



Outline Statement of Case

On behalf of

Transport Scotland

in relation to

Public Local Inquiry into Draft Schemes and Orders for Aberdeen  
Western Peripheral Route

Roads (Scotland) Act 1984

Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947

Directorate for Planning and Environmental Appeals Reference:  
C620707

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**Outline Statement of Case**

**in Respect of:**

**Draft Scheme Orders Published on 11 September 2007**

**The A90 (Aberdeen Western Peripheral Route) Special Road Scheme 200[ ]**

**The A956 (Aberdeen Western Peripheral Route) Special Road Scheme 200[ ]**

**The A90 (Aberdeen Western Peripheral Route) (Craibstone Junction) Special Road Scheme 200[ ]**

**The A90 (Aberdeen Western Peripheral Route) Trunk Road Order 200[ ]**

**The A96 (Aberdeen Western Peripheral Route) Trunk Road Order 200[ ]**

**The A956 (Aberdeen Western Peripheral Route) Trunk Road Order 200[ ]**

**The A90 Trunk Road (Charleston to Blackdog) Detrunking Order 200[ ]**

**The A96 Trunk Road (Dyce Drive to Haudagain Roundabout) Detrunking Order 200[ ]**

**The A96 Trunk Road (Dyce Drive Roundabout to Craibstone) Detrunking Order 200[ ]**

**The A90 (Aberdeen Western Peripheral Route) Special Road (Redetermination of Means of Exercise of Public Right of Passage) Order 200[ ]**

**The A90 (Aberdeen Western Peripheral Route) Special Road (Extinguishment of Public Rights of Way) Order 200[ ]**

**Draft Scheme Order Published on 25 September 2007**

**The A90 (Aberdeen Western Peripheral Route) Special Road and the A956 (Aberdeen Western Peripheral Route) Special Road Compulsory Purchase Order 200[ ]**

**Draft Scheme Orders Published on 12 October 2007**

**The A90 (Aberdeen Western Peripheral Route) Special Road (Side Roads) Order 200[ ]**

**The A956 (Aberdeen Western Peripheral Route) Special Road (Side Roads) Order 200[ ]**

**The A90 (Aberdeen Western Peripheral Route) Trunk Road (Side Roads) Order 200[ ]**

**The A956 (Aberdeen Western Peripheral Route) Trunk Road (Side Roads) Order 200[ ]**

**The A96 (Aberdeen Western Peripheral Route) Trunk Road (Side Roads) Order 200[ ]**

## **1. Introduction**

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- 1.1 The Scottish Ministers, as Trunk Roads Authority (“the Promoter”), are seeking confirmation of the various draft Road Orders and draft Compulsory Purchase Orders to allow the construction of the proposed Aberdeen Western Peripheral Route (“the Scheme”). Reference is made to the Statement of Reasons that accompanies this Outline Statement of Case, the terms of which are incorporated herein as forming part of the Promoter’s case to the Public Local Inquiry.
- 1.2 The Scheme involves the construction of some 46km of off-line dual carriageway, typically of two lane standard, with junctions at key locations to allow the Scheme to connect to the existing network of trunk and non-trunk roads. The proposed AWPR is one of a range of measures proposed in the Modern Transport System (MTS) for Aberdeen which is being actively developed by North East Transport Partnership (NESTRANS), the Regional Transport Partnership.
- 1.3 The general effect of the Scheme is to provide a new route to the West of Aberdeen to reduce congestion within the city, remove traffic from unsuitable rural and urban routes, improve safety, reduce journey times and improve journey time reliability. Inclusion of the Fastlink improves the overall efficiency of the Scheme allowing long distance strategic traffic to get around the city more quickly, while reducing traffic on a busy stretch of the A90 between Stonehaven and Aberdeen and the existing B979 Netherley Road. The Scheme is designed to function within the overall Regional Transport Strategy by enabling the implementation of a range of public transport measures which would not otherwise be feasible. The Scheme has been brought forward in accordance with the policies and objectives of the Scottish Ministers, and, accords with national, regional and local planning policy.

## **2. Background**

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- 2.1 The existing trunk road network in the Aberdeen area generally consists of a mixture of 2-lane dual and single carriageway. South of Aberdeen it contains a mixture of at-grade and grade-separated junctions and in the Aberdeen City area, where it passes through developed urban areas, it contains at-grade junctions. Use of the trunk road

network by heavy goods vehicles is constrained at the existing Bridge of Dee, due to width restrictions. Significant congestion occurs on the existing road network, leading to diversion of traffic, including heavy goods vehicles, from the primary road network onto unsuitable rural and urban routes.

2.2 The background to the Scheme is that the high traffic flows and current level of provision have a detrimental impact on the operational performance of the existing A90. The delays experienced by road users, together with the predicted increase in traffic volume, will continue to have a significant economic and social cost. The Scheme will support the effective operation of the strategic road network in north-east Scotland and the implementation of a range of public transport measures proposed in the Regional Transport Strategy. More specifically, the following benefits will be provided across the whole of the north-east of Scotland:

- cutting journey times;
- cutting congestion;
- removing traffic from unsuitable roads;
- improving road safety by reducing accidents; and
- growing the economy.

2.3 The principal objections to the Scheme are:

- that the Scheme does not support or represent an appropriate element of a multi-modal transport strategy;
- that the Scheme is contrary to stated policies, particularly in respect of land designated as Greenbelt;
- that the Scheme should be rejected in favour of an alternative route, a number of which have been proposed;
- that the process by which the Scheme has been developed is deficient;
- that the Scheme results in excessive environmental impacts;
- that the Scheme is not economically justified;
- that the traffic predictions for the Scheme are incorrect for a variety of reasons.

2.4 In addition to these principal objections, a number of more site-specific objections have been made to the Scheme, primarily by affected landowners.

- 2.5 The Promoters will lead evidence in response to the objections in so far as they are within the scope of the inquiry.

### **3. Scope of the Inquiry**

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- 3.1 By letter dated 17<sup>th</sup> April 2008, the Reporters appointed to hold the public local inquiry into the objections to the Scheme and associated Orders have confirmed the scope of the public local inquiry. For the reason stated therein, the Scottish Ministers do not wish to be advised by the Reporters on the justification for the principle of the Scheme in economic, policy or strategy terms other than by way of context. Consequently, the Scottish Ministers have directed that they only wish to be advised on the technical aspects of the proposed route for the Aberdeen Western Peripheral Route, including the environmental impacts.
- 3.2 In accordance with that direction, the Promoters will not be leading detailed evidence in respect of the justification for the Scheme. The evidence that will be provided on policy and strategies of relevance to the Scheme will only seek to set the context within which the Scheme has been designed. Such evidence as may be led on the economics of the Scheme will provide a general context within which to consider the implications of any alternatives relating to either road alignments or location and design of junctions. It will be the position of the Promoter that the objections that seek to persuade Scottish Ministers to pursue an alternative transport strategy for the City of Aberdeen, do not fall within the scope of the inquiry. The Promoters accept that affected land-owners are entitled to identify an alternative, and that the existence of an alternative may form a ground of objection to a CPO. However, the nature of such an alternative would involve the identification of an alternative site for the proposed Western peripheral road or associated junctions. This would not include promotion of an alternative transport strategy for the City of Aberdeen. The need in principle for the Scheme has been accepted by the Scottish Ministers, and accordingly, the only alternatives that can legitimately be considered within the scope of the inquiry are alternatives that may involve local alignments of the road or alternatives involving the proposed junctions. Any alternative that seeks to challenge the need or justification for this Scheme would fall outwith the scope of the inquiry.

#### 4. Policy Context

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4.1 A number of policy documents have been published in recent years that are of relevance to the proposed Aberdeen Western Peripheral Route and these will be examined in detail. The Promoter will demonstrate that the Scheme fulfils the aims of:-

- Scotland's Transport – Delivering Improvements published in 2002;
- Building Better Transport, published March 2003;
- A Partnership for a Better Scotland, the then incoming administration's partnership agreement, published in 2003;
- Scotland's Transport Future, published in June 2004; and
- Scotland's National Transport Strategy published in December 2006.

The Promoter will also demonstrate that the Scheme complies with the five key objectives of Environment, Safety, Economy, Integration and Accessibility.

4.2 The Promoter will examine the relevant land use planning policy context and will assess the Scheme against development plans, relevant national planning policy guidance and advice including:-

- The National Planning Framework (NPF);
- National Planning Policy Guidelines (NPPGs);
- Scottish Planning Policies (SPPs); and
- Planning Advice Notes (PANs).

4.3 The Promoter will examine the relevant development plan policy context and will in particular refer to:

- North East Scotland together Aberdeen and Aberdeenshire Structure Plan 2001 to 2016
- The finalised Aberdeen Local Plan; and
- The Aberdeenshire Local Plan 2006

4.4 The Promoter will show that the proposed Scheme complies with the policies and objectives of the Scottish Ministers, and, is consistent with the key aims, objectives and strategies of the relevant planning policy framework. In addition, the Promoter will undertake a policy assessment of alternative proposals, such as alternative routes, put forward by objectors in so far as these alternatives do not seek to challenge the need for the Scheme. Reference is made to section 3 above.

## 5. The Promoter's Case

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5.1 In order to avoid repetition, and, having regard to the structure of the Environmental Assessment, it is presently proposed to structure the Promoter's case so that evidence is split in the following manner:-

- setting the relevant context by addressing issues relating to the Scheme as a whole;
- followed by consideration of individual components of the Scheme, namely the Northern Leg, the Southern Leg and Fastlink;
- finally, addressing the issues raised by individual landowners/occupiers that have not been addressed in the two preceding chapters of evidence.

This structure is subject to discussion at the pre-inquiry meeting and the Reporters' views as to the manner in which the inquiry should be structured. The issues that would be covered in the above chapters of evidence are outlined in the remainder of this section.

5.2 In relation to issues pertaining to the Scheme as a whole the Promoter expects to lead the following evidence:-

- the relevant policy context for the Scheme will be provided by a number of witnesses who will address different aspect of the relevant policy framework. The policies and objectives of the Scottish Ministers, in so far as they set out the context for the Scheme, will be explained. This evidence will be provided by Alasdair Graham, Transport Scotland;
- evidence will be provided to explain the role of the Scheme within the wider regional transport context. This evidence will be provided by Derick Murray, North East Scotland Transport Partnership (NESTRANS);
- within that policy context, John Wilson, Aberdeen Western Peripheral Route Managing Agent, will give evidence to explain the delivery of these policy objectives through the Scheme and the associated benefits arising from the Scheme.
- David Connolly, MVA, will give evidence regarding the existing traffic and road safety problems, predicted traffic growth, strategic traffic modelling undertaken for the Scheme and transport economic appraisal of the Scheme. This evidence will be provided to inform the Reporters as to the relevant

context for the consideration of any alternatives that may be proposed and are accepted by the Reporters as falling within the scope of the inquiry. It is not intended to lead such evidence to put in issue whether or not the Scheme is justified in terms of economic performance, as this is not an issue that Scottish Ministers wish to be advised upon. Furthermore, it is the position of the Promoter that given the Scottish Ministers accept the need in principle for the Scheme there is no requirement to lead evidence in rebuttal of the objections that seek to challenge the need for the Scheme on the ground that the traffic predictions for the Scheme are claimed to be incorrect;

- an overview of the design of the Scheme, including general engineering design, route alignment and structures, will be provided by Robert Galbraith, Jacobs. This evidence will be led to provide the relevant context within which to consider suggested alterations to the design of the Scheme;
- Dr Shirley Henderson, Jacobs, will give evidence regarding the general environmental constraints associated with the proposed Scheme and will provide an overview of the Environmental Impact Assessment process leading to the publication of the Environmental Statement. In relation to the objections that argue the environmental impacts of the Scheme are excessive, the Promoters will demonstrate that the environmental impacts have been correctly assessed and appropriate mitigation measures identified. This will depend upon the detailed evidence that will be led in respect of specific impacts in particular locations. Dr Henderson will provide the necessary context for this evidence by explaining the approach taken to the EIA process;
- finally, evidence will be provided by John Smith of Jacobs to address the policy issues of relevance to the Scheme as a whole, arising from national planning policy and the development plan. In this evidence, particular consideration will be given to relevant Greenbelt policy.

5.3 In relation to issues pertaining to sections of the Scheme, the Promoter expects to lead the following evidence for the individual components that comprise the Northern Leg, Southern Leg and Fastlink:-

- Alasdair Graham, Transport Scotland, will give evidence regarding the corridor selection process. This evidence, together with the evidence from Mr Galbraith referred to below, would be presented to provide the relevant context for consideration of objections that fall within the scope of the inquiry;
- Robert Galbraith, Jacobs, will give evidence regarding the development of the preferred route within the selected corridors for the individual components;
- David Connolly, MVA, will give evidence regarding the changes in traffic patterns predicted at specific locations in respect of each of the individual components;
- evidence will be provided by Euan Barr, Jacobs, in relation to the detailed traffic modelling undertaken to assess the performance of the design of proposed junctions for each of the components of the Scheme;
- the design of the junctions will be addressed in evidence by Mr Andrew Mackay, Jacobs;
- Christopher Hamilton, Jacobs, will give evidence regarding specific design issues that arise from objections in relation to each of the components;
- Martyn Smith, Jacobs, will give evidence regarding the means of excavation of hard material and how this process is controlled by the contract provisions to avoid unacceptable impacts.
- Dr Peter Gilchrist, Jacobs, will give evidence regarding the ecology within the route corridors for each component, the ecological impacts of the Scheme and the proposed mitigation measures;
- Mark Lancaster, Jacobs, will give evidence regarding the landscape and visual impact assessment carried out in respect of each of the components of the proposed Scheme, together with an outline of the mitigation measures proposed;
- Ronnie Falconer, Jacobs, will give evidence regarding the flooding and water quality assessments carried out for each of the components of the Scheme together with an outline of the associated mitigation measures proposed;
- Dr Bernadette McKell, Hamilton & McGregor, will give evidence regarding the noise and vibration assessment carried out for each of the components of the

Scheme, together with an outline of the associated mitigation measures proposed;

- Duncan Laxen, Air Quality Consultants, will give evidence regarding the air quality assessment carried out for each component of the Scheme, including the assessment of vehicle emissions associated with climate change effects;
- Dr Alasdair Rees, Jacobs, will give evidence regarding the cultural heritage assessment in respect of each component of the Scheme, together with an outline of the associated mitigation measures proposed.

5.4 In addition the Promoter will address in evidence all of the maintained objections. The Promoter has examined and considered all statutory and non-statutory objections in relation to the draft Road Orders and to the draft Compulsory Purchase Orders. A response to the objections, which have not been withdrawn, has been provided to the objectors. Those objections that are maintained, and fall within the scope of the inquiry, will be addressed in evidence and reference will be made to the efforts, which have been undertaken to resolve objections, where this could be reasonably achieved, so that they may be withdrawn. In that regard, it is expected that the appropriate witnesses to consider issues pertaining to individual landowners/occupiers, and which are not addressed in the above evidence, will be:-

- Christopher Hamilton, Jacobs, who will give evidence regarding details of land included in the draft Compulsory Purchase Orders, and issues raised by landowners/occupiers, including accommodation works;
- Dr Peter Gilchrist, Jacobs, who will explain the requirement for land included in the draft Compulsory Purchase Orders for the mitigation of ecological impacts;
- Mark Lancaster, Jacobs, who will explain the requirement for land included in the draft Compulsory Purchase Orders for the implementation of proposed landscape mitigation measures;
- Graham Kerr, Scottish Agricultural College, who will give evidence regarding the assessment of impact upon agricultural interests resulting from the Scheme, together with an outline of the associated mitigation measures proposed;

- Stefan Le Roy, Jacobs, giving evidence in respect of the hydro geological assessment of the Scheme, together with an outline of the associated mitigation measures proposed. It is envisaged this evidence would be focussed on specific locations within the components of the Scheme and would most likely arise in relation to objections from statutory objectors.

## **6. Conclusions**

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6.1 At the Public Local Inquiry, the evidence led on behalf of the Promoter will seek to show that:-

- the proposed Scheme has been taken forward in accordance with the duties, policies and objectives of the Scottish Ministers;
- the proposed Scheme is consistent with the key aims, objectives and strategies of the relevant planning policy framework;
- the Scheme has been designed taking account of the requirements of the Scheme and relevant environmental and land-use constraints;
- the environmental impacts associated with the Scheme have been assessed and significant adverse impacts identified, with appropriate mitigation measures proposed where required and practicable;
- the lands identified in the draft Compulsory Purchase Orders are required in connection with the construction of the proposed Scheme;
- the benefits of the proposed Scheme are substantial; and
- the concerns of objectors have been carefully considered and met where this could reasonably be achieved.

6.2 The Promoter will therefore seek to show that the draft Orders should be made.

## **7. Presentation of the Case**

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7.1 The Promoter's case will be presented by Miss Ailsa M. Wilson QC. It is anticipated that the Promoter's case will take approximately 4 weeks to present including a reasonable allowance for cross-examination.

7.2 The Promoter reserves the right to amend its proposed witness list in response to the cases to be presented by other parties.

## **8. Documents**

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- 8.1 The Promoter will take steps to agree a list of core documents with all other relevant parties.

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