

ROADS (SCOTLAND) ACT 1984

ACQUISITION OF LAND (AUTHORISATION PROCEDURE) (SCOTLAND) ACT 1947

STATEMENT of CASE

on behalf of

STEWART MILNE GROUP LIMITED, c/o Paull
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 2518 and 2519

Transport Scotland (“the Promoters”) Objection
Reference: To be confirmed

1 INTRODUCTION

- 1.1 The Stewart Milne Group Limited (“the Objectors”) are owners of land at Schoolhill, Portlethen, with their interest registered under Title Number KNC/14898, having taken title to the land on 17 March 2006. Despite their title being recorded in 2006 and having entered into a Roads Agreement with the Scottish Ministers for roadworks at Schoolhill in March 2005, the Objectors were not notified of the proposed Compulsory Purchase of Lots 2518 and 2519 pursuant to the A90/A956 (Aberdeen Western Peripheral Route) Special Roads Orders 200- A90/A956/A96 Side Road Orders 200- and A90/A956 (Aberdeen Western Peripheral Route) Special Roads Compulsory Order 200-. It is understood that the Orders were intimated to the previous proprietors of the 2 Lots.

1.2 Notwithstanding the failure of the Promoters to notify the Objectors, the Reporters appointed to hear objections into the Orders have indicated that the Objectors will be entitled to participate in the Inquiry and have required the Objectors to provide a Statement of Case by 25 July 2008.

1.3 The Objection has not yet been allocated a reference number.

2. THE OBJECTION

2.1 The Objectors oppose the proposed acquisition of Lots 2518 and 2519 due to the impact that the acquisition of these two areas of land would have on their existing and proposed development at Schoolhill.

2.2 On 10 December 2004, Aberdeenshire Council granted planning permission reference KM/APP/2000/0006 for the erection of a residential development of 840 dwelling houses together with neighbourhood shops and a business park at Schoolhill. As part of that development the Objectors were required to construct a new grade separated interchange at Findon and an underpass at Cookston Road and to submit a Master Plan for the approval of the Council detailing the proposed site layout.

2.3 A Roads Agreement was entered into with the Scottish Ministers in March 2005 covering the construction of the relevant road works affecting the Trunk Road.

2.4 The loss of Lot 2518 will impact on the land being developed for the business park and the loss of Lot 2519 for the purposes of constructing a link road into the grade separated interchange will not only impact on the approved business park, but will also affect a current application reference APP/2007/3961 for the relocation of the VOSA Weighbridge and the Objectors' future proposals for development in Portlethen.

- 2.5 Aberdeenshire Council are currently looking to expand the settlement of Portlethen and instructed Rapleys, Planning Consultants, to undertake a Capacity Study which has concluded that major development should be located at Schoolhill. The loss of Lot 2519 removes the Objectors' ability to control access into the grade separated junction funded by them and also limits the opportunities to utilise the infrastructure on the western side of the Trunk Road to accommodate further development.
- 2.6 It is submitted that there is no need for the proposed link road to join the grade separated junction. It is understood that the Promoters are seeking to provide access to the Trunk Road network for existing occupiers of properties on the west side of the Trunk Road following the closures of the Hare Moss – Checkbar Road (U58K) junction with the Trunk Road and the Lochton – Auchlunies-Nigg Road. It is submitted that the Link Road into the grade separated junction is not necessary since there are other alternatives available, including using the existing road network as shown on drawing number 77439/01. In these circumstances the Link Road is unnecessary.
- 2.7 The Objectors requested information on the traffic flows which the Promoters envisage will utilise the proposed Link Road, together with the alternative routes considered by the Promoters, but this information was only after business hours yesterday and is currently being considered by the Objectors. The Objectors reserve the right to lead evidence on these issues at the Inquiry.

3. EVIDENCE TO BE LED

3.1 The Objectors will lead evidence to support the Objection on the following issues:-

- 1 The impact of the proposed link road and loss of Lots 2518 and 2519 on existing and future development at Schoolhill;
- 2 The details and benefits of alternative routes; and

- 3 Depending on the traffic flow information received from the Promoters, further evidence may be given on the capacity of the grade separated junction.

4 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:-

SMG1	Title Number KNC/14898
SMG2	Planning Consent Reference KM/APP/2000/0006
SMG3	Minute of Agreement with the Scottish Ministers registered 16 August 2005
SMG4	Drawing Number 77439/01 showing alternative road layout proposal
SMG5	Application reference APP/2007/3961
SMG6	Master Plan for Schoolhill development
SMG7	Draft Portlethen Corridor Study
SMG8	Background papers for selection of link road

- 4.2 The Objectors reserve the right to alter and expand this list prior to the date for lodging the Documents for the Inquiry.

5.0 WITNESSES

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

- 1 Marianne McGowan, Senior Planning and Land Manager, Stewart Milne Group Limited

- 2 Ian Marsh, Technical Director, WA Fairhurst & Partners.

5.2 The Objectors reserve the right to lead additional witnesses provided appropriate precognitions are lodged by the relevant deadline. An extension is sought to 19 August 2008 for submission of precognitions to allow 2 weeks to consider documents lodged on 1 August.

5.3 It is envisaged that it will take one day to promote the Objection and to cross examine the Promoters' witnesses although this time may be able to be refined following discussion with the Promoters.

PAULL & WILLIAMSONS
Solicitors, Aberdeen

AGENT FOR THE OBJECTORS

STATEMENT OF CASE

on behalf of

STEWART MILNE GROUP

ROADS (SCOTLAND) ACT 1984

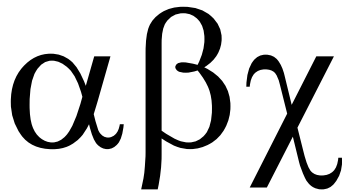
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