

STATEMENT OF CASE

on behalf of

Messrs McIntosh

ROADS (SCOTLAND) ACT 1984

ACQUISITION OF LAND (AUTHORISATION PROCEDURE) (SCOTLAND)

ACT 1947

Following representations to the various Draft Scheme Orders published in 2006, 2007 and 2008 in respect of the proposed Aberdeen Western Peripheral Route

Lot Numbers 504, 515, 517, 613-617, 619, 621, 622, 624, 627, 634, 635, 640, 651-660, 666, 667 and 4004

Transport Scotland Objection References:  
AWPR/OBJ/11546/11547/11611/11732/11967/20005



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STATEMENT of CASE

on behalf of

MESSRS MCINTOSH, GOVAL FARM, DYCE c/o  
Paul and Williamsons, Solicitors, 6 Union Row,  
Aberdeen, AB10 1DQ

.....OBJECTORS

Following representations to the various Draft  
Scheme Orders published in 2006, 2007 and 2008 in  
respect of the proposed Aberdeen Western Peripheral  
Route

Lot Numbers 504, 515, 517, 613-617, 619, 621, 622,  
624, 627, 634, 635, 640, 651-660, 666, 667 and 4004

Transport Scotland ("the Promoters") Objection

References:

AWPR/OBJ/11546/11547/11611/11732/11967/2000  
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1 INTRODUCTION

1.1 Messrs McIntosh of Goval Farm, Dyce ("the Objectors"), submitted Letters of Objections to

the A90/A956 (Aberdeen Western Peripheral Route) Special Roads Orders 200 -,

A90/A956/A96 Side Road Orders 200 -, A90/A956 (Aberdeen Western Peripheral Route)

Special Roads Compulsory Orders 200 -, and A90 (Aberdeen Western Peripheral Route)

Special Road and the A956 (Aberdeen Western Peripheral Route) Special Road Compulsory

Purchase Order No. 2 200 -, by way of letters dated 6 February 2007, 26 October 2007, 23

November 2007 and 21 May 2008. These objections have been allocated reference numbers

AWPR/OBJ/11546/11547/11611/11732/11967/20005.

1.2 In the objections it was made clear that Messrs McIntosh include Mr J B McIntosh and Mr R McIntosh. Mr J C McIntosh upon whom notices have been serviced was previously a partner in the farming practice, but is now deceased and his share in the farm has passed to Mr R McIntosh.

2. THE OBJECTIONS

2.1 The Objectors have consistently opposed the proposed route of the Aberdeen Western Peripheral Route through Goyal Farm on the basis that the proposed line is directly through the best quality land on the farm and will have the effect of severing the farm buildings from much of the farm land. The objections set out at length the impact which the proposed route would have on the farming enterprise as a whole in terms of impact on the best quality land, traffic movements, field drains, the residential amenity of Goyal Farmhouse, cottages and Parkhill Pumping Station and sterilisation of substantial sand deposits.

2.2 The Objectors put forward an alternative route which goes to the rear of Goyal Farmhouse which, in the opinion of the Objectors, would answer many of their concerns. Paragraph 7.6 of the Promoters Statement of Case indicates that the Promoters are aware that evidence will be led by the Objectors in relation to an alternative junction layout in relation to the Goyal junction, but claim that insufficient information has been provided to date to enable a comparison of the alternative junction to be made against the junction promoted as part of the Scheme.

2.3 An alternative route to the rear of the Goyal Farmhouse was put forward to the Promoters in the Allathan Associates' Report on 15 September 2004. In terms of alternative junction arrangement, proposals for a full grade separated junction were put forward by the Objectors in their letter to the Promoters dated 6 February 2007. That proposal related to the junction arrangements put forward by the Promoters on 14 December 2006. Between 2006 and the re-publishing of the Orders in September 2007, the Promoters altered the design of the junction

at Goyal a number of times and that has made it difficult for the Objectors to put forward firm alternative proposals.

2.4 The objections submitted, dated 26 October 2007 and 23 November 2007, set out further

suggestions on the Goyal junction in light of the Transport Scotland proposal at that time.

2.5 The Objectors have now done further work on both the alternative route and the junction.

Drawing No. 61312/06 sets out the line of the Objectors preferred route to the rear of Goyal

Farmhouse. This links into a new junction layout at Goyal. Drawing No. 61312/07 shows the

alternative junction layout linking into the Promoters proposed route for the AWP and

should the Objectors alternative route for the AWP not be recommended by the Reporters

following this Inquiry, the Objectors would still wish to pursue the alternative junction

arrangements. The alternative junction involves a realignment of the A947 which is shown

on Drawing No.61312/08.

2.6 The Objectors will notify proprietors affected by the alternative route and junction.

### 3. EVIDENCE TO BE LED

3.1 The Objectors will lead evidence to support the objections and representations on the

following issues:-

1 The impact of the proposed route and Goyal junction on the farming operations.

2 The impact of the proposed route on Goyal Farmhouse, cottages and Parkhill

Pumping Station and the Lade.

3 The details and benefits of the alternative route and Goyal junction arrangements put

forward by the Objectors in Drawing Nos. 61312/06, 07 and 08. In this regard it will

be demonstrated that as well as reducing the impact on the operation of the Objectors'

farm, it will reduce the impact on other neighbouring properties and will require

fewer structures than the Promoters' proposed route.

3.2 Despite a number of meetings with representatives of the Promoters, the Objectors have been

unable to reach agreement on many aspects of the Objections although it is noted that the

updated Environmental Statement now appears to acknowledge many of the impacts on the

farming enterprise. The Objectors are prepared to meet with representatives of the Promoters

to try to agree certain matters before the Inquiry such as the costs of the route and junction

proposed by the Promoters and the cost of the alternative route and junction being proposed

by the Objectors. Although, given that paragraph 3.1 of the Statement of Case from the

Promoters confirms that the Scottish Ministers do not wish to be advised by the Reporters on

the justification for the principle of the Scheme in economic, policy or strategy terms, it is

submitted that the cost difference between the two routes to a certain extent is irrelevant. The

Scottish Ministers only wish to be advised of the technical aspects and environmental impacts

of the route and if the economic justification of the Scheme is outwith the scope of the

Inquiry, it must also be the case that the economic justification of an alternative route is

outwith the scope of the Inquiry.

3.3

The Objectors are willing to join together with other parties who share concerns with the

current design of the Goyal junction and have been making efforts to contact relevant parties.

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#### DOCUMENTS

4.1

As at the date of writing this Statement of Case, it is anticipated that in addition to referring to

the Core Documents and the Promoters' own Documents, the Objectors will make reference

to the following:-

MM1 Letter to Transport Scotland dated 15 September 2004 together with Allathan Report

MM2 Letter from Managing Agent dated 2 March 2006 with letter from SAC to Jacobs

Babtie dated 3 February 2006

MM3 Letter to Managing Agent dated 24 April 2006

MM4 Letter from Managing Agent dated 5 February 2007

MM5 Objection to Order dated 6 February 2007

MM6 Letter to AWPRA Managing Agent dated 29 June 2007

MM7 Letter to Transport Scotland dated 29 June 2007

MM8 Objection to Order dated 26 October 2007

MM9 Objection to Order dated 23 November 2007

MM10 Letter from Managing Agent dated 2 May 2008 enclosing Transport Scotland response dated March 2008

MM11 Objection to Order dated 21 May 2008

MM12 Drawing number 61312/04

MM13 Report by Jacobs UK Limited forming response to Messrs McIntosh consultation

MM14 SAC farm information

MM15 WAF drawing number 61312/06

MM16 WAF drawing number 61312/07

MM17 WAF drawing number 61312/08

MM18 Letter to proprietors affected by alternative route and junction

4.2 The Objectors reserve the right to alter and expand this list prior to the date for lodging the Documents for the Inquiry on 22 July 2008.

5.0 WITNESSES

5.1 The Objectors intend to lead the following witnesses to give evidence on the Objections:-

1 Mr John McIntosh to speak to the current farming operations and the impact which the proposed route would have thereon including impact on the quality of the land,

