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21 December 2009

Dear Mr Middleton

**THE ROADS (SCOTLAND) ACT 1984
THE ACQUISITION OF LAND (AUTHORISATION PROCEDURE) (SCOTLAND) ACT 1947**

**ABERDEEN WESTERN PERIPHERAL ROUTE
THE SCOTTISH MINISTERS' DECISION**

1. This letter contains the Scottish Ministers' decision on the draft Schemes and related Orders listed below in connection with the Aberdeen Western Peripheral Route ("the scheme"). The Schemes and Orders, when made and, if necessary, approved by the Scottish Parliament, would authorise and provide for the construction of the scheme and the acquisition of land and rights necessary to carry out the works.

2. The Scottish Ministers have decided to make the Schemes and Orders subject to a number of detailed modifications to the published draft Schemes and Orders, as specified in Annex A and Annex B. In accordance with previous commitments given, a Direction has been issued under section 143A of the Roads (Scotland) Act 1984 confirming that the following Schemes and Orders shall be subject to affirmative procedure in the Scottish Parliament. These Schemes and Orders will therefore not come into force until approved by resolution of the Scottish Parliament.

Special Road Schemes

- 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[]

Trunk Road Orders

- 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[]

3. The Scottish Ministers published the following draft Schemes and Orders relating to the Aberdeen Western Peripheral Route on 11 September, 25 September and 12 October 2007.

Special Road Schemes

- 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[]

Trunk Road Orders

- 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[]

Side Road Orders

- 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[]

Detrunking Orders

- 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[]

Redetermination Order

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

Rights of Way Order

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

Compulsory Purchase Orders

- The A90 (Aberdeen Western Peripheral Route) Special Road and the A956 (Aberdeen Western Peripheral Route) Special Road Compulsory Purchase Order 200[]
- The A90 (Aberdeen Western Peripheral Route) Special Road and the A956 (Aberdeen Western Peripheral Route) Special Road Compulsory Purchase Order No. 2 200[]

4. An Environmental Statement (comprising a Main Report and Appendices) and an associated Non Technical Summary were also published along with the draft Schemes and Orders on 11 September 2007.

5. A number of objections to the draft Scheme and Orders were lodged and were not withdrawn.

6. A Public Local Inquiry (PLI) was therefore held between 9 September and 10 December 2008 by Mr David N Gordon, Mr Scott M Ferrie and Mr Michael J P Cunliffe, Reporters appointed by the Scottish Ministers. Details of how to view the Report or obtain a copy are given below.

Evidence at the Inquiry

7. The Report contains 11 chapters:

- chapter 1 – factual background;
- chapters 2-9 – summaries of parties' cases and findings of fact on property-specific matters;
- chapter 10 – findings of fact on general matters;
- chapter 11 – conclusions and recommendations.

8. Chapters 2 and 3 deal with the scheme as a whole – the case for Transport Scotland and cases for objectors, respectively; chapters 4, 6 and 8 deal with general matters for the Northern Leg, Southern Leg and Fastlink, respectively; and chapters 5, 7 and 9 deal with property-specific matters, including findings of fact on those matters, for each of the 3 legs. There are 3 appendices: appendix 1 – parties who appeared at inquiry; appendix 2 – statutory objectors and appendix 3 – the list of documents.

Consideration by the Reporters

9. In their conclusions and recommendations (Chapter 11 of the Report), the Reporters concluded that, subject to certain modifications which are outlined in Annex B, the proposal is generally acceptable both technically and environmentally. They also highlighted a number of issues upon which the Scottish Ministers should satisfy themselves before reaching a final decision. As stated in paragraph 11.8 of the Report, these relate to:

- The restricted nature of the inquiry, and whether the scheme is to be treated as a national development by virtue of sections 143 and 143A of the Roads (Scotland) Act 1984;
- The requirements of the EU Habitats Directive and the Conservation (Natural Habitats &c) Regulations 1994, with respect to the River Dee Special Area of Conservation and European Protected Species;

- The requirements of the Wildlife and Countryside Act 1981, with respect to national protected species;
- The Human Rights Act; and
- The Aarhus Convention.

10. In addition, the Reporters identified in paragraph 11.3 of the Report certain local issues that should be re-examined and highlighted that Ministers would wish to be reassured that junctions, particularly those proposed at Charleston and Stonehaven, would cater for future development in the area. These issues are considered in turn below:

The Remit of the Inquiry and the status of the scheme as a national development by virtue of sections 143 and 143A of the Roads (Scotland) Act 1984.

11. The remit for the inquiry was based upon a policy and strategic decision that the Scottish Ministers had accepted the need in principle for the road. They addressed the need for the scheme through the development of a range of policy statements over a significant period of time which highlighted both the need for the scheme and the broad support for it. In making recommendations to the Scottish Ministers, the Inquiry Reporters therefore advised only on the technical aspects of the route including the Environmental Statement.

12. The Scottish Ministers took a policy decision in December 2005 to construct a Special Road to the west of Aberdeen. From its early inclusion in the Grampian Structure Plan (approved 1997), the AWPR formed a key element in the proposals for land-use, transport and economic developments in the North East of Scotland. The need for the scheme has been supported by a number of regional and local policy documents following the identification of a preferred corridor in 1995. These included the Aberdeenshire and Aberdeen City Council Local Transport Strategies, developed in 2000, the Aberdeen and Aberdeenshire Structure Plan (approved 2001) and the Modern Transport System prepared by NESTRANS, the regional transport partnership.

13. Subsequently, the strategic importance of the scheme was recognised by the decision to promote it as part of the trunk road network in 2003. This resulted in the AWPR being included in a number of national strategic documents, including Scotland's National Transport Strategy (2006) and more recently being referred to in the National Planning Framework 2 (2009). AWPR features in the current Aberdeen Local Plan (2008), Aberdeenshire Local Plan (2006), the Councils' local transport strategies, the approved Aberdeen City and Shire Structure Plan (2009) and in consultative drafts for the emerging local development plans.

14. The Scottish Ministers note that route options for AWPR have been subject to appraisal in accordance with the Design Manual for Roads and Bridges (DMRB) and the Scottish Transport Appraisal Guidance (STAG), and that the range of land-use, transport, economic development and environmental policies at local and regional level have been the subject of extensive public consultation prior to their adoption by the elected authorities in the area. Although it is not designated as a project of national significance, the scheme is referred to in the National Planning Framework 2, which has been endorsed by the Scottish Parliament. Accordingly, the PLI for the AWPR, based on the remit set out in the Minutes of Appointment dated 18 June 2008, took place between 9 September and 10 December 2008.

15. The Scottish Ministers are therefore satisfied that the remit of the inquiry was appropriate. The need for the scheme was well established in principle and justified in policy and strategy terms, and the processes involved were fully open and transparent.

16. The second issue relates to whether the scheme is to be treated as a national development by virtue of sections 143 and 143A of the Roads (Scotland) Act 1984. Section 143A of the Roads (Scotland) Act 1984 refers to special Parliamentary procedures in relation to national developments and to statutory instruments which are subject to a Direction by the Scottish Ministers. The AWPR has not been designated as a national development but as outlined at paragraph 2 above the Scottish Ministers have directed that the Special Roads Schemes and the Trunk Road Orders shall be subject to affirmative procedure and will not come into force until approved by resolution of the Scottish Parliament.

The requirements of the EU Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994, with respect to the River Dee SAC and European protected species.

17. These requirements relate to species that are protected by the EU Habitats Directive (transposed through the Conservation (Natural Habitats &c.) Regulations 1994). The PLI heard a number of environmental concerns expressed by objectors, in particular the effect upon the River Dee (a European Special Area of Conservation given the protected species supported by the river).

18. An Appropriate Assessment has now been completed and endorsed by Scottish Natural Heritage (SNH) as the statutory nature conservation adviser to the Scottish Ministers. This demonstrates that the AWPR is fully compliant with the relevant European Directives as transposed into domestic legislation.

Compliance with the Wildlife and Countryside Act 1981, with respect to national protected species

19. The Scottish Ministers have to be satisfied that the requirements of legislation are fully met and this includes the impact on National Protected Species under the Wildlife and Countryside Act 1981, as amended by the Nature Conservation (Scotland) Act 2004. The Scottish Ministers accept that in making this decision the promoters will have to ensure, prior to commencing any operations, that they have in place the necessary statutory consents or licences that are required under domestic legislation.

Human Rights (ECHR)

20. As a public body for the purposes of the Human Rights Act, it is necessary for the Scottish Ministers, before making a decision in relation to the Schemes and Orders before them, to be satisfied for the purposes of ECHR that appropriate processes are in place and have been applied properly to the circumstances arising in connection with the AWPR. That relates principally to rights under Article 1, Protocol 1 of ECHR and the requirement that the Scottish Ministers must be satisfied that the compulsory acquisition of the land/properties is justified and that a fair balance has been struck between the rights of the individual and general interest including the provision of compensation. Having regard to the process set out above, including the setting up and holding of the PLI and consideration of the conclusions, recommendations and issues emerging therefrom, the Scottish Ministers are satisfied that the requirements of the Human Rights Act are met.

Aarhus Convention

21. The Reporters have drawn Ministers' attention to the issue that was raised during the PLI regarding the claim that the three basic rights to which the UK Government is a signatory (access to environmental information; public participation in environmental decision-making; access to justice) have not been met. The Scottish Ministers have concluded that in view of the considerable information provided over a number of years to local residents and other interested parties, involving public consultations and meetings and the availability of documentation, the requirements of this Convention have been met.

Junction Capacity

22. The capacity of junctions at Stonehaven and Charleston to accommodate potential future development in these areas has been raised by the Reporters. Having considered the matter, the Scottish Ministers are satisfied that the transport modelling approach and the growth forecasts adopted in designing the scheme were reasonable and appropriate. They note that the scheme design used a combination of future year planning data provided by Aberdeen City and Aberdeenshire Councils and National Road Traffic Forecasts. Any minor adjustments to the junction layouts at Charleston and Stonehaven can be addressed at the detailed design stage of the process. Should there be further sustained development pressure in the future, it may be necessary to reassess junction arrangements at that time in the normal way, but Ministers are satisfied that the scheme and junctions, as currently proposed, should be progressed.

Further Consideration Suggested by the Reporters

23. The Reporters have suggested the possibility of a number of issues being considered further in developing the scheme. Ministers have addressed the matters raised and their assessment is shown at Annex C.

Post Inquiry Correspondence

24. Following the inquiry, correspondence has been received by the Scottish Government in relation to the Aberdeen Western Peripheral Route. This has been considered in detail but it has been concluded that the issues raised do not differ materially from the evidence before the Reporters at the time of the PLI.

The Scottish Ministers' Decision

25. The Scottish Ministers have carefully considered:

- (a) all objections to the draft Schemes and Orders which were made and not withdrawn;
- (b) all of the evidence presented to the inquiry, including the written submissions, the Report including the Reporters' findings of fact and their conclusions and recommendations thereon;
- (c) the environmental statement and
- (d) all opinions on that statement or the scheme expressed in writing by a wide range of consultation bodies and by any other person.

26. They have also considered the requirements of local and national planning, including the requirements of agriculture and industry. They are also satisfied, in relation to the following Orders, that all the necessary requirements of the Roads (Scotland) Act 1984 have been met as specified.

- The A96 (Aberdeen Western Peripheral Route) Trunk Road (Side Roads) Order 200
In accordance with section 12(3) Ministers are satisfied that another reasonably convenient route will be provided before any road is stopped up pursuant to this Order and in accordance with section 71(3) Ministers are satisfied that no access to the land is reasonably required.
- The A956 (Aberdeen Western Peripheral Route) Trunk Road (Side Roads) Order 200
In accordance with section 12(3) Ministers are satisfied, as the case requires, that another reasonably convenient route is available or will be provided before any road is stopped up pursuant to this Order.
- The A956 (Aberdeen Western Peripheral Route) Special Road (Side Roads) Order 200
In accordance with section 9(3) Ministers are satisfied, as the case requires, that another reasonably convenient route is available or will be provided before any road is stopped up pursuant to this Order and in accordance with section 71(3) Ministers are satisfied, as the case requires, that no access to the land is reasonably required or another reasonably convenient means of access to the land is available or will be provided.
- The A90 (Aberdeen Western Peripheral Route) Trunk Road (Side Roads) Order 200
In accordance with section 12(3) Ministers are satisfied that another reasonably convenient route will be provided before any road is stopped up pursuant to this Order and in accordance with section 71(3) Ministers are satisfied, as the case requires, that another reasonably convenient means of access to the land is available or will be provided.
- The A90 (Aberdeen Western Peripheral Route) Special Road (Side Roads) Order 200
In accordance with section 9(3) Ministers are satisfied, as the case requires, that another reasonably convenient route is available or will be provided before any route is stopped up pursuant to this Order and in accordance with section 71(3) Ministers are satisfied, as the case requires, that no access to the land is reasonably required or another reasonably convenient means of access to the land is available or will be provided.

27. They are also satisfied in relation to the Order which would, if made, extinguish public rights of way over land, namely the A90 (Aberdeen Western Peripheral Route) Special Road (Extinguishment of Public Rights of Way) Order 200[], that in accordance with section 3(1) of the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 Ministers are satisfied that suitable alternative rights of way will be provided, or that the provision of an alternative right of way is not required.

28. The Scottish Ministers have satisfied themselves that the issues identified by the Reporters in paragraph 11.3 and 11.8 of the Report have been satisfactorily addressed and do not present an impediment to the scheme proceeding.

Conclusion

29. Accordingly, the Scottish Ministers have decided to make the Schemes and Orders highlighted at paragraph 3 subject to the detailed modifications set out in Annex A and Annex B.

Information regarding the right to challenge the validity of the decision

30. The foregoing decision by the Scottish Ministers is final but any person wishing to question the validity of the decision may, under the provisions of Schedule 2 to the Roads (Scotland) Act 1984 and Part 4 of the First Schedule to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 do so by application to the Court of Session. Such an application must be made:

- (a) in the case of the Schemes and Orders above which are subject to approval in the Scottish Parliament, within 6 weeks of the date on which the notice that the Parliament has, or as the case may be has not, passed a resolution approving the instrument is first published and
- (b) otherwise within 6 weeks of the date on which the notice of the making of the Schemes and Orders are first published.

Availability of decision and Report of the Inquiry

31. Copies of this letter are being sent to all parties who appeared or were represented at the inquiry and to all those who made objections or representations within the objection period. The report is also available on the Scottish Government website www.scotland.gov.uk. Paper copies of the report can be obtained by telephoning 0131 244 0838 or emailing taws@scotland.gsi.gov.uk

Yours sincerely

Dr JONATHAN PRYCE
Director of Transport

ANNEX A

LIST OF MODIFICATIONS TO THE ABERDEEN WESTERN PERIPHERAL ROUTE SPECIAL ROAD SCHEME AND CONNECTED ORDERS

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

MODIFICATIONS TO THE SCHEME

Preamble

1. In the third paragraph, after 'Council Directive 85/337/EEC(c)', insert ', as relevantly amended by Council Directive 97/11/EC(d) and Council Directive 2003/35/EC(e),'.

Reason: to reflect current drafting practice by providing the amendments to the Directive in the definition of the Directive and not by footnote.

2. In the fourth paragraph, for "4 September 2007" substitute "11th September 2007".

Reason: to correct error in the date of publication of environmental statement.

3. In the fifth paragraph, for "They have complied with the requirements of Part II" substitute "This Scheme is made in accordance with the provisions of Parts II and III".

Reason: to more fully narrate the pre-conditions set by all relevant parts of Schedule 1 to the Roads (Scotland) Act 1984.

Citation and commencement

4. In paragraph 1, for 'shall come into force on 200 .', substitute, 'comes into force on the 28th day after the day on which it is approved by resolution of the Scottish Parliament.'

Reason: a consequential change to reflect the application of affirmative procedure to the special road schemes and trunk road orders within the AWPR suite of instruments

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

Preamble

5. In the second paragraph, after “they”, insert “have taken into consideration the requirements of local and national planning, including the requirements of agriculture and industry and”.

Reason: to more fully reflect the requirements of the relevant section of the Roads (Scotland) Act 1984.

6. In the third paragraph, after ‘Council Directive 85/337/EEC(d)’, insert ‘, as relevantly amended by Council Directive 97/11/EC(e) and Council Directive 2003/35/EC(f)’,.

Reason: to reflect the current drafting practice by providing the amendments to the Directive in the definition of the Directive and not by footnote.

7. In the fourth paragraph, for “4 September 2007” substitute “11th September 2007”.

Reason: to correct error in the date of publication of environmental statement.

8. In the fifth paragraph for “They have complied with the requirements of Part I” substitute “This Order is made in accordance with the provisions of Parts I and III”.

Reason: to more fully narrate the pre-conditions set by all relevant parts of Schedule 1 to the Roads (Scotland) Act 1984.

Citation and commencement

9. In article 1, for ‘shall come into force on 200 .’, substitute, ‘comes into force on the 28th day after the day on which it is approved by resolution of the Scottish Parliament.’

Reason: a consequential change to reflect the application of affirmative procedure to the special road schemes and trunk road orders within the AWPR suite of instruments

Trunk Road

10. In article 2, delete “a”.

Reason: to correct a typographical error.

Schedule

11. In the definition of “point 3”, for “Netherley Road” substitute “Stonehaven – Newmachar Road (Netherley Road)”.

Reason: for consistency in terminology.

12. In paragraph 11, for “north-west” substitute “north-westerly”.

Reason: for consistency in terminology.

13. In paragraph 12, after “385 metres or thereby” delete “east, ”.

Reason: to correct a typographical error.

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

Preamble

14. In the fourth paragraph, after 'Council Directive 85/337/EEC(d)', insert ', as relevantly amended by Council Directive 97/11/EC(e) and Council Directive 2003/35/EC(f),'.

Reason: to reflect current drafting practice by providing the amendments to the Directive in the definition of the Directive and not by footnote.

15. In the sixth paragraph for "They have complied with the requirements of Part I" substitute "This Order is made in accordance with the provisions of Parts I and III"

Reason: to more fully narrate the pre-conditions set by all relevant parts of Schedule 1 to the Roads (Scotland) Act 1984.

Citation, commencement and interpretation

16. In Article 1, paragraph 1, for "shall come into force on []" substitute "comes into force on the 28th day after the day on which the A90 (Aberdeen Western Peripheral Route) Special Road Scheme 2009(a) is approved by resolution of the Scottish Parliament."

Reason: a consequential change to reflect the application of affirmative procedure to the special road schemes and trunk road orders within the AWPR suite of instruments.

Side roads and means of access

17. In Article 2 subparagraph (e) for "To" substitute "to".

Reason: to correct a typographical error.

Schedule 1

18. In paragraph 58, in the fourth line after "then westerly" insert "direction".

Reason: to correct a typographical error.

19. In paragraph 66, in the third line after "south-easterly" delete the words "in a".

Reason: to correct a typographical error.

Schedule 2

20. In paragraph 34, in the fourth line after "or thereby" delete "south,".

Reason: to correct a typographical error.

21. In paragraph 42, in the second line for "north-easterly" substitute "north-east".

Reason: for consistency in terminology.

22. In paragraph 49, in the fifth line for "north-westerly" substitute "north-west".

Reason: for consistency in terminology.

Schedule 3

23. In paragraph 5, in the fourth line for "corner of of" substitute "corner of".

Reason: to correct a typographical error.

24. In paragraph 28, in the fourth and fifth line for “south, south-easterly” substitute “south, south-east”.

Reason: for consistency in terminology.

25. In paragraph 45, in the fifth line after “East Lodge” insert “, Stonehaven, Aberdeenshire, AB39 3QA”

Reason: for consistency in terminology.

Schedule 4

26. In paragraph 47, column 2, in the fifth line after “northerly” insert “direction”.

Reason: to correct a typographical error.

27. In paragraph 47, column 2, in the fourth division thereof, in the seventh and eight lines for “south, south-westerly” substitute “south, south-west”.

Reason: for consistency in terminology.

28. In paragraph 64, column 2, in the second division thereof, in the first and second lines for “east, south-easterly” substitute “east, south-east”.

Reason: for consistency in terminology.

Schedule 5

29. In paragraph 53, in the third line for “therby” substitute “thereby”.

Reason: to correct a typographical error.

Schedule 6

30. In paragraph 4, in the fourth line, for “west, south-westerly” substitute “west, south-west”

Reason: for consistency in terminology.

31. In paragraph 16, in the third line for “the” substitute “then”.

Reason: to correct a typographical error.

32. In paragraph 41, in the first and fourth lines for “cornerof” substitute “corner of”.

Reason: to correct a typographical error.

33. In paragraph 42, in the fifth line after “single line” insert “hatching”.

Reason: to correct a typographical error.

34. In paragraph 44, in the fifth line after “single” insert “line”.

Reason: to correct a typographical error.

35. In paragraph 48, in the second line after “generally westerly” insert “direction”.

Reason: to correct a typographical error.

36. In paragraph 51, in the second line after “generally” insert “south-easterly”.

Reason: to correct a typographical error

37. In paragraph 86, in the second line for “AB39 3RUin” to “AB39 3RU in”

Reason: to correct a typographical error.

38. In paragraph 94, in the fifth line after “single” insert “line”.

Reason: to correct a typographical error.

39. In paragraph 103, in the fourth line after “single” insert “line”.

Reason: to correct a typographical error.

40. In paragraph 104, in the fourth line after “single” insert “line”.

Reason: to correct a typographical error.

41. In paragraph 105, in the fifth line after “single” insert “line”.

Reason: to correct a typographical error.

42. In paragraph 106, in the fifth line after “single” insert “line”.

Reason: to correct a typographical error.

43. In paragraph 107, in the fifth line after “single” insert “line”.

Reason: to correct a typographical error.

44. In paragraph 108, in the fifth line after “single” insert “line”.

Reason: to correct a typographical error.

45. In paragraph 109, in the fifth line after “single” insert “line”.

Reason: to correct a typographical error.

46. In paragraph 110, in the fifth line after “single” insert “line”.

Reason: to correct a typographical error.

47. In paragraph 111, in the fifth line after “single” insert “line”.

Reason: to correct a typographical error.

48. In paragraph 112, in the fifth line after “single” insert “line”.

Reason: to correct a typographical error.

49. In paragraph 113, in the fifth line after “single” insert “line”.

Reason: to correct a typographical error.

50. In paragraph 114, in the fourth line after “single” insert “line”.

Reason: to correct a typographical error.

51. In paragraph 115, in the fifth line after “single” insert “line”.

Reason: to correct a typographical error.

52. In paragraph 116, in the fifth line after “single” insert “line”.

Reason: to correct a typographical error.

53. In paragraph 117, in the fifth line after “single” insert “line”.

Reason: to correct a typographical error.

54. In paragraph 118, in the fifth line after “single” insert “line”.

Reason: to correct a typographical error.

55. In paragraph 119, in the fifth line after “single” insert “line”.
Reason: to correct a typographical error.
56. In paragraph 120, in the fifth line after “single” insert “line”.
Reason: to correct a typographical error.
57. In paragraph 121, in the fifth line after “single” insert “line”.
Reason: to correct a typographical error.
58. In paragraph 122, in the fifth line after “single” insert “line”.
Reason: to correct a typographical error.
59. In paragraph 123, in the fifth line after “single” insert “line”.
Reason: to correct a typographical error.

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

Preamble

60. In the fourth paragraph, after ‘Council Directive 85/337/EEC(d)’, insert ‘, as relevantly amended by Council Directive 97/11/EC(e) and Council Directive 2003/35/EC(f),’.
Reason: to reflect current drafting practice by providing the amendments to the Directive in the definition of the Directive and not by footnote.
61. In the sixth paragraph for “They have complied with the requirements of Part I” substitute “This Order is made in accordance with the provisions of Parts I and III”.
Reason: to more fully narrate the pre-conditions set by all relevant parts of Schedule 1 to the Roads (Scotland) Act 1984.

Citation, commencement and interpretation

62. In Article 1, paragraph 1, for “shall come into force on []” substitute “comes into force on the 28th day after the day on which the A90 (Aberdeen Western Peripheral Route) Special Road Scheme 2009(a) is approved by resolution of the Scottish Parliament.”
Reason: a consequential change to reflect the application of affirmative procedure to the special road schemes and trunk road orders within the AWPR suite of instruments.

Schedule 1

63. In paragraph 1 in the third and fourth lines for “west, south westerly” substitute “west, south-westerly”
Reason: for consistency in terminology.

Schedule 4

64. In paragraph 3, column 2, in the tenth line after “thereby south” insert “of”.
Reason: to correct a typographical error.
65. In paragraph 5, column 2, in the third division thereof, in the fifth line for “east, north, easterly” substitute “east, north-easterly”.
Reason: to correct a typographical error.

Schedule 5

66. In paragraph 8, in the second line for “west, south, westerly” substitute “west, south-westerly”.

Reason: to correct a typographical error.

67. In paragraph 13, in the third and fourth lines for “south. south-east” substitute “south, south-east”.

Reason: to correct a typographical error.

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

MODIFICATIONS TO THE SCHEME

Preamble

68. In the third paragraph, after ‘Council Directive 85/337/EEC(c)’, insert ‘, as relevantly amended by Council Directive 97/11/EC(d) and Council Directive 2003/35/EC(e),’.

Reason: to reflect current drafting practice by providing the amendments to the Directive in the definition of the Directive and not by footnote.

69. In the fourth paragraph, for “4 September 2007” substitute “11th September 2007”.

Reason: to correct an error in the date of publication of the environmental statement.

70. In the fifth paragraph for “They have complied with the requirements of Part II” substitute “This Scheme is made in accordance with the provisions of Parts II and III”.

Reason: to more fully narrate the pre-conditions set by all the relevant parts of Schedule 1 to the Roads (Scotland) Act 1984.

Citation and commencement

71. In paragraph 1, for ‘shall come into force on 200 .’, substitute, ‘comes into force on the 28th day after the day on which it is approved by resolution of the Scottish Parliament.’

Reason: a consequential change to reflect the application of affirmative procedure to the special road schemes and trunk road orders within the AWPR suite of instruments.

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

Citation, commencement and interpretation

72. In article 1, paragraph 1, for “shall come into force on []” substitute “comes into force on the 28th day after the day on which the A90 (Aberdeen Western Peripheral Route) Special Road Scheme 2009(b) is approved by resolution of the Scottish Parliament.”

Reason: a consequential change to reflect the application of affirmative procedure to the special road schemes and trunk road orders within the AWPR suite of instruments.

Schedule 2

73. In the first line, for “Aberdeen” substitute “Aberdeenshire”.

Reason: to correct a typographical error.

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

Preamble

74. In the second paragraph, after “they”, insert “have taken into consideration the requirements of local and national planning, including the requirements of agriculture and industry and”.

Reason: to more fully reflect the requirements of the relevant section of the Roads (Scotland) Act 1984.

75. In the third paragraph, after ‘Council Directive 85/337/EEC(d)’, insert ‘, as relevantly amended by Council Directive 97/11/EC(e) and Council Directive 2003/35/EC(f),’.

Reason: to reflect current drafting practice by providing the amendments to the Directive in the definition of the Directive and not by footnote.

76. In the fourth paragraph, for “4 September 2007” substitute “11th September 2007”.

Reason: to correct an error in the date of publication of the environmental statement.

77. In the fifth paragraph for “They have complied with the requirements of Part I” substitute “This Order is made in accordance with the provisions of Parts I and III”.

Reason: to more fully narrate the pre-conditions set by all relevant parts of Schedule 1 to the Roads (Scotland) Act 1984.

Citation and commencement

78. In article 1, for ‘shall come into force on 200 .’, substitute, ‘comes into force on the 28th day after the day on which it is approved by resolution of the Scottish Parliament.’

Reason: a consequential change to reflect the application of affirmative procedure to the special road schemes and trunk road orders within the AWPR suite of instruments

Trunk Road

79. In article 2, delete “a”.

Reason: to correct a typographical error.

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

Preamble

80. In the fourth paragraph, after ‘Council Directive 85/337/EEC(d)’, insert ‘, as relevantly amended by Council Directive 97/11/EC(e) and Council Directive 2003/35/EC(f),’.

Reason: to reflect current drafting practice by providing the amendments to the Directive in the definition of the Directive and not by footnote.

81. In the sixth paragraph for “They have complied with the requirements of Part I” substitute “This Order is made in accordance with the provisions of Parts I and III”.

Reason: to more fully narrate the pre-conditions set by all relevant parts of Schedule 1 to the Roads (Scotland) Act 1984.

Citation, commencement and interpretation

82. In Article 1, paragraph 1, for “shall come into force on []” substitute “comes into force on the 28th day after the day on which the A90 (Aberdeen Western Peripheral Route) Special Road Scheme 2009 (a) is approved by resolution of the Scottish Parliament.”

Reason: a consequential change to reflect the application of affirmative procedure to the special road schemes and trunk road orders within the AWPR suite of instruments

Schedule 2

84. Paragraph 4, line 5 for “12” substitute “12”.

Reason: to correct a typographical error.

Schedule 3

85. In paragraph 4, in the first line for “round onto” substitute “from”.

Reason: to correct a typographical error.

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

MODIFICATIONS TO THE SCHEME

Preamble

86. In the third paragraph, after ‘Council Directive 85/337/EEC(c)’, insert ‘, as relevantly amended by Council Directive 97/11/EC(d) and Council Directive 2003/35/EC(e),’.

Reason: to reflect current drafting practice by providing the amendments to the Directive in the definition of the Directive and not by footnote.

87. In the fourth paragraph, for “4 September 2007” substitute “11th September 2007”.

Reason: to correct an error in the date of publication of the environmental statement.

88. In the fifth paragraph, for “They have complied with the requirements of Part II” substitute “This Scheme is made in accordance with the provisions of Parts II and III”.

Reason: to more fully narrate the pre-conditions set by all relevant parts of Schedule 1 to the Roads (Scotland) Act 1984.

Citation and commencement

89. In paragraph 1, for ‘shall come into force on 200 .’, substitute, ‘comes into force on the 28th day after the day on which it is approved by resolution of the Scottish Parliament.’

Reason: a consequential change to reflect the application of affirmative procedure to the special road schemes and trunk road orders within the AWPR suite of instruments

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

Preamble

90. In the fourth paragraph after 'Council Directive 85/337/EEC(d)', insert ', as relevantly amended by Council Directive 97/11/EC(e) and Council Directive 2003/35/EC(f),'.

Reason: to reflect current drafting practice by providing the amendments to the Directive in the definition of the Directive and not by footnote.

91. In the sixth paragraph for "They have complied with the requirements of Part I" substitute "This Order is made in accordance with the provisions of Parts I and III".

Reason: to more fully narrate the pre-conditions set by all relevant parts of Schedule 1 to the Roads (Scotland) Act 1984.

Citation, commencement and interpretation

92. In article 1, paragraph 1, for "shall come into force on []" substitute "comes into force on the 28th day after the day on which the A90 (Aberdeen Western Peripheral Route) Special Road Scheme 2009(a) is approved by resolution of the Scottish Parliament."

Reason: a consequential change to reflect the application of affirmative procedure to the special road schemes and trunk road orders within the AWPR suite of instruments

Side roads and means of access

93. In Article 2 (e) for "To" substitute "to"

Reason: to correct a typographical error.

Schedule 1

94. In paragraph 15, in the fifth line for "single hatching" substitute "stipple".

Reason: for consistency in terminology.

Schedule 3

95. In paragraph 1, in the fourth line, delete "then easterly" the second time it appears.

Reason: to correct a typographical error.

Schedule 4

96. In column 2, at paragraph 2, line 5, for "south-westerly the" substitute "south-westerly then"

Reason: to correct a typographical error.

Schedule 6

97. In paragraph 25, in the first line for "east" substitute "west"

Reason: to correct a typographical error.

98. In paragraph 25, in the third line for "east" substitute "west"

Reason: to correct a typographical error.

99. In paragraph 25, in the fifth line for "SR8" substitute "SR7"

Reason: to correct a typographical error.

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

Preamble

100. In the third paragraph, after 'Council Directive 85/337/EEC(d)', insert ', as relevantly amended by Council Directive 97/11/EC(e) and Council Directive 2003/35/EC(f)',.

Reason: to reflect current drafting practice by providing the amendments to the Directive in the definition of the Directive and not by footnote.

101. In the fifth paragraph for "They have complied with the requirements of Part I" substitute "This Order is made in accordance with the provisions of Parts I and III".

Reason: to more fully narrate the pre-conditions set by all relevant parts of Schedule 1 to the Roads (Scotland) Act 1984.

Citation, commencement and interpretation

102. In article 1, paragraph 1, for "shall come into force on []" substitute "comes into force on the 28th day after the day on which the A90 (Aberdeen Western Peripheral Route) Special Road Scheme 2009(a) is approved by resolution of the Scottish Parliament."

Reason: a consequential change to reflect the application of affirmative procedure to the special road schemes and trunk road orders within the AWPR suite of instruments

Schedule 3

103. In paragraph 2, in the sixth line, delete "Cottage" where it appears after "AB12 5YJ".

Reason: to correct a typographical error.

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

MODIFICATIONS TO THE SCHEME

Preamble

104. In the second paragraph, after "they", insert "have taken into consideration the requirements of local and national planning, including the requirements of agriculture and industry and".

Reason: to more fully reflect the requirements of the relevant section of the Roads (Scotland) Act 1984.

105. In the third paragraph, after 'Council Directive 85/337/EEC(c)', insert ', as relevantly amended by Council Directive 97/11/EC(d) and Council Directive 2003/35/EC(e)',.

Reason: to reflect current drafting practice by providing the amendments to the Directive in the definition of the Directive and not by footnote.

106. In the fourth paragraph, for "4 September 2007" substitute "11th September 2007".

Reason: to correct an error in the date of publication of the environmental statement.

107. In the fifth paragraph for "They have complied with the requirements of Part I" substitute "This Order is made in accordance with the provisions of Parts I and III".

Reason: to more fully narrate the pre-conditions set by all relevant parts of Schedule 1 to the Roads (Scotland) Act 1984.

Citation and commencement

108. In article 1, for 'shall come into force on 200 .', substitute, 'comes into force on the 28th day after the day on which it is approved by resolution of the Scottish Parliament.'

Reason: a consequential change to reflect the application of affirmative procedure to the special road schemes and trunk road orders within the AWPR suite of instruments

Trunk Road

109. In article 2, delete "a".

Reason: to correct a typographical error.

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

Preamble

110. In the second paragraph, after "they", insert "have taken into consideration the requirements of local and national planning, including the requirements of agriculture and industry, and".

Reason: to more fully reflect the requirements of the relevant section of the Roads (Scotland) Act 1984.

111. In the third paragraph, for "They have complied with the requirements of Part I" substitute "This Order is made in accordance with the provisions of Parts I and III".

Reason: to more fully narrate the pre-conditions set by all relevant parts of Schedule 1 to the Roads (Scotland) Act 1984.

Citation and commencement

112. In article 1, for 'shall come into force on []', substitute, 'comes into force on the 28th day after the day on which the A90 (Aberdeen Western Peripheral Route) Special Road Scheme 2009 (c) is approved by resolution of the Scottish Parliament.'

Reason: a consequential change to reflect the application of affirmative procedure to the special road schemes and trunk road orders within the AWPR suite of instruments

Road ceasing to be a trunk road

113. In the heading for article 2 delete "a".

Reason: to correct a typographical error.

114. In article 2, after "shall cease to be" delete "a".

Reason: to correct a typographical error.

Schedule

115. In the definition of "point 2", for "2" substitute "point 2".

Reason: to correct a typographical error.

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

Preamble

116. In the second paragraph, after “they”, insert “have taken into consideration the requirements of local and national planning, including the requirements of agriculture and industry, and”.

Reason: to more fully reflect the requirements of the relevant section of the Roads (Scotland) Act 1984.

117. In the third paragraph, for “They have complied with the requirements of Part I” substitute “This Order is made in accordance with the provisions of Parts I and III”.

Reason: to more fully narrate the pre-conditions set by all relevant parts of Schedule 1 to the Roads (Scotland) Act 1984.

Citation and commencement

118. In article 1, for ‘shall come into force on []’, substitute, ‘comes into force on the 28th day after the day on which the A90 (Aberdeen Western Peripheral Route) Special Road Scheme 2009(c) is approved by resolution of the Scottish Parliament.’

Reason: a consequential change to reflect the application of affirmative procedure to the special road schemes and trunk road orders within the AWPR suite of instruments.

Road ceasing to be a trunk road - Aberdeen

119. In the heading for article 2 delete “a”.

Reason: to correct a typographical error.

120. In article 2, after “shall cease to be” delete “a”.

Reason: to correct a typographical error.

Road ceasing to be a trunk road – Aberdeenshire

121. In the heading for article 3 delete “a”.

Reason: to correct a typographical error.

122. In article 3, after “shall cease to be” delete “a”.

Reason: to correct a typographical error.

Schedule 1

123. In the definition of “point 2”, for “RIO” substitute “R10”.

Reason: to correct a typographical error.

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

Preamble

124. In the second paragraph, after “they”, insert “have taken into consideration the requirements of local and national planning, including the requirements of agriculture and industry, and”.

Reason: to more fully reflect the requirements of the relevant section of the Roads (Scotland) Act 1984.

125. In the third paragraph, for “They have complied with the requirements of Part I” substitute “This Order is made in accordance with the provisions of Parts I and III”.

Reason: to more fully reflect the requirements of the relevant section of the Roads (Scotland) Act 1984.

Citation and commencement

126. In article 1, for ‘shall come into force on []’, substitute, ‘comes into force on the 28th day after the day on which the A90 (Aberdeen Western Peripheral Route) Special Road Scheme 2009 (c) is approved by resolution of the Scottish Parliament.’

Reason: a consequential change to reflect the application of affirmative procedure to the special road schemes and trunk road orders within the AWPR suite of instruments.

Road ceasing to be a trunk road

127. In the heading for article 2 delete “a”.

Reason: to correct a typographical error.

128. In article 2(1), after “shall cease to be” delete “a”.

Reason: to correct a typographical error.

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

Citation, commencement and interpretation

129. In article 1, for “shall come into force on []” substitute “comes into force on the 28th day after the day on which the A90 (Aberdeen Western Peripheral Route) Special Road Scheme 2009(b) is approved by resolution of the Scottish Parliament.”

Reason: a consequential change to reflect the application of affirmative procedure to the special road schemes and trunk road orders within the AWPR suite of instruments.

Schedule 2

130. Paragraph 2, line 6 for “ point V” substitute “point V”.

Reason: to correct a typographical error.

131. Paragraph 5, line 5 delete the “” after “ROW5”.

Reason: to correct a typographical error.

ANNEX B

ABERDEEN WESTERN PERIPHERAL ROUTE MODIFICATIONS TO ORDERS

MINOR DESIGN AMENDMENTS

The following list of CPO plot reductions or removals was agreed before and during the AWPR PLI. An updated version of the Proposed Minor Amendments to the AWPR Proposals Report was created on 22 January 2009 containing drawings and further detailed explanation of the agreed amendments. This report was lodged as an inquiry document (PLI Document TS247 which is available from the PLI website)

Plot	Modification	Reason/Background
215	Reduce from 9,774m ² to 6,542m ²	Individual objection resolution
404	Remove	Individual objection resolution
405	Remove	Individual objection resolution
514	Reduce from 94,085m ² to 92,517m ²	Individual objection resolution
538	Reduce from 4,638m ² to 1,307m ²	Individual objection resolution
710	Reduce from 207,727m ² to 163,645m ²	Individual objection resolution
711	Reduce from 65,114m ² to 64,091m ²	Individual objection resolution
1020	Reduce from 18,000m ² to 13,129m ²	Accommodate ACC Park and Ride
1509	Reduce from 2,087m ² to 841m ²	Individual objection resolution
1611	Remove	Individual objection resolution
1617	Reduce from 496m ² to 181m ²	Individual objection resolution
1618	Remove	Individual objection resolution
2213	Reduce from 126m ² to 57m ²	Individual objection resolution
2228	Reduce from 55m ² to 36m ²	Individual objection resolution
2316	Remove	Individual objection resolution
2701	Remove	Individual objection resolution
2703	Remove	Individual objection resolution

2704	Remove	Individual objection resolution
5502	Reduce from 12,630m ² to 7,384m ²	Individual objection resolution

Property Purchases by Voluntary Agreement

The following CPO plots have been acquired by the Scottish Ministers on a voluntary basis and will now be removed from the CPO.

Plot	Modification	Reason/Background
1105	Remove	Property purchased by Voluntary Agreement
1107	Remove	Property purchased by Voluntary Agreement
1607	Remove	Property purchased by Voluntary Agreement
1916	Remove	Property purchased by Voluntary Agreement
1917	Remove	Property purchased by Voluntary Agreement
1919	Remove	Property purchased by Voluntary Agreement
1920	Remove	Property purchased by Voluntary Agreement
1922	Remove	Property purchased by Voluntary Agreement
1925	Remove	Property purchased by Voluntary Agreement
1926	Remove	Property purchased by Voluntary Agreement
1927	Remove	Property purchased by Voluntary Agreement
1928	Remove	Property purchased by Voluntary Agreement
1929	Remove	Property purchased by Voluntary Agreement
1931	Remove	Property purchased by Voluntary Agreement
1932	Remove	Property purchased by Voluntary Agreement
1933	Remove	Property purchased by Voluntary Agreement
2408	Remove	Property purchased by Voluntary Agreement
3204	Remove	Property purchased by Voluntary Agreement

ANNEX C

ABERDEEN WESTERN PERIPHERAL ROUTE

MATTERS SUGGESTED BY REPORTERS FOR FURTHER CONSIDERATION

This annex sets out the Scottish Ministers' views on those detailed issues that the Reporters recommended further consideration be given to prior to the Scheme and Orders being made.

Property 250A, North Deeside Road has issues that diversion of water main will affect the property.

Ministers note that the diversion of an aqueduct has been the subject of discussions between the scheme promoters and the owners of the property. In view of the potential impact of this on the property, the Scottish Ministers will, at the owners request, agree to acquire by voluntary agreement 250a North Deeside Road, at a price to be agreed by the District Valuer, on the basis that the transfer arrangements do not delay construction of the scheme.

Plot 107: Relocate Access Road in front of Cottages at Blackdog (Related to A90 Balmedie to Tippetty dualling project)

There is a requirement for verge widening to provide appropriate visibility for the proposed Blackdog Junction southbound diverge slip road but there is insufficient space between the front boundary of the property and the back of the new verge to route the proposed access to the front of the property. The Scottish Ministers are therefore not minded to accept this suggestion.

Plots 2518-9: Proposed tie-in concerning plots requires an amendment to the access arrangements to the proposed VOSA facility. The amended tie-in would cross land not in the ownership of the objector

The objector has declined to provide the detailed information necessary to determine the ownership of the land that the amended tie-in would cross. Given the circumstances, Scottish Ministers are not minded to make any change in this respect.

Aberdeen Aeromodellers suggest that the route is too close to their flying site. Lack of information leaves the Reporters unable to make any findings

Ministers note that the Aberdeen Aeromodellers flying site is 300m from the proposed AWPR at the closest point. Civil Aviation Authority guidance states that models should be flown 'at least 50m clear of persons, vessels, vehicles or structures. This can be reduced to 30m for take off or landing. On the basis of this CAA guidance, the flying site is not too close to the route of the road and therefore Scottish Ministers are not minded to make any changes to the scheme in this respect.

Plots 2324-5, 2405: Objector prefers reduction in planting of broadleaved trees between the farm steading and the AWPR

The Scottish Ministers agree to this request and require the scheme promoters to comply.

Transport Directorate
December 2009