

Statement of Case

on behalf of

North Elrick Limited (a Statutory Objector)

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 North Elrick Limited

1. This Objection relates to the Fast Link section of the Aberdeen Western Periphery Route (AWPR)
2. North Elrick Limited is a limited company which owns part of Elrick Farm.

Land is being acquired from North Elrick Limited and as such the Company are Statutory Objectors to the scheme.

The nature of the ownership was drawn to the attention of Transport Scotland by letter dated 1st February 2007 and does not appear to have been properly taken into account.

3. North Elrick Limited built a very advanced poultry unit on land in their ownership comprising part of Elrick Farm (Land Reference 520) in 1998 producing 260,000 quality assured broiler chickens per year. Evidence will be led to show that this is a high health unit and strictly controlled, satisfying the very highest market standards in the industry in terms of health, biosecurity and welfare.
4. The proposed centre line of the road will be within 52 metres of the existing poultry buildings, with the carriageway at its nearest point level, or just above, the existing ground level. The new road curves slightly round the unit.

The concrete aprons, where loading and unloading of the unit take place, is within 38 metres of the road. The units and activities in the locality would be highly visible from the road.

5. In the initial AWPR Environmental Statement Elrick Farm was considered as a whole and classified as a mixed (specialist poultry and cereals) farm. This acknowledged potentially substantial impact on the operation of the poultry enterprise from the AWPR.

The Environmental Statement stated: -

That no agricultural businesses that are assessed as being unviable. However it should be noted that detailed consideration of potential impacts on the continued operation and biosecurity status of the three poultry units (Fishermyle, Coneyhatch and Elrick) are beyond the scope of the assessment.

By considering the farm as a whole the Environmental Statement fails to address the loss to the party from whom the interest is being acquired.

6. The Environmental Statement identifies the impact on various planning applications but ignores the impact on the proposed manager's house on the Objectors property.
7. A poultry assessment was commissioned on or about April 2007.

This assessment suggests that biosecurity measures could be introduced in terms of mitigations works and as a result the Environmental Statement was updated to show that the residual impact on North Elrick Limited would be negligible/low/slight.

The mitigation measures apparently now proposed in respect of North Elrick Ltd involve a stone dyke and a continuous belt of mixed planting to provide screening and an additional physical barrier between the poultry houses and the AWPR. There have been no discussions regarding these proposed mitigation works. Expert evidence will be led to show that such works are contra indicated in terms of biosecurity and will not mitigate the likely loss.

Transport Scotland have suggested potential for screening of air inlets and the moving of the loading area. Despite requests no further information has been provided regarding the measures proposed. Expert evidence will be led to show that this will have a minimal effect of the biosecurity risk posed by the proximity of the Fast Link to the poultry housing and adversely affect production in other ways.

8. The objectors maintain that the Environmental Assessment minimises and plays down the risks posed by the proximity of vehicles to an intensive farming industry and ignores DEFRA information highlighting the risks, and stressing the importance of, adequate separation of vehicles and poultry houses. The design of the road fails to take into account such advice.
9. The Assessment takes no account of the security risks posed to a business of this nature from its visibility or any effect on road users of a release of stock.
10. Expert evidence will be led to show that the current Assessment fails to take into account the risk of airborne spread of viruses from the road, and ignores established published data on the spread of viral disease; as such it misrepresents the risks posed to the business.
11. Expert evidence will be led to show that the current Assessment fails to recognise that modern broiler production is a high turnover, low margin business where high health standards are essential for business profitability and that the proximity of the AWPR will seriously risk the viability of the business.
12. The objectors will demonstrate that the effect on North Elrick Ltd will be such that the business is no longer viable.

List of Documents

1. Title Deeds for the Property.
2. Letter to AWPR dated 1st February 2007.
3. Correspondence regarding planning consent for expansion of the unit and in respect of the Managers house.
4. Poultry Assessment prepared for AWPR (AWPR Enviromental Statement Appendices 2007 Part D:Fastlink Appendix A37.4)
5. Poultry Assessment by Inchcolm Veterinary Services dated 13th June 2008

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. Ben Kellagher, Andersons Farm Business Consultants.
2. To be advised. DuPont Animal Health Solutions Europe.
3. W A Law BVMS MRCVS FRSH, Inchcolm Veterinary Services
4. J Macdonald, SAC.
5. M Stephen, Grampian Country Chickens

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

Legal Representation

Ledingham Chalmers

Presentation of the case - to be advised