

STATEMENT OF CASE

on behalf of

Mrs E Love

ROADS (SCOTLAND) ACT 1984

ACQUISITION OF LAND (AUTHORISATION PROCEDURE) (SCOTLAND)

ACT 1947

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

Lot Numbers 1610 and 1611

TRANSPORT SCOTLAND Reference: AWPR/OBJ/11410/11742



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ROAD (SCOTLAND) ACT 1984
COMPULSORY PURCHASE BY PUBLIC AUTHORITIES (INQUIRIES PROCEDURE)
(SCOTLAND) RULES 1998
ABERDEEN WESTERN PERIPHERAL ROUTE INQUIRY

STATEMENT of CASE

on behalf of

MRS E LOVE, c/o Paull and Williamsons,
Solicitors, 6 Union Row, Aberdeen, AB10 1DQ
.....OBJECTOR

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

Lot Numbers 1610 and 1611

Transport Scotland (“the Promoters”) Reference:
AWPR/OBJ/11410/11742

1 THE OBJECTION

- 1.1 The Objector submitted an objection on 26 October 2007 to the Promoters in response 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 Road Compulsory Orders 200-, which was served on the Objector in relation to Plot 1611, land at East Silverburn, Kingswells. The objection also related to the Side Road Order for the AWPR scheme. The objection has been allocated reference AWPR/OBJ/11410/11742.
- 1.2 In the Letter of Objection, the Objector advised the Promoters that she should also have been notified of the proposed compulsory purchase in terms of Plot 1610. In their letter of 7 January 2008 the Promoters requested site of the Objector’s title to Plot 1610. The Objector

provided a copy of the Title Deeds to Mr Cliff Buchan of the AWPR Management Agent Team, Andrew Mackay of Jacobs and Ken Kirkcaldy, Solicitor, to the Promoters on 17 December 2007 and again on 17 January 2008 to the Promoters.

- 1.3 The Objection was to the loss of the Objector's front garden and driveway which allows the Objector to turn safely within her property and exit driving forwards onto the C127; to the loss of trees from the Objector's garden so that the C127 would run very close to the cottage; to the relocation of the septic tanks serving the property and to the potential impact of the road construction on her private water supply. Road traffic safety concerns were also raised due to the proposed tie in of the Side Road Orders to the existing C127 road network and the impact of the works on the nearby District Wildlife Site known as Rotton o'Gairn. The Objector also raised concerns about the lack of noise mitigation measures for her property.
- 1.4 The Objector has recently received correspondence from the AWPR Managing Agent which attempts to address some of the concerns mentioned above, but given the deadline for submission of this Statement of Case the Objector has been unable to fully consider the terms of the correspondence.
- 1.5 The Objector wishes therefore at the date of submission of this Statement of Case to promote the objection to Plots 1611 and 1610 at the Inquiry by way of formal participation at the Inquiry. At this stage the Objector does not know how the Inquiry is to be split up in to "stages", but it is anticipated that the Objector will require to participate in the stage of the Inquiry relating to the Southern Leg of the AWPR route and if there is an opportunity would wish to appear at a site specific "stage" to promote the issues in relation to the Silverburn area. The Objector is aware of others who may also wish to participate in a "Silverburn" stage of the Inquiry in due course and would welcome the opportunity to do so together in a coherent and logical order.

- 1.6 It is hoped that it may be possible for the Objector to lessen her participation in the Inquiry if agreement can be reached on the outstanding matters through further negotiation with the Promoters and the AWPR Managing Agent.

2 DOCUMENTS

- 2.1 In addition to relying on the Core Documents to be lodged by the Promoters' for the Inquiry, it is anticipated that the Objector will make reference to the following documents:-

LOV1	Objection to Compulsory Purchase Order dated 26 October 2007
LOV2	Transport Scotland response date 7 January 2008
LOV3	AWPR Managing Agent letter dated 12 March 2008
LOV4	Other copy correspondence sent to/from AWPR Managing Agent/Transport Scotland
LOV5	Correspondence from W A Fairhurst & Partners regarding the need for this Compulsory Purchase Order of the Objector's land
LOV6	Photographs of the land affected by the Compulsory Purchase Orders
LOV7	Photographs of the surrounding existing road network
LOV8	Letter from Transport Scotland dated 13 June 2008

- 2.2 The Objector reserves the right to amend and expand this list of Documents before the deadline for lodging documents on 22 July 2008.

3 EVIDENCE TO BE LED

- 3.1 The Objector will lead evidence to support the case that all of the Objector's land does not need to be compulsorily acquired for the AWPR scheme. Furthermore the Objector will provide evidence to the effect that the need to compulsorily acquire land for the realignment of the C127 running past the Objector's property is unnecessary in road traffic and road safety

terms as well as being harmful in terms of its impact on the District Wildlife Site at Rotton O'Gairn.

- 3.2 Esto, the Reporters were minded to reject the Objector's argument that the land does not need to be compulsorily acquired for the AWPR scheme and related Side Road Orders, the Objector will detail the landscaping and noise mitigation measures required over and above those specified in the Environmental Statement, August 2007 to mitigate the effects of the AWPR scheme on the Objector's property.

4 WITNESSES

- 4.1 The Objector intends to lead two witnesses to support the objection as follows:-

1. Mrs Love to speak to the impact of the scheme on her property and wildlife issues
2. A representative from W A Fairhurst & Partners to speak to engineering and transportation issues.

- 4.2 It is anticipated that it will take approximately half a day to promote the objection and cross examine the Promoters' witnesses on this matter.

- 4.3 The Objector will be legally represented by a member of the Planning and Environmental Law Division of Paull & Williamsons.

PAULL & WILLIAMSONS
Solicitors, Aberdeen

AGENT FOR THE OBJECTOR