plot, or a title condition over all or part of a plot, forms part of a title or titles registered in the Land Register of Scotland, the Title Number is given at the end of the description or the Lessees and Occupiers column.
8. The number of the individual sheet (hereinafter referred to as “CPO Sheet”) within the said map on which the plot is shown is given at the end of the description.

Number On Map	Description of the land or servitude right	Owners	Lessess and Occupiers
1-200	Numbers not allocated	-	-
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. CPO Sheet: 1 of 2	North Ayrshire Council, Cunninghame House, Irvine, Ayrshire KA12 8EE	Owner

202	Number not allocated.		
203	<p>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.</p> <p>CPO Sheet: 1 of 2</p>	<p>1. Sarah Cowie Miller, 58 Sycamore Avenue, Beith KA15 2DW</p> <p>2. James Miller and Pamela Ann Miller, Whitestanes Farm, Beith KA15 1JN</p> <p>as Trustees for their Firm of James Miller</p>	Owners
204	<p>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.</p> <p>CPO Sheet: 1 of 2</p>	<p>George Marshall Carmichael and Alexandra Jessie Harvie Carmichael, Manrahead Farm, Dalry Road, Beith KA15 1JW</p>	Owners
205	<p>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.</p> <p>Land Register of Scotland Title Number AYR10110.</p> <p>CPO Sheet: 1 of 2</p>	<p>Thomas Harkness Hamilton, Gavina Elizabeth Russell Hamilton and Robert Noble Hamilton, Roughwood Farm, Beith KA15 1JR</p>	Owners

206	<p>1,049 square metres or thereby of grassland and former railway <i>solum</i>, 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.</p> <p>Land Register of Scotland Title Number AYR3475.</p> <p>CPO Sheet: 1 of 2</p>	<p>Esther Martin Knox Craighouse, Barmill Road, Beith KA15 1HB</p>	<p>1. Owner</p> <p>2. Benefited Proprietor</p> <p>Network Rail Infrastructure Ltd (Company No. 02904587) Kings Place 90 York Way London N1 9AG</p>
207	<p>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.</p> <p>CPO Sheet: 1 of 2</p>	<p>1. Sarah Cowie Miller, 58 Sycamore Avenue, Beith KA15 2DW</p> <p>2. James Miller and Pamela Ann Miller, Whitestanes Farm, Beith KA15 1JN</p> <p>as Trustees for their Firm of James Miller</p>	<p>Owners</p>
208	<p>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.</p> <p>Land Register of Scotland Title Number AYR18774.</p> <p>CPO Sheet: 1 of 2</p>	<p>Nicholas James Bailey and Katharine Jane Bailey, 45 Barmill Road, Beith KA15 1HA</p>	<p>Owners</p>

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. CPO Sheet: 1 of 2	The Church of Scotland General Trustees Scottish Charity Number: SC014574 Secretary's Department Church of Scotland 121 George Street Edinburgh EH2 4YR	Unknown
210	5,666 square metres or thereby forming the <i>solum</i> 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. CPO Sheet: 1 of 2	Unknown.	Occupied by North Ayrshire Council as roads authority.
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. CPO Sheet: 1 of 2	North Ayrshire Council as Governing Body of Speirs Trust, Cunninghame House, Irvine, Ayrshire KA12 8EE	James Stirling Baillieston Farm Kilbirnie KA25 7LD
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. CPO Sheet: 1 of 2	David Kerr 7 Hillfoot Crescent, Ayr KA7 3LG (formerly of Todhill Farm, Stevenston)	Andrew Smith Cuff Farm, Beith. KA15 2LJ

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. CPO Sheet: 1 of 2	SP Energy Networks Unit 4B Rowallan Business Park Southcraigs Kilmarnock KA3 7BQ	Owner
214	1,067 square metres or thereby forming the <i>solum</i> 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. CPO Sheet: 1 of 2	Unknown.	North Ayrshire Council as roads authority.
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. CPO Sheet: 1 of 2	North Ayrshire Council, Cunninghame House, Irvine, Ayrshire KA12 8EE	Owner
216	5,129 square metres or thereby forming the <i>solum</i> 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. CPO Sheet: 1 of 2	North Ayrshire Council, Cunninghame House, Irvine, Ayrshire KA12 8EE	Occupied by the Scottish Ministers as roads authority.

217	<p>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.</p> <p>Land Register of Scotland Title Number AYR71328</p> <p>CPO Sheet: 1 of 2</p>	<p>Landmore Estates 76 Strabane Road, Newtonstewart, County Tyrone BT78 4JZ</p>	<p>Unknown</p>
218	<p>3,042 square metres or thereby forming the <i>solum</i> of the existing Wardrop Street, lying to the north of Geilsland School and south east of Head Street Junction.</p> <p>CPO Sheet: 1 of 2</p>	<p>Unknown</p>	<p>North Ayrshire Council as roads authority.</p>

219	<p>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, (which subjects are, for the purposes of this servitude right, hereby nominated and identified as, and hereafter referred to as, the “burdened property”) of laying down and maintaining drainage apparatus to convey road and other drainage from the benefited property and through the burdened property to discharge into an unnamed burn, Beith, Ayrshire and thereafter into Kilbirnie Loch and that on a line at the discretion of the acquiring authority or their successors as proprietors of the benefited property with power to the acquiring authority and their successors as aforesaid and those authorised by them to enter on the burdened property for the purpose of laying down said drainage apparatus and thereafter inspecting, maintaining, improving, repairing and renewing same.</p> <p>For the purposes of this servitude right the following subjects are hereby nominated and identified as, and in the foregoing description referred to as the benefitting property.</p> <p>The subjects numbered Plots 203, 204, 205, 206,</p>	<ol style="list-style-type: none"> 1. Sarah Cowie Miller, 58 Sycamore Avenue, Beith KA15 2DW 2. James Miller and Pamela Ann Miller, Whitestanes Farm, Beith KA15 1JN <p>as Trustees for their Firm of James Miller</p>	Owners
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	<p>207, 208 and 209 more particularly described in this Schedule and shown on the said map together with the land acquired by the Scottish Ministers by General Vesting Declaration dated 10 September 2010 in respect of the A737 Trunk Road (Beith Bypass) Compulsory Purchase Order, made on 19 March 2010 and registered under Land Register of Scotland Title Number AYR91057</p> <p>CPO Sheet: 1 of 2</p>		
220	Number not allocated.		
221	<p>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.</p> <p>Land Register of Scotland Title Number AYR71328</p> <p>CPO Sheet: 1 of 2</p>	<p>Landmore Estates 76 Strabane Road, Newtonstewart, County Tyrone BT78 4JZ</p>	Unknown
222	<p>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.</p> <p>Land Register of Scotland Title Number AYR71328</p> <p>CPO Sheet: 1 of 2</p>	<p>Landmore Estates 76 Strabane Road, Newtonstewart, County Tyrone BT78 4JZ</p>	Unknown

223	<p>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.</p> <p>Land Register of Scotland Title Number AYR71328</p> <p>CPO Sheet: 1 of 2</p>	<p>Landmore Estates 76 Strabane Road, Newtonstewart, County Tyrone BT78 4JZ</p>	Unknown
224	<p>756 square metres or thereby forming the <i>solum</i> 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.</p> <p>CPO Sheet: 1 of 2</p>	Unknown.	Unknown
225	<p>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.</p> <p>Land Register of Scotland Title Number AYR71328</p> <p>CPO Sheet: 1 of 2</p>	<p>Landmore Estates 76 Strabane Road, Newtonstewart, County Tyrone BT78 4JZ</p>	Unknown
226	<p>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.</p> <p>CPO Sheet: 1 of 2</p>	<p>North Ayrshire Council, Cunninghame House, Irvine, Ayrshire KA12 8EE</p>	Owner

227	<p>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.</p> <p>CPO Sheet: 1 of 2</p>	<ol style="list-style-type: none"> 1. Alexander John Thomson 3 Glebe Road, Beith KA15 1EY 2. Peter Campbell Thomson, Monymusk, Barmill Road, Beith KA15 1EU 	Owners
228	<p>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.</p> <p>Land Register of Scotland Title Number AYR71328</p> <p>CPO Sheet: 1 of 2</p>	Landmore Estates 76 Strabane Road, Newtonstewart, County Tyrone BT78 4JZ	Unknown

229	<p>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, (which subjects are, for the purposes of this servitude right, hereby nominated and identified as, and hereafter referred to as, the “burdened property”) of laying down and maintaining drainage apparatus to convey road and other drainage from the benefited property and through the burdened property to discharge into an unnamed burn, Beith, Ayrshire and thereafter into the Powgree Burn, Ayrshire and that on a line at the discretion of the acquiring authority or their successors as proprietors of the benefited property with power to the acquiring authority and their successors as aforesaid and those authorised by them to enter on the burdened property for the purpose of laying down said drainage apparatus and thereafter inspecting, maintaining, improving, repairing and renewing same.</p> <p>For the purposes of this servitude right the following subjects are hereby nominated and identified as, and in the foregoing description referred to as the benefitting property.</p> <p>The subjects numbered Plots 210, 211 and 212 more</p>	<p>North Ayrshire Council as Governing Body of Speirs Trust, Cunninghame House, Irvine, Ayrshire KA12 8EE</p>	<p>James Stirling Baillieston Farm Kilbirnie KA25 7LD</p>
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	<p>particularly described in this Schedule and shown on the said map.</p> <p>CPO Sheet: 1 of 2</p>		
230	<p>952 square metres or thereby forming the <i>solum</i> and footways of the existing A737 lying to the north west of Geilsland School and north of the Head Street Junction.</p> <p>CPO Sheet: 1 of 2</p>	<p>Marion Armour Fleming or Watson, Craigbet, Bridge of Weir PA11 3RX</p>	<p>Occupied by the Scottish Ministers as roads authority.</p>
231	<p>170 square metres or thereby of grassland, lying to the northwest of Geilsland School, south west of Head Street Junction and the A737.</p> <p>CPO Sheet: 1 of 2</p>	<p>North Ayrshire Council, Cunninghame House, Irvine, Ayrshire KA12 8EE</p>	<p>Owner</p>
232	<p>Number not allocated.</p>		
233	<p>1,296 square metres or thereby forming the <i>solum</i> 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.</p> <p>CPO Sheet: 1 of 2</p>	<p>Unknown.</p>	<p>Occupied by North Ayrshire Council as roads authority.</p>

234	<p>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, (which subjects are, for the purposes of this servitude right, hereby nominated and identified as, and hereafter referred to as, the “burdened property”) of laying down and maintaining drainage apparatus to convey road and other drainage from the benefited property and through the burdened property to discharge into an unnamed sewer, Beith, Ayrshire and thereafter into Kilbirnie Loch and that on a line at the discretion of the acquiring authority or their successors as proprietors of the benefited property with power to the acquiring authority and their successors as aforesaid and those authorised by them to enter on the burdened property for the purpose of laying down said drainage apparatus and thereafter inspecting, maintaining, improving, repairing and renewing same.</p> <p>For the purposes of this servitude right the following subjects are hereby nominated and identified as, and in the foregoing description referred to as, the benefited property:</p> <p>The subjects numbered Plots 227, 228, 230 and 245 more particularly described</p>	<p>London & Clydeside Estates, Unit C, Ground Floor, Glasgow Airport Business Park, Abbotsinch, Paisley PA3 2SJ</p>	<p>Owner</p>
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	<p>in this Schedule and shown on the said map together with the land acquired by the Scottish Ministers by General Vesting Declaration dated 8 October 2012 in respect of the A737 Trunk Road (Beith Bypass, Head Street Junction) Compulsory Purchase Order, made on 13 November 2009 and registered under Land Register of Scotland Title Number AYR76429</p> <p>.</p> <p>CPO Sheet: 1 of 2</p>		
235 & 236	Numbers not allocated.		
237	<p>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.</p> <p>CPO Sheet: 1 of 2</p>	<p>Robert Logan and Jane Logan, Bellscauseway, Barmill Road, Beith KA15 1HA</p>	Owner
238-242	Numbers not allocated.		
243	<p>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.</p> <p>CPO Sheet: 1 of 2</p>	<p>David Kerr 7 Hillfoot Crescent, Ayr KA7 3LG</p> <p>(formerly of Todhill Farm, Stevenston)</p>	Occupied by North Ayrshire Council as roads authority.
244	<p>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.</p> <p>CPO Sheet: 1 of 2</p>	<p>North Ayrshire Council, Cunninghame House, Irvine, Ayrshire KA12 8EE</p>	Owner

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. CPO Sheet: 1 of 2	North Ayrshire Council, Cunninghame House, Irvine, Ayrshire KA12 8EE	Occupied by the Scottish Ministers as roads authority.
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 CPO Sheet: 1 of 2	Landmore Estates 76 Strabane Road, Newtonstewart, County Tyrone BT78 4JZ	Unknown
247	149 square metres or thereby of grassland lying to the northwest of Geilsland School, south west of Head Street Junction and the A737. CPO Sheet: 1 of 2	North Ayrshire Council, Cunninghame House, Irvine, Ayrshire KA12 8EE	Owner
248	429 square metres or thereby forming the <i>solum</i> 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. CPO Sheet: 1 of 2	North Ayrshire Council, Cunninghame House, Irvine, Ayrshire KA12 8EE	Owner

The order includes land falling within the special categories to which Part III of the First Schedule to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 applies, namely land forming part of a common or open space.

Alexander Graham

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SECOND SCHEDULE

Exchange Land

Number On Map	Description of Land
1001	603 square metres or thereby of land forming part of the solum and verge of the A737, lying to the west and north of Geilsland School, south west of Head Street Junction CPO Sheet 2 of 2
1002	459 square metres or thereby of land forming part of the solum and verge of the A737, lying to the west and north west of Geilsland School, south west of Head Street Junction CPO Sheet: 2 of 2

Alexander Graham

A GRAHAM

Roads (Scotland) Act 1984

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

The A737/A738 Trunk Road (Improvements at
Beith) Compulsory Purchase Order 2020

2020

Scottish Government Legal Directorate
Victoria Quay
Edinburgh
EH6 6QQ

Transport Scotland Ref: The A737
Improvements at Beith: Orders: