

**PUBLIC LOCAL INQUIRY INTO DRAFT SCHEMES AND ORDERS FOR THE ABERDEEN
WESTERN PERIPHERAL ROUTE**

STATEMENT OF CASE

BY

**MR JOHANNES ARNOU VOLKER AND MRS CHRISTIANNE MARIE ROSTANT VOLKER
(the "Objectors")**

1. The Objectors are resident owner occupiers of the property known as Croft House, Culter House Road, Milltimber, AB13 OEP, (hereinafter referred to as the "Subjects"). They have owned and occupied the Subjects since 2003. They reside at the Subjects with their children. The Subjects comprise a detached two storey dwelling house with garage and outbuildings set in a quiet rural location. The Subjects occupy an attractive, roughly rectangular site extending to about two thirds of an acre. It is bounded to the south by Culter House Road. Culter House Road provides the Objectors with a means of access and egress to and from their property.
2. With particular reference to Plan SR21 attached to the draft Side Roads Order, inter alia, it is proposed:-
 - (a) A section of the Culter House Road immediately to the west of the Objectors property is to be removed. This will involve the road being stopped up at a point at or nearby to the south west corner of the Objectors property, (as shown by "zebra hatching" and numbered 164 on said Plan).
 - (b) A short "hammerhead" section of road is to be constructed to allow vehicles to turn. This section is directly opposite the Objectors property to the south of Culter House Road, (as shown by "stipple" and numbered 58 on said Plan).
3. The drainage system to the Objectors property is private. There is a septic tank within the grounds of the property located in or about the south west corner of the garden. There is a soakaway/outflow from the septic tank which extends outwith the property in a southerly direction under the Culter House Road and into ground on the south side of the road. The Objectors reasonably apprehend the new 10 metre section of road at plot 58 may interfere with the operation of the soakaway/outflow.
4. The removal of the section of Culter House Road noted above will prevent the Objectors and their family walking in a westerly direction towards Peterculter. This

route is regularly used by the Objectors and their family: - for recreational purposes; to exercise their dogs; to walk to neighbouring properties; and to access Kippie Lodge from its rear entrance.

5. It is anticipated that a fully mature beech tree located near the western boundary of the Subjects will be adversely affected by the construction works relative to the proposed embankment immediately to the west of the Subjects.
6. The Objectors reasonably apprehend that their occupation and reasonable enjoyment of the Subjects will be seriously affected during the construction of the Special Road and Milltimber Junction intersection, which are to be located immediately to the west and northwest of the Subjects respectively. Due to the close proximity of the Subjects to the proposed intersection, it is reasonably anticipated that construction works affecting the Subjects could last for in excess of two years. At some times during the construction phase, occupation of the Subjects may become intolerable due to noise vibration, dust, etc.
7. It is acknowledged by the road promoter that noise and vibration from traffic using the Special Road shall have a substantial and adverse effect on the Subjects. The Objectors reasonably apprehend use of the Special Road and Milltimber Junction intersection this will have a material and detrimental effect upon their occupation and reasonable enjoyment of the Subjects and that such disturbance cannot be adequately remedied by the means of the noise mitigation or accommodation works proposed and/or by way of compensation.

Provisional List of Documents

Annotated title plans.

Annotated road layout plans.

Provisional List of Witnesses

The Objectors

Drainage Expert

Aberdeen, 24th June 2008

J. David Chalmers,

J. David Chalmers, Solicitor,
Messrs Raeburn Christie Clark & Wallace,
12 – 16 Albyn Place,
Aberdeen,
On behalf of the Objectors.

C.c. Mr Keith Petrie, F.G Burnett,