

19 Malcolm's Mount West  
Stonehaven  
Aberdeenshire  
AB39 2TF

Colin Bell  
Directorate of Planning and Environmental Appeals  
4 The Courtyard  
Callendar Business Park  
Falkirk,  
FK1 1XR

18<sup>th</sup> June 2008

Dear Mr Bell,

**Aberdeen Western Peripheral Route – Public Local Enquiry**

**“Sink The Link” (Collective name for Karen Allan, Margaret Brooks, Peter Thorpe & William Craig), respectfully submit a statement of case in support of their previously submitted objections.**

**Statement of Case**

We contend that the process undertaken in arriving at the AWPR scheme as it is presently envisaged is flawed in a number of substantive particulars, both in terms of the environmental impact and as a technical and financial project, and that the resulting scheme is not fit for purpose as a transport and development solution for the north-east of Scotland in the 21<sup>st</sup> century.

The public have never been consulted on the “Fastlink”.

The “Fastlink” is not a component of the Aberdeen Western Peripheral Route (AWPR). It is a new dual carriageway between Stonehaven and Aberdeen in addition to the existing A90 dual carriageway and the B979 which cross this stretch of countryside. The irreversible environmental damage the “Fastlink” would cause to this area of countryside is impossible to mitigate against and this has not been recognized in the environmental assessments which are wholly inadequate.

Additionally, the limited scope afforded to this PLI is in breach of the UK’s obligations under the Aarhus Convention<sup>1</sup> to which all EU members states are signatories and may give rise to an application for judicial review were its conclusions to confirm the AWPR in its present form without due process. Such an approval would be open to challenge in the Scottish Parliament, and in the European courts.

Further it is our contention that this scheme is an infringement of our rights as citizens of a member state of the EU in that it breaches a variety of treaty obligations and policy commitments and is flawed under European and International law.

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While we have submitted this statement of case as a collective submission, to facilitate time management in the enquiry process, we respectfully reserve the right to be treated as individual objectors in terms of our previously submitted objections.

We refer to the cited sources as listed in footnotes to this statement and in particular to our main information resource (SinkThe Link website<sup>2</sup>) and give notice of our intention to call the following witnesses: Mr. John Fraser, Joe Doake. We wish to give evidence on the following issues, with particular (but not exclusive) regard to the Fastlink:

**Environmental Issues:**

1. The chosen solution does not take significant regard of the concept of “Environmental Justice” (as recognised by Scottish Executive policy)<sup>3</sup> & <sup>4</sup>.
2. Pollution of rare and protected habitats e.g. Mosses
3. Loss of rare and protected habitats e.g. ancient woodland<sup>5</sup>

<sup>1</sup> <http://www.unep.org/ehp/press/Decision> The Decision on conclusion of the Aarhus Convention by the EC was adopted on 17 February 2005 [Decision 2005/370/EC]. The EC is a Party to the Convention since May 2005.

<sup>2</sup> <http://www.sinkthelink.com/sinkthelink/Main.html>

<sup>3</sup> <http://www.scotland.gov.uk/Publications/2005/10/27/21210> PUBLIC ATTITUDES AND ENVIRONMENTAL JUSTICE IN SCOTLAND: A REPORT FOR THE SCOTTISH EXECUTIVE ON RESEARCH TO INFORM THE DEVELOPMENT AND EVALUATION OF ENVIRONMENTAL JUSTICE POLICY

<sup>4</sup> <http://www.scotland.gov.uk/Publications/2006/07/04/024404.6> Roads (Scotland) Act 1984: Report of Public Local Inquiry: M80 Upgrade - Steps to Haggis

4. Loss of farmland
5. Damage to organic farmland
6. Diminishing of the area's archaeological heritage
7. Light pollution
8. Noise pollution
9. Loss of greenbelt
10. Damage to and fragmentation of biodiversity and the creation of an ecological barrier to species migration
11. Impact on water courses and flood plains
12. A strong increase in carbon dioxide emissions
13. Losses to the built environment (19 houses and the International School demolished, 411 houses affected) – social exclusion and the loss of stored energy
14. Contradictory environmental statements (e.g. treatment ponds)
15. Unproven wildlife amelioration (e.g. under and over-passes, habitat creation)
16. Interruption of rights-of-way (loss of amenity)
17. Biased summation of environmental findings
18. Breach of EU, Scottish Government and Local Authority environmental laws, policies and targets on biodiversity, habitats, farmland, organic farming and climate change e.g. National Transport Strategy Dec 2006<sup>6</sup>

#### Technical Issues

1. Precedent of considering alternative routes where significant consideration was given to environmental and cost disadvantages<sup>7</sup>.
2. The road as a transport solution for the North East of Scotland does not take sufficient note of other contemporary solutions adopted for similar/equivalent projects in other European member states (EU policy of equal treatment as guaranteed under the Four Freedoms, Treaty of Rome 1957)<sup>8</sup>.
3. The selection of the Fastlink (and Goval Blackdog section) was *ultra vires*
4. The Fastlink is not detailed in the Structure Plan (North East Scotland Together) or Aberdeenshire Local Plan
5. The environmental statement is still unfinished
6. There has been a gross conflict of interest in the selection of consultants (Jacobs)
7. Wildlife surveys were not properly undertaken
8. No STAG was produced for this route combination (lack of due process)
9. The AWPR claims the benefits of the entire MTS, but the rest of the MTS is stalled
10. There is no method for the oft-quoted "locking in" of benefits (from new development)
11. Peak Oil and rising oil prices have not been factored in to the cost/benefit analysis
12. The road is contrary to the EU policy of Subsidiarity, in that most local Community Councils are opposed to the AWPR as proposed

Additionally, we respectfully draw your attention to the content of our previous written objections.

Yours sincerely,

Karen Allan

William Craig

Margaret Brooks

Peter Thorpe

All residents of Stonehaven and previous objectors.

<sup>7</sup> Council Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora

<sup>8</sup> <http://www.scotland.gov.uk/Publications/2006/12/04104414/5>

<sup>9</sup> Ibid

<sup>6</sup> Treaty of Rome, 1957, as amended