

Statement of Case

on behalf of

Mr and Mrs J Mitchell (Statutory Objectors)

in relation to a

**Public Local Inquiry into a Draft Scheme and Orders for the
Aberdeen Western Periphery Route (AWPR)**

under the

**Roads (Scotland) Act 1984
Acquisition of Land (Authorisation Procedure) (Scotland)
Act 1947**

June 2008

Statement of Case Mr and Mrs J Mitchell

1. This Objection relates to the Southern Leg section of the Aberdeen Western Periphery Route (AWPR)
2. Mr and Mrs J Mitchell own Milltimber Farm (Land Reference 438) as joint proprietors which extends to approximately 270 acres.

Land is being acquired on the property and as such Mr and Mrs Mitchell are Statutory Objectors to the scheme.

3. Milltimber Farm operates a DIY livery, providing stables and grazing. The property is split by the B979.
4. The current design of the scheme involves the acquisition from our client of approximately 42 acres.

Further Draft Orders have been submitted suggesting additional land take of 4.43 acres.

The land take is exacerbated by land being acquired to screen Camphill.

5. The Promoters consider that an overpass to link the main steading and the severed area at or near the northern boundary of the Objectors' property is unnecessary.

It is understood that the Promoters are suggesting that stock are walked to grazing on the other side of the B979 between the Milltimber Road and the AWPR via an underpass formed by the new Dee bridge on the flood plain.

6. The Environmental Statement at 22.4.14 states: -

At Milltimber Farm, an area of 10.3 ha (11% of the total land) would be required to construct the proposed scheme, including 2.54 ha of land required to be landscaped and for visual mitigation.

The alignment of the road at approximately CH102000-1022900 would sever the land, such that the stables would be on the opposite side of the new road from some of the grazing fields. This would be in addition to the B979. Due to the loss of land the potential impact of the AWPR on this business is assessed as adverse.

This assessment fails to take into account the additional land being acquired for flood alleviation etc.

7. At 22.5.18 of the Environmental Statement: -

Milltimber Farm livery is considering relocating the livery stables and house to the Eastern side of the B979 and the AWPR, however plans to relocate are not provided as mitigation at this stage of the assessment.

8. Evidence will be led to show the effect that the proposed scheme has already had on the business.
9. Evidence will be led from an expert specialising in safety and risk assessment for animals, to the effect that the proposal for stock movement between the severed area and the livery yard poses a serious risk to road users, welfare of stock and a significant risk to handlers.

Evidence will be led that the construction of a sensitively designed overpass or the relocation of the stables to the severed area (which would involve the construction of a house because of livestock welfare requirements) would significantly reduce such risk.

10. It will be contended for the Objector that the land take proposed for mitigating against on an adjoining property is excessive and fails to balance landowners' property rights.
11. The failure to provide an overpass suitable for the movement of livestock and the increase in slow moving agricultural traffic between the severed areas of the property will increase the risk to road users on the Milltimber Road. Without the use of the severed areas the livery business will be unviable.
12. The loss of the livery business will mean that the farm itself is unsustainable as an agricultural business.

List of Documents

1.

We reserve the right to add to this list as appropriate as a result of evidence to be led by other parties to the Inquiry.

List of Witnesses

1. Sarah Houston

The Objector reserves the right to amend its proposed witness list in response to the case presented by the Promoter.

Legal Representation