

## **BULLETIN REPORT**

**Name of Committee:** Petitions Committee

**Date of Meeting:** 9 June 2016

**Title of Report:** AWPR Petition

**Lead Officer:** John Wilson

**Author of Report:** John Wilson

### **Summary of Purpose of Report**

The petition entitled 'Impact of the AWPR on the Deeside Way in Milltimber' relates to a Made Order 'The A90 (Aberdeen Western Peripheral Route) Special Road (Extinguishment of Public diversion of the right-of-Way) Order 2010. This Order is one of many which was required for the delivery of the Aberdeen Western Peripheral Route (AWPR) project. The process which has been followed to implement the project's Orders has been rigorously examined and tested at Public Local Inquiry, at the Inner and Outer Courts of Session in Scotland and ultimately at the Supreme Court in London.

In the case of the Deeside Way, the above Order sets out the section of right-of-way to be extinguished and the new alternative section that has to be provided along Station Road.

Background;

The above diversion is part of the Aberdeen Western Peripheral Route (AWPR) Trunk Road project where the Scottish Ministers are the roads authority. The Scottish Ministers appointed Aberdeen City Council as Managing Agent to act as their agent under Section 4 of the Roads (Scotland) Act 1984 and carry out any of the Scottish Ministers functions as trunk roads authority in relation to the project.

The Promoters published various draft Orders for the project in 2006, 2007 and 2008. Their publication followed the development of the preferred route. These draft Orders include the draft A90 (Aberdeen Western Peripheral Route) Special Road (Extinguishment of Public Rights of Way) Order, published on 11 September 2007.

In accordance with the statutory process Public Notices advertising the publication of draft Orders and the associated Environmental Statement were placed in the Press and Journal and the Edinburgh Gazette to coincide with the

above publication dates indicating where the same could be inspected free of charge at a number of public building including council office and local libraries. Notices advertising the draft Orders were also erected on stakes at the locations directly affected by the promoted Scheme for a period of 6 weeks. In addition the draft Orders and Environmental Statement were published on the AWPR project website at that time. It should also be noted that a series of public exhibitions were held in October 2007 to illustrate the final proposal to the public and interested parties.

Objections to the right-of-way proposal was raised and considered at the public local inquiry. Specific discussion of the objections made is set out at paragraphs 6.272, 6.303 and 6.307 of the Report on the Public Local Inquiry, and the **findings of fact** relating to these objections are set out in paragraphs 10.179 and 10.180, accepting the justification for the proposed diversion.

#### **10.179**

**“The promoted scheme generally includes adequate provision for cyclists and other NMUs in respect of access routes impacted by the Southern Leg. There would be adequate opportunity for cyclists and other NMUs following established access routes to safely cross the line of the route. However some journeys would be lengthened, and in some instances users would experience a loss of amenity compared to the current routes”.**

#### **10.180**

**“In particular, the proposed diversions at the Deeside RoW and Culter House Road would be less than ideal. We are satisfied, however that physical and technical constraints preclude the maintenance of these routes in their current form”.**

The A90 (Aberdeen Western Peripheral Route) Special Road (Extinguishment of Public Rights of Way) Order 2010 has been approved and so powers are now in place to bring this right of way in to use in accordance with the project's construction programme. **The approved Right of Way is now in use.**

The information concerning the made order for The A90 (Aberdeen Western Peripheral Route) Special Road (Extinguishment of Public Rights of Way) Order 2010 is available at the project website. I would draw your attention to “plan ROW8” both in the accompanying schedule and drawings which you will find at the following web addresses;

<http://www.transport.gov.scot/system/files/documents/projects/AWPR/Made%20Orders/2010%20-%20March/Rights%20of%20Way/A90%20Ext%20ROW%20Order.pdf>

and

<http://www.transport.gov.scot/system/files/documents/projects/AWPR/Made%20Orders/2010%20-%20March/Rights%20of%20Way/ROW%2001%20-%2009.pdf>

It should be noted that during the scheme's design development the AWPR proposal was designed such that the constructed AWPR would not impinge on any re-opening of the Deeside Line as a railway line (at a future date). The AWPR carriageway level is at a level below the existing Deeside Way such that if a new rail bridge was to be built, at a future date, it could be installed without any requirement to alter the AWPR carriageway level.

This was a design requirement set by both Council funding Partners.

The same principles apply to the AWPR where it crosses above the former Formartine to Buchan Railway line at Goval (north of the River Don).

It should also be noted that there are already a number of existing diversions between Aberdeen and Ballater, for example a number of private properties appear to have been built upon the former line at Peterculter necessitating a diversion for any non-motorised traffic.