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22 December 2009

Dear Sirs,

Re: Communication to the Aarhus Convention Compliance Committee concerning compliance by the United Kingdom with the provisions of the Convention in connection with the Aberdeen Western Peripheral Route transport proposal (Ref. ACCC/C/2009/38).

Thank you for your letter of 27 July enclosing a copy of a communication dated 7 May from Dr Hawkins of the non-governmental organisation, Road Sense, concerning the procedures adopted in promoting the proposed Aberdeen Western Peripheral Route (AWPR). This letter sets out the UK's comments on the communication and answers the questions set out in your letter.

Dr Hawkins also submitted a complaint directly to the Scottish Government on 28 May 2009 alleging failure to comply with the Aarhus Convention in relation to the proposed AWPR. A full response in relation to Dr Hawkins' complaint to the Scottish Government was provided in a letter dated 16 July 2009, a copy of which is enclosed.

Overview of Complaint

The complaint submitted to the Committee (and also the complaint to the Scottish Government) on behalf of Road Sense concerns an alleged failure by the Scottish Government to comply with its obligations under the United Nations Economic Commission for Europe (UNECE) Convention on Access to Information, Public Participation in Decision Making and Access to Justice in Environmental Matters ("the Aarhus Convention") in the context of the procedures adopted in the promotion of the proposed AWPR.

Both complaints allege that the Scottish Government has failed to meet the requirements of the preamble, and has breached Articles 1, 3, 4, 5, 6, 7 and 9 of the Aarhus Convention.

The United Kingdom (UK) is a party to the Aarhus Convention. In accordance with section 54 of the Scotland Act 1998, competence for transport is devolved to the Scottish Government. Transport Scotland is an executive agency of the Scottish Government.

Background

The proposed AWPR involves the construction of 46km of offline dual-carriageway, typically of two lane standard, with junctions at key locations connecting it to the existing network of trunk and non-trunk roads around Aberdeen. The proposed AWPR is one of a range of measures originally proposed in the Modern Transport System (MTS) for the North East of Scotland developed in 2002 by the North East of Scotland Transport Partnership (NESTRANS), the Regional Transport Partnership.

The general effect of the AWPR 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. The AWPR is designed to function within the overall Regional Transport Strategy (the successor to the MTS) by facilitating the implementation of a range of public and other sustainable transport measures. The proposal for the AWPR is consistent with the policies and objectives of the Scottish Ministers and conforms with national, regional and local planning policy.

The Roads (Scotland) Act 1984 sets out the procedure for new roads, including the promotion of draft roads and compulsory purchase orders.

In accordance with Part 1 of Schedule 1 to the Roads (Scotland) Act 1984, the authority promoting the road is obliged to publish notice of its intention to do so. Interested parties then have a period of at least six weeks to object to the draft orders. In the case of the AWPR, objectors were given from 11 September 2007 until 26 November 2007 in which to make representations or object to the proposed scheme, which was longer than the minimum six week period. A small number of representations and objections beyond this date were received and considered. Paragraphs 5 and 6 of Schedule 1 to the Roads (Scotland) Act 1984 requires a public local inquiry to be held to consider objections received by the Secretary of State (now the Scottish Ministers by virtue of section 53 of the Scotland Act 1998) from any person on whom copies of the draft Orders are required to be served or from any other person appearing to be affected, unless the Scottish Ministers satisfied in certain circumstances that the holding of an inquiry is unnecessary. Only after considering the objections to the proposed scheme, the report of the inquiry into those objections and the environmental statement may the Scottish Ministers decide whether to confirm the orders, either with or without modification.

Certain draft Schemes and Orders were published in relation to the AWPR in December 2006. Further draft Schemes and Orders for the AWPR were published on 11 September and 12 October 2007. The 2007 draft Schemes and Orders included republication of the 2006 draft Schemes and Orders and publication of additional new draft Orders.

The republished 2007 draft Schemes and Orders were issued to incorporate reference to environmental legislation which had not been in force at the date of publication of the 2006 draft Schemes and Orders, but otherwise there was no substantive difference between the 2006 draft Schemes and Orders and the equivalent republished 2007 draft Schemes and Orders. The Promoters retained copies of all representations received in relation to the 2006 draft Schemes and Orders. Any objection made to the 2006 draft Schemes and Orders was carried forward and treated as an objection to the 2007 draft Schemes and Orders.

On 25 September 2007 the draft A90 (Aberdeen Western Peripheral Route) Special Road and the A956 (Aberdeen Western Peripheral Route) Special Road Compulsory Purchase Order 200[] was published. On 1 May 2008 the draft A90 (Aberdeen Western Peripheral Route) Special Road and the A956 (Aberdeen Western Peripheral Route) Special Road Compulsory Purchase Order No. 2 200[] was also published. The principal reason for the publication of the 2008 draft CPO No. 2 was to underpin the environmental commitments made in the September 2007 Environmental Statement. The draft Compulsory Purchase Orders that have been published

allow the Scottish Ministers both to acquire the land required to construct the Scheme and carry out measures to mitigate its effects.

The draft orders must also be accompanied by an environmental statement produced in accordance with section 20A of the Roads (Scotland) Act 1984 (inserted by the Environmental Impact Assessment (Scotland) Regulations 1999), which provides *inter alia* that;

"The Scottish Ministers shall publish notice of the environmental statement so as to ensure that members of the public who are likely to be concerned are given a reasonable opportunity to express an opinion before they decide whether to proceed with the project, and they shall not make any such decision without taking into consideration any opinion so expressed to them within a period of 6 weeks from the date of publication of the notice of the environmental statement."

An Environmental Impact Assessment has been carried out and an Environmental Statement, comprising some 14 volumes and a non-technical summary, was published on 11 September 2007 at the same time as the draft Orders. The approach taken to complete the Environmental Impact Assessment reported in the Environmental Statement was set out in consultation with Scottish Natural Heritage (SNH), the statutory nature conservation advisor to the Scottish Government. The Environmental Impact Assessment identified the anticipated environmental impacts of the proposed AWPR, assessed the magnitude of those impacts and identified mitigation measures where appropriate.

Chapter 3 of the Environmental Statement outlines the alternative corridors and routes considered during the development of the project. The environmental, engineering and economic advantages and disadvantages of several alternative corridors and routes were examined in order to identify the optimum route. Once this assessment had been carried out, draft Schemes and Orders were published in relation to the preferred route.

Following publication the Environmental Statement was made available free of charge on-line on the AWPR project website:

http://awpr.co.uk/document_archive.asp?command=OpenFolder&folder=Environmental+Statement%5C&file=September+2007.

Hard copies were deposited at the offices of Transport Scotland, Aberdeen City Council, Aberdeenshire Council and the AWPR Managing Agent for public inspection free of charge. Hard copies were also made available for purchase at a price to reflect the costs of printing, copying and distribution of additional copies, in accordance with section 20(5C) of the Roads (Scotland) Act 1984.

An Environmental Statement was also published in December 2006. However certain elements of environmental assessment work and details of the design continued beyond this date. A revised Environmental Statement was therefore published in September 2007, to record and make public the findings of the additional environmental assessments. For clarity and ease of reference, the 2006 Environmental Statement was completely withdrawn and replaced in its entirety by the Environmental Statement published in September 2007. The draft Schemes and Orders were promoted in accordance with the procedure set out in the Roads (Scotland) Act 1984.

Following the publication of the draft Schemes and Orders, Transport Scotland received over 9000 objections to the draft Scheme Orders.

A public local inquiry (PLI) into the proposed AWPR was held between 9 September 2008 and 16 February 2009 during which independent Reporters appointed by the Scottish Ministers heard evidence in relation to the outstanding objections to the proposed Scheme. Oral evidence was heard at the inquiry between 9 September and 10 December 2008.

The public local inquiry considered evidence in relation to the technical and environmental aspects of the proposed AWPR, including evidence in relation to matters included in the Environmental Statement.

It was open to persons objecting to the draft Schemes and Orders to argue for an alternative route. A number of objections to the draft orders raised alternatives to the proposed AWPR route and therefore these were considered at the public local inquiry. The alternatives considered included alternatives proposed by Dr Hawkins' colleague, Mr Henry Irvine-Fortescue (a member of Road Sense, but whose alternatives were promoted independently of Road Sense), Messrs McIntosh of Goval Farm, Mr and Dr Stewart, the Aberdeen Greenbelt Alliance, the Silverburn Community, Banchory and Leggart Estates, the Sluie Estate Trust, and Culter Community Council.

Road Sense participated in the public local inquiry and presented evidence to the inquiry on a range of matters. Road Sense's case was presented by Stuart Gale QC and Alastair Burnett, advocate. Dr Hawkins appeared as a witness on behalf of Road Sense and gave evidence in relation to various ecological impacts.

Closing submissions summarising the case presented by parties to the inquiry were lodged throughout January and February 2009. The closing submission made by Ailsa Wilson QC on behalf of Transport Scotland was lodged on 16 February 2009. A copy of Transport Scotland's closing submission is available from the public local inquiry website at http://www.awpr-pli.org/document_library.asp?command=OpenFolder&folder=Closing+submissions%5C&file=Transport+Scotland. All documents lodged at the inquiry are available from the inquiry website at http://www.awpr-pli.org/document_library.asp.

Following the consideration of the evidence heard at public local inquiry, the Reporters reported to the Scottish Ministers in relation to the outstanding objections which were the subject of evidence at the public local inquiry. The report was submitted to the Scottish Ministers on 30 June 2009.

Paragraph 7 of Schedule 1 to the Roads (Scotland) Act 1984 describes the duties incumbent upon the Scottish Ministers when determining whether or not to confirm the Schemes and Orders which were subject of the public local inquiry. After considering the objections to the proposed AWPR and the report of the Reporters appointed to hear the public local inquiry, the Scottish Ministers may approve the draft Schemes and Orders as promoted, with modifications which they see fit to impose, or may refuse to confirm the Schemes and Orders to enable the AWPR scheme to proceed. In reaching this decision, the Scottish Ministers must have regard to the Environmental Statement published in relation to the project and any opinion on the Environmental Statement or project which is expressed in writing by any consultation body or other person. There is no timescale prescribed in statute within which this decision is to be taken.

No decision has yet been taken by the Scottish Ministers on whether the AWPR should proceed but have indicated that they intend to make a decision before the end of the calendar year. The Scottish Ministers have indicated that they are currently considering the Reporters' report and hope to make a decision on whether the Schemes and Orders will be confirmed or made as soon as possible. Once the Scottish Ministers make a decision on the Scheme the public local inquiry report will be made available to the public.

In the event that the Scottish Ministers decide to confirm the Schemes and Orders, the Schemes and Orders will be subject to the affirmative order procedure. This means that the Schemes and Orders cannot come into force unless the Scottish Parliament approves the Schemes and Orders by resolution.

Further background information in relation to the AWPR can be found in a Background Statement which was prepared and lodged as an inquiry document. The Statement briefly outlines the background to the project followed by providing details on national transport policy context, development of the Modern Transport Strategy and the Regional Transport Strategy for the North East, and planning policy context.

A copy of this document is available from the inquiry website at <http://www.awpr-pli.org/downloads/Documents/Transport%20Scotland%20Documents/TS007.PDF>.

Legislative framework

As the Committee will be aware the European Community approved the Convention on 17th February 2005. EC Directives concerning the key themes of the Aarhus Convention which have been adopted include:

- Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC which addresses public access to environmental information;
- Directive 2003/35/EC of the European Parliament and of the Council of 26 May 2003 providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC and 96/61/EC which addresses public participation in respect of the drawing up of certain plans and programmes relating to the environment.

Both Directives address access to justice.

Directive 2003/4/EC was transposed into Scots law by the Environmental Information (Scotland) Regulations 2004.

Directive 2003/35/EC was transposed into Scots law by the requirements of a number of statutes and statutory instruments including: the Environmental Assessment (Scotland) Act 2005, the Environmental Impact Assessment (Scotland) Amendment Regulations 2006 (amending the Environmental Impact Assessment (Scotland) Regulations 1999), the Environmental Assessment of Plans and Programmes (Scotland) Regulations 2004, the Town and Country Planning (Scotland) Act 1997 as amended, Parts 1 and 2 of, and Schedule 8 to the Planning and Compulsory Purchase Act 2004 and the Transport and Works (Scotland) Act 2007.

Responses to Specific Questions Raised by the Compliance Committee

In the letter of 27 July 2009, the Compliance Committee sought comments on eight questions. The following paragraphs provide our response to the questions posed by the Committee.

1. Why was the request for the report on the state of the freshwater pearl mussel population in the River Dee refused by the Scottish Natural Heritage? Was part of the information in any way provided (in a more general manner) to the public?

Scottish Natural Heritage (SNH) is the independent government adviser on nature conservation and landscape matters in Scotland. SNH as a statutory consultee provided a formal response on the AWPR proposals in December 2007, following publication of draft Orders and Environmental Statement. As part of that formal response, SNH indicated that, at that time,

insufficient information had been presented to assess the impacts of the AWPR in particular regard to the proposed crossing of the River Dee, on the southern leg section of the AWPR.

The River Dee is designated as a Special Area of Conservation (SAC) in accordance with Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (the "Habitats Directive"), and as transposed into domestic law by the Conservation (Natural Habitats &c.) Regulations 1994 (as amended) (the "Habitats Regulations"). The qualifying interests for this site are Atlantic salmon, otter and freshwater pearl mussel. In addition to being a qualifying interest of the River Dee SAC, the freshwater pearl mussel (*Margaritifera margaritifera*) is a European protected species listed in Annexes II and IV of Directive 92/43/EEC. They are also currently classed as an 'endangered' species on the 1996 International Union for Conservation of Nature (IUCN). Scotland is a major global stronghold for this species; however, survey work commissioned by SNH indicates that many of the populations in Scotland are threatened. Amongst the most serious threats is illegal pearl fishing. According to the Habitats Regulations as amended, any project or plan likely to have a significant effect upon a SAC, either alone or in combination, requires to be assessed in the light of the conservation objectives in order to fully inform a decision to be reached by the Competent Authority.

As part of the ongoing consultation process after December 2007, Transport Scotland provided an additional report to inform an appropriate assessment in accordance with Article 6 of the Directive and Regulation 48 of the domestic regulations. This was submitted to SNH for consideration in February 2008.

This report contained data relating to the presence and location of each of the qualifying interests in the vicinity of the proposed road bridge which will cross the River Dee. Transport Scotland also provided a redacted copy of the report to all parties participating in the Public Local Inquiry, held to consider the development in its entirety. Owing to their endangered status, this redacted report excluded sensitive environmental information on the location of freshwater pearl mussels. As this redacted copy was submitted to the Public Local Inquiry it is available to the public on the inquiry website at http://www.awpr-p.li.org/document_library.asp?command=OpenFolder&folder=Documents%5CTransport+Scotland+Documents%5C&file=TS081.

As a statutory adviser to the Scottish Government, SNH was able to undertake an objective assessment of the full version of the report in relation to potential impacts upon the conservation objectives for the mussels. SNH subsequently provided detailed advice to Transport Scotland in a letter dated 8th August 2008. That letter was accompanied by a copy of SNH's internal audit form which is used to help SNH reach conclusions in cases where there is likely to be a significant effect upon a Natura site. In order to safeguard the qualifying interests, information on exact locations of freshwater pearl mussel sites were not included in the public version of this audit. As a result of SNH's assessment of the full details of the river crossing and the detailed knowledge of fresh water pearl mussel locations, SNH advised that the proposed AWPR could avoid an adverse effect on the integrity of the SAC provided that certain measures were taken to mitigate its impact and to ensure that construction and operation avoided direct and indirect impacts on the mussels.

Prior to the submission of this advice from SNH, Dr Hawkins, on behalf of Road Sense, approached SNH in July 2008 requesting a copy of a report relating to the site condition monitoring of freshwater pearl mussel in the River Dee. Although Dr Hawkins offered to sign an undertaking not to release any information in relation to the location of the breeding sites to other parties', it was decided not to release the report. A copy of the SNH response letter and redacted audit, however, were provided to Dr Hawkins in August 2008.

All information subject to discussion at a Public Local Inquiry is a matter of public record. Given that once made available, the information relating to the location of freshwater pearl mussel

could not be controlled, it was considered that it was too high a risk to release such information which could then be included as part of the Public Local Inquiry. The assurance offered by Dr Hawkins, whilst welcome, was insufficient to guarantee that information relating to the exact location of freshwater pearl mussels in the River Dee SAC could be kept secure and it was considered that the risks to freshwater pearl mussels were too high.

Following the request in July 2008 and the subsequent further request in April 2009 for information about freshwater pearl mussels in the River Dee SAC, SNH withheld the information under Regulation 10(5)(g) of the Environmental Information (Scotland) Regulations 2004. Regulation 10(5)(g) corresponds to Article 4, paragraph 4(h) of the Aarhus Convention, which makes provision for optional exceptions where access would adversely affect the environment to which the information relates.

As required by Articles 1 and 3(1) of the Aarhus convention, the Regulations require public authorities to have a procedure to review, on request, any response made under the Regulations. Dr Hawkins on behalf of Road Sense made use of the review process and has subsequently appealed SNH's decision to withhold the information to the Scottish Information Commissioner. The Scottish Information Commissioner is currently considering this appeal.

2. What kind of risks would have been involved with the release of the report?

Freshwater pearl mussels are protected and are listed in Annexes II and IV of the Habitats Directive. Throughout Europe, freshwater pearl mussel are an endangered species, with populations declining due to overfishing, changes to water quality from engineering and other river works as well as illegal pearl fishing issues more recently. Scotland is considered a stronghold for this species.

The population in the River Dee has been subject to illegal pearl fishing in the past and SNH has provided a significant amount of resources to raise the attention to the wider public regarding the plight of freshwater pearl mussel in Scotland, (<http://www.snh.org.uk/pdfs/publications/marine/freshwaterpearlmussel/leaflet.pdf>). There is a history of illegal pearl fishing at a number of sites in Scotland and the River Dee is one such site, with an illegal pearl fishing incident being recorded in 2002.

A Public Local Inquiry requires any participant making reference to reports or information to inform the inquiry to make such information fully available in the form of documents lodged before the beginning of the Public Local Inquiry. There is no ability to restrict evidence as the Public Local Inquiries Procedures and Rules require all parties including the Reporter to be able to have access to all the material presented.

Dissemination of any information in relation to freshwater pearl mussels is carefully risk assessed to ensure full protection of this species at all times.

The release of all the detailed information considered by SNH in providing advice to Transport Scotland (which related to the entire River and not just the section closest to the proposed bridge crossing), particularly during the process of a Public Local Inquiry, could have led to a number of details being released to the wider general public. These details would have included the locations and status of all known freshwater pearl mussel populations within the River Dee. In the estimation of SNH this in turn could have led to these locations becoming much more vulnerable to targeted illegal pearl fishing and the strong likelihood of mussels being killed.

3. Was the "Badger Report" withheld from the public and if so, on what grounds? Was a request for release of the report received and by whom?

In their complaint (as well as in their complaint to the Scottish Government dated 28 May 2009), Road Sense have alleged that there has been a breach of Article 4 of the Aarhus Convention by the Scottish Government and its agents, by failing to provide information on the state of the environment and the status of protected species which would be impacted upon by the proposed AWPR.

Article 4 requires contracting parties to the Aarhus Convention to ensure that public authorities, in response to requests for environmental information, make that information available to the public, within the framework of national legislation, subject to certain conditions and exceptions as set out in the Convention. Articles 4(3) and 4(4) of the Aarhus Convention prescribe those circumstances in which a request for environmental information may be refused. These include circumstances in which the disclosure of information would be prejudicial to the environment to which the information relates, such as (Article 4(4)(h)) the breeding sites of rare species and these exceptions are reflected in the Community and national legislation which implement the Convention's requirements.

As explained above, the Scottish Government has been proactive in the publication of information in relation to the environmental effects of the proposed AWPR, including information on the status of protected species. The Environmental Statement was made widely available and additional environmental and technical information on the proposed AWPR was made available free of charge on line, which Road Sense and any other member of the public could access.

Further technical and environmental information, including information on the status of protected species, was lodged with the Scottish Government Directorate of Planning and Environmental Appeals in relation to the public local inquiry. Two hard copies of each document lodged by Transport Scotland were made available to Road Sense free of charge and copies of each of the documents lodged by Transport Scotland were deposited at four libraries in the vicinity of the proposed AWPR (Central, Dyce, Culter and Stonehaven Libraries) for public inspection free of charge. In addition, Transport Scotland created a website to allow public access to all information referred to throughout the inquiry process (www.awpr-pli.org).

Under the Freedom of Information (Scotland) Act 2002 or Environmental Information (Scotland) Regulations 2004, any person who requests information from a Scottish public authority is entitled to be given a copy by the authority. Subject to specified exemptions, this entitles Road Sense to access any information held by Transport Scotland in relation to the proposed AWPR, including information relating to the impact of the proposed road on the environment or protected species, where that information had not already been made publicly available by Transport Scotland or other executive agencies of the Scottish Government. There are a number of exempt categories of information, to which the general entitlement under the Freedom of Information (Scotland) Act 2002 does not apply.

Road Sense and its members have made use of their rights under the Freedom of Information (Scotland) Act 2002 on a number of occasions to request and obtain access to information which had not otherwise been made publicly available. Transport Scotland has responded to all requests for information made by Road Sense and has in each case either provided the information or explained the reasons for that information being withheld, in the context of the statutory exemptions. Decisions to withhold information could be appealed to the Scottish Information Commissioner.

The requirements of Article 4 of the Aarhus Convention have been imported into domestic law through the provisions of the Roads (Scotland) Act 1984, the Environmental Impact Assessment (Scotland) Regulations 1999 as amended, the Freedom of Information (Scotland) Act 2002, and the Environmental Information (Scotland) Regulations 2004. Transport Scotland has complied with the relevant legislative provisions in relation to the proposed AWPR. Transport Scotland has provided information on the impact of the proposed AWPR on the environment and on

protected species. Accordingly, it is our view that the allegation by Road Sense that there has been a breach of Article 4 of the Aarhus Convention by the Scottish Government and its agents, by failing to provide information on the state of the environment and the status of protected species which would be impacted upon by the proposed AWPR, is unfounded.

Badgers (*Meles meles*) and their setts are legally protected by the Protection of Badgers Act (1992), the Nature Conservation (Scotland) Act (2004) and through inclusion in Schedule 6 of the Wildlife Countryside Act 1981. Through these Acts, they are legally protected from intentional or reckless cruelty, such as badger baiting and from the results of lawful human activities, such as housing or other developments. Badgers are afforded protection from wilful or attempted killing, injuring and interference with a badger's sett.

The Environmental Statement published in 2007 explains the environmental impact assessment (EIA) which was undertaken as an integral part of the design process informing decisions on the proposals as they were developed and included the assessment of a range of protected species, including badgers. Assessment results are provided as technical appendices to the Environmental Statement, with information summarised in the main body of text. Appendix A10.2 details the assessment on badgers. Similar to the freshwater pearl mussel highlighted above, the precise locations of badger setts are not published within the Environmental Statement as it was considered that disclosing the information would put this protected species at increased risk of badger baiting and snaring. They are included in Appendix A10.2 which forms a confidential report which was only submitted to Scottish Natural Heritage (SNH), the statutory nature conservation advisor to the Scottish Government.

We are not aware that Road Sense have made a request under the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004 for the confidential badger appendix contained in the Environmental Statement (Appendix A10.2). If Road Sense wanted access to this appendix, they should have first made a request for it under the relevant domestic legislation.

4. How did the public learn of the discussion about the “five possible routes” for the Southern Leg of the Aberdeen Western Peripheral Route (AWPR)? How and in what manner was “a major informal public consultation exercise” conducted in spring 2005? How was the Murtle Route identified as “the preferred option for public consultation”?

Throughout the development of the proposed AWPR leading up to the publication of draft Orders, numerous public consultations and exhibitions were held. These consultations, along with the consideration of other information in relation to the environmental and technical aspects of the proposed road, have led to changes to preferred route corridor at specific points in time during the proposed scheme's development.

A peripheral route around Aberdeen was considered as early as the 1950s, with some consideration of potential routes in the 1970s and 1980s. Grampian Regional Council, the previous local roads authority for the North East of Scotland, developed a preferred route corridor for the route between the A90 Trunk Road (Stonehaven Road) and the A96 Trunk Road (Inverurie Road), then named the Western Peripheral Route. At that time this section was referred to as the 'Western Leg'. The corridor was subsequently endorsed by Grampian Regional Council's successor authorities, Aberdeen City Council and Aberdeenshire Council. The Western Peripheral Route corridor was subsequently extended to link with the A90 north of Aberdeen by the North East of Scotland Transport Partnership (NESTRANS) comprising Aberdeen City Council, Aberdeenshire Council, Scottish Enterprise Grampian and Grampian Chamber of Commerce. This section is historically referred to as the Northern Leg. The entire scheme (which was a combination of the two legs) was called the Aberdeen Western Peripheral Route (AWPR).

The AWPR project was highlighted as a key element in an integrated transportation strategy for the North East of Scotland based on the results of a Scottish Transport Appraisal Guidance (STAG) analysis of transport proposals by the regional transport partnership NESTRANS. The overall proposals were called the Modern Transport System (MTS), which was developed in 2002, and included a range of public transport measures as well as the AWPR. The MTS, endorsed by the Scottish Executive (now Scottish Government) in January 2003, provided the transport strategy for North East Scotland up to 2011.

In March 2003 the Scottish Ministers, in recognition of the strategic importance of the AWPR project to the economy of the North East of Scotland, announced that it would be promoted as a trunk road in partnership with Aberdeen City Council and Aberdeenshire Council. The AWPR was one of a number of projects identified in the MTS.

Between October 2003 and August 2004 the development of Scheme proposals, which included landowner consultations, was undertaken to improve the standard of alignment, reduce environmental impacts and accommodate anticipated traffic flows for the then preferred corridor (i.e. Murtle corridor).

The design and assessment work already undertaken had highlighted a number of sensitive issues where the Scheme proposals crossed the River Dee Valley. In 2004 given the scale of the sensitivity of the River Dee crossing area, the Minister for Transport instructed that work undertaken prior to March 2003 in respect of the southern portion of the Scheme and the decision to proceed with Aberdeen City and Aberdeenshire Councils' preferred route corridor should be reviewed.

Five options were identified for consideration as alternative corridors for the southern section of the Scheme. All of these corridors require crossings of the River Dee, the A93 and the A944. Four alternative crossing points at the River Dee and two alternative connection points with the A90 south of Aberdeen were identified. The five corridor options are shown in Figure 3.18 of the Environmental Statement 2007. Environmental, engineering, economic and traffic assessment work was undertaken on each of these route corridor options.

The five corridors were the subject of a major informal public consultation exercise in spring 2005. The purpose of the consultation exercise was to enable the general public to view, understand and consider the key issues for each option. This exercise also gave residents, businesses and other interested parties the opportunity to comment on the alternative route corridors. The consultation took the form of a series of public exhibitions in communities situated close to the potential route corridors and across the wider North East of Scotland area between 10 March and 29 April 2005. The exhibitions gave an indication of the route corridors being reviewed, the extent of educational establishments potentially affected within the wider River Dee Valley, the traffic flows that would be attracted to the AWPR with each of the options and an extent of the relief to City roads, and an assessment of the environmental, economic and engineering attributes of each route. A Public Consultation Spring 2005 – Consultation Pack was prepared and made available to the public at the exhibitions. A copy of the consultation pack is available from [http://www.awpr-
pli.org/downloads/Documents/Transport%20Scotland%20Documents/TS029.PDF](http://www.awpr-
pli.org/downloads/Documents/Transport%20Scotland%20Documents/TS029.PDF).

The Transport Minister indicated that a decision on the preferred corridor would be taken once responses to the consultation had been received and reviewed.

The Murtle option was referred to as the preferred route in literature presented at the public consultation as that was its then current status. The Murtle option was Aberdeen City and Aberdeenshire Councils' preferred route prior to the Scottish Ministers announcing that they would promote the AWPR as a trunk road in March 2003. However, no decision had been made on the route by the Scottish Ministers. The consultation was stated to be open and no options had been ruled in or out. All responses to the consultation exercise were entered into a

database for analysis. A report entitled 'Report on Public Consultation (March – April 2005)' summarising the public consultation exercise and the analysis of the responses received was published in November 2005. More than 7,600 responses were received by the project team from this informal consultation.

Following the broad corridor selection process, the development of scheme proposals and specific route alignment, which was undertaken to improve the standard of alignment, reduce environmental impacts and accommodate anticipated traffic flows, included extensive landowner consultations.

The public were given the opportunity to comment on the route of the proposed AWPR promoted through the draft Schemes and Orders under the statutory process set out in the Roads (Scotland) Act 1984, which includes the opportunity to express objections and other comments in writing or to participate in the public local inquiry. Formal public exhibitions were also held at specific locations along the route to coincide with the publication of draft Orders.

It is the UK's view that Road Sense is incorrect in alleging that the Scottish Government has failed to seek public comment on a particular route proposal for the proposed AWPR in an open way. Further information on the alternatives considered is given in Chapter 3 of the Environmental Statement.

5. What is the relevance of the announcement on 1 December 2005 by the Minister that the AWPR would follow a new route? Was this based on the new "additional, retrospective strategic transport objective" as claimed by the communicant? How was the outcome of the "informal public consultation exercise" which was held in spring 2005 taken into account?

As highlighted above the public consultation exercise in spring 2005 was undertaken to enable the general public to view, understand and consider the key issues for each corridor under consideration. This exercise also gave residents, businesses and other interested parties the opportunity to comment on the alternative route corridors.

As outlined above the Murtle option was referred to as the preferred route in literature presented at the public consultation. However, no decisions had been taken on the route and the consultation was stated to be open. When the Minister for Transport announced the spring 2005 public consultation exercise he also outlined that a decision on the preferred corridor would be taken once responses to the consultation had been received and reviewed.

All responses to the consultation exercise were entered into a database for analysis. A report entitled 'Report on Public Consultation (March – April 2005)' summarising the public consultation exercise and the analysis of the responses received was published in November 2005.

More than 7,600 responses were received by the project team to this informal consultation. Although there was no attempt as part of the consultation to ask people to vote for a particular option a significant number of responses did indicate a particular preference. The Murtle option received both the greatest amount of support (768 responses) and the greatest opposition (3,946 responses or approximately half of the returns). A large number of the responses were concerned about the impact on the Camphill Communities Newton Dee and Murtle campuses.

During the summer and autumn of 2005, consideration was given to the feedback received from the informal public consultation and to the reports into the impact of the Murtle Route on the Camphill Newton Dee and Murtle campuses prepared by Professor James Hogg and Dr David May. The reports prepared by Professor Hogg and Dr May, which were commissioned by the Scottish Government and its project partners as part of the environmental impact assessment, were to evaluate the impact of the Murtle option on the Camphill Newton Dee and Murtle

campuses. Camphill is a worldwide movement of communities based on the educational, philosophical and social principles of Rudolf Steiner. Camphill Communities provide opportunities for children, young people and adults with learning disabilities, mental health problems and other special needs to live, learn and work together with others in an atmosphere of mutual respect and equality. A copy of the Reports prepared by Professor Hog and Dr May was made available to the public on the AWPR project website (www.awpr.co.uk) The relative performances of each of the route corridor options as documented using the Scottish Transport Appraisal Guidance (STAG) was also considered (i.e. environmental, engineering, economic and traffic assessment).

Following the review of the options, the Minister for Transport concluded that, individually, none of the options presented fully addressed the strategic and local transport needs of the North East of Scotland as the growing pressure on the existing A90 dual carriageway south of Aberdeen to Stonehaven was not addressed by any option alone.

Following a review of all of the information available, including environmental, engineering, economic and traffic assessments, a decision to adopt a combination of the Milltimber Brae corridor option and the Fastlink section of the Peterculter/Stonehaven corridor option was announced by the Minister for Transport on 1 December 2005. Both the Milltimber Brae and Peterculter/Stonehaven corridor options were presented during the spring 2005 public consultation exercise. Along with the announcement, a map was published depicting an indicative route within the preferred route corridor.

After the decision was made on the broad corridor for the AWPR, extensive consultations with landowners and statutory and non-statutory bodies were carried out on the development of scheme proposals and the specific route alignment (in order to improve the standard of alignment, reduce environmental impacts and accommodate anticipated traffic flows). As outlined above, the public were given the opportunity to comment on the route of the proposed AWPR as set out in the draft Schemes and Orders published in 2007 in accordance with the statutory process set out in the Roads (Scotland) Act 1984. This includes the opportunity to express objections and other comments in writing and/or to participate in the public local inquiry. Formal public exhibitions were also held at specific locations along the route to coincide with the publication of the draft Schemes and Orders.

Further information on the development of the AWPR project can be found in a Background Statement which was prepared and lodged as an inquiry document. A copy of this document is available from the public local inquiry website at <http://www.awpr-pli.org/downloads/Documents/Transport%20Scotland%20Documents/TS007.PDF>. Chapter 3 of the Environmental Statement also gives details of the alternatives considered during the Scheme development.

The six specific objectives for the proposed AWPR project reflect the Scottish Government's five key transport headings of Environment, Safety, Economy, Integration and Accessibility, and are:

- Improve access to and around Aberdeen to improve transport efficiency and support the industrial areas in the City and the area to the north and west of Aberdeen (Economy and Employment);
- Provide traffic relief (including the removal of long distance heavy goods vehicle traffic) on the existing congested A90 route through and to the south of Aberdeen (Environment and Accessibility);
- Reduce traffic on urban radial routes reducing noise and air pollution and creating opportunities for pedestrianisation in the City Centre (Environment and Accessibility);
- Provide access to existing and planned park and ride and rail facilities around the outskirts of the City encouraging modal shift (Integration);
- Increase opportunities to maximise bus lanes and other public transport priority measures (Integration); and

- Improve road safety over a wide area through the reduction of traffic on local roads (Safety).

The proposed AWPR has a long and detailed history as a project. It was initially promoted by the local roads authority in the 1970s. The project has evolved since the 1970s, becoming in 2003 a trunk road project identified as being of regional and national importance. The objectives of the scheme have changed throughout that period, to reflect the changing nature and status of the project.

The scheme objectives for the proposed AWPR were first determined in the 1990s by Grampian Regional Council (predecessor to Aberdeen City Council and Aberdeenshire Council). In 2001, work began on a Modern Transport Strategy (MTS) to allow assessment of the transportation strategies which were to be considered to help resolve the north east of Scotland's transportation problems. The MTS was issued for public consultation and comments invited on all aspects of the MTS, including the objectives. As highlighted above the final MTS included a range of projects including the AWPR. When the Scottish Executive (now Scottish Government) became involved in the proposed AWPR project, following publication of the MTS, in its capacity as trunk roads authority, the objectives for the AWPR project were reviewed in 2005 to reflect the role of the Scottish Executive (now Scottish Government) as trunk roads authority for the proposed scheme. The objectives for the MTS, the transport strategy for North East Scotland up to 2011, were not changed.

The specific commitment to the objective of creating an AWPR in the National Planning Framework (NPF) and National Planning Framework 2 (NPF2) confirms the National level support for the principle of the project. Both the NPF and NPF2 were published in consultative draft form, to provide information on the objective of providing an AWPR and to allow the public to participate in the preparation of the policies contained in the framework. Mr William Walton, on behalf of Road Sense, provided comment on the draft National Planning Framework 2 during the consultation period.

Scotland's first National Planning Framework was published in April 2004 and is available from <http://www.scotland.gov.uk/Publications/2004/04/19170/35317>. This document outlines in paragraph 116 that "The Executive (*now Scottish Government*) is also committed to.....completing the Central Scotland motorway network (upgrading the M8 and M80 and building the M74 Northern Extension) and the Aberdeen Western Peripheral Route". It also states at paragraph 131 that "The Western Peripheral Route will help to reduce congestion in Aberdeen city centre, improve connectivity between the North-East and the Central Belt and take heavy lorries off unsuitable country roads".

The National Planning Framework for Scotland 2 was published in June 2009 and is available from <http://www.scotland.gov.uk/Publications/2009/07/02105627/0>. This documents outlines in paragraph 110 that "Transport infrastructure commitments for the period to 2012 include.....construction of the Aberdeen Western Peripheral Route". It also states in paragraph 133 that the "The completion of the Aberdeen Western Peripheral Route in 2012 will improve the traffic flow round Aberdeen and improve connectivity between North East and the Central Belt" and in paragraph 204 that "Construction of the Aberdeen Western Peripheral Route will improve regional connectivity and open new development opportunities".

6. In what manner was public participation ensured leading up to the announcement of 2 May 2006 on the "preferred route" and the preparation of draft Orders for the AWPR?

Following the announcement of the preferred route corridor on 1 December 2005, consultation was carried out with affected landowners, and statutory and non statutory consultees. Consultation was carried out with a number of bodies throughout the environmental impact assessment including Scottish Natural Heritage (SNH), Scottish Environment Protection Agency

(SEPA), Historic Scotland, Dee District Salmon Fisheries Board and Community Councils to provide an iterative approach to the progression of the scheme proposal. Chapter 6 of the Environmental Statement gives further details on the consultations undertaken during Scheme development. In parallel to consultation, further survey and development work to identify and refine the alignment of the preferred route was carried out.

Following this consultation and additional development work, the Minister for Transport announced the preferred line of the AWPR on 2 May 2006. This announcement was made to give homeowners and business confirmation of the line of the route. The announcement stated that the line would be developed further in order to allow publication of the draft Schemes and Orders for the preferred route by the end of 2006.

As outlined above, Scottish Ministers published certain draft Schemes and Orders in relation to the Scheme in December 2006. Further draft Schemes and Orders for the Scheme were published on 11 September and 12 October 2007. This republished the 2006 draft Schemes and Orders and included additional draft Orders. The republished 2007 draft Schemes and Orders were issued to incorporate reference to legislation which had not been in force at the date of publication of the 2006 draft Schemes and Orders, but otherwise there was no substantive difference between the 2006 draft Schemes and Orders and the equivalent republished 2007 draft Schemes and Orders. Scottish Ministers have retained copies of all representations received in relation to the 2006 draft Schemes and Orders and have treated any objection made to the 2006 draft Schemes and Orders as an objection to the 2007 draft Schemes and Orders. Formal public exhibitions were also held at specific locations along the route to coincide with the publication of draft Schemes and Orders in January 2007 and again in October 2007.

A first Environmental Statement was published in December 2006. Certain elements of environmental assessment work and details of the design continued beyond this date and therefore a second Environmental Statement was published in September 2007, to record and make public the findings of the additional environmental assessments. For clarity and ease of reference, the 2006 Environmental Statement was completely withdrawn and replaced in its entirety by the Environmental Statement published in September 2007.

In accordance with the procedures set out in the Roads (Scotland) Act 1984, the public could raise objections to the draft Schemes and Orders and these objections would be considered by a public local inquiry.

A public local inquiry into the proposed AWPR was held between 9 September 2008 and 16 February 2009 and the independent Reporters have reported to the Scottish Ministers.

No decision has yet been taken by the Scottish Ministers on whether the AWPR should proceed.

7. What legal remedies are open to the public to challenge the decisions taken in regard to the AWPR? Please comment on the allegations by the communicant that the conduct of the decision making process limits the scope of legal remedies.

The Road Sense complaint contends that there has been a breach of Article 9(3) by the Scottish Government arising from there allegedly being effectively no access for the public in Scotland to an open and inexpensive review procedure before a court of law and/ or another independent and impartial body established by law, to challenge the substantive and procedural legality of the proposed AWPR.

Road Sense further allege that the public local inquiry into the proposed AWPR cannot be considered to provide an independent and impartial body through which to challenge the legality of the decision to construct the AWPR, having regard to its scope and the acquiescence of the

Reporters with the instructions of a Scottish Minister regarding the scope of the inquiry, contrary to Article 9(2).

Article 9 of the Aarhus Convention contains various provisions in relation to access to justice. Article 9(3) imposes an obligation on contracting parties to ensure that, where they meet the criteria set down in national law, members of the public have access to administrative or judicial procedures to challenge acts and omissions by public authorities which contravene provisions of its national law relating to the environment. Article 9(2) imposes an obligation on contracting parties to ensure that members of the public who satisfy requirements of title and interest have access to a review procedure before a court of law and/ or another independent and impartial body established by law, to challenge the substantive and procedural legality of any decision which is subject to the provisions of Article 6 (i.e. including motorways or express roads or other EIA development).

The public local inquiry into the proposed AWPR is not intended to represent the independent and impartial body through which Road Sense are entitled to challenge the legality of the decision to construct the AWPR, as required by Article 9. The local inquiry process is one which is designed to lead to a report being prepared on the merits of outstanding objections to the proposed AWPR. Following consideration of the evidence heard at public local inquiry, the Reporters have reported to the Scottish Ministers in relation to outstanding objections which were the subject of evidence at the public local inquiry. In doing so, the Reporters will make findings in fact on the contentious issues debated in evidence at the public local inquiry and will make recommendations to the Scottish Ministers in relation to the outstanding objections. Following consideration of the Reporters' report, the Scottish Ministers may approve the draft Orders as promoted, with modifications which they see fit to impose, or may refuse to confirm the Orders to enable the AWPR scheme to proceed. In the event that the Scottish Ministers decide to confirm the Orders, the Orders will be subject to an affirmative order procedure before the Scottish Parliament.

No decision has yet been taken on whether the proposed AWPR will proceed. There is a lack of logical reasoning in Road Sense's contention that the public local inquiry, which is designed to inform a decision which has not yet been taken, is inadequate as an independent and impartial body through which to challenge the legality of the decision to construct the AWPR.

In the event that a decision is taken to go ahead with the AWPR as proposed in the draft Schemes and Orders, there is a statutory procedure for challenging the decision under paragraph 2 of Schedule 2 to the Roads (Scotland) Act 1984. When the Scottish Ministers have decided whether to proceed with the proposed AWPR, they are required by statute to publish their decision and make available the content of their decision and conditions which are to apply. The publication will also include information on the right to challenge the validity of the decision. Road Sense would then be able to take steps to challenge either the substantive or procedural legality of it, if necessary, via the procedure provided for under statute. While the principle function of judicial review is to examine the procedural and legal propriety of a decision, rather than to reconsider the substantive question in relation to which discretion has been conferred by statute on the Scottish Ministers, a petition for judicial review can call into question the proportionality or irrationality of a decision or examine any question of error in relation to that decision. This is wholly consistent with Article 9(2) of the Convention.

It is therefore the UK's view that the alleged breach by the Scottish Government of Article 9 of the Aarhus Convention is unfounded. The decision-making process has in no way limited the scope of legal remedies available to Road Sense once the decision has in fact been made.

Road Sense's complaint further alleges that there has been a breach of Article 7 by the Scottish Government by restricting the scope of the public local inquiry into objections to the proposed AWPR.

Article 7 obliges contracting parties to take appropriate practical and/ or other provisions for the public to participate during the preparation of plans and programmes relating to the environment, with a transparent and fair framework, having provided the necessary information to the public. To the extent appropriate, each contracting party may provide opportunities for public participation in the preparation of policies relating to the environment.

By letters dated 18 June 2008, the Scottish Ministers appointed Mr D N Gordon BSc (Hons) MSc MRTPI, Mr S Ferrie MSc MRTPI and Mr M Cunliffe BSc(Hons) MSc MCIWEM, independent Reporters from the Directorate of Planning and Environmental Appeals, to hold a public local inquiry into objections to the draft Schemes and Orders for the proposed AWPR which had not been withdrawn. The Scottish Ministers, having taken a policy decision to construct a Special Road to the west of Aberdeen, including a new dual carriageway link to Stonehaven (known as Fastlink) and having accepted the need in principle for the road, advised that they did not wish to be advised on the justification for the principle of the Special Road Scheme in economic, policy or strategy terms. The Scottish Ministers considered that strategies and policies referring to the Special Road Scheme would only be relevant to the inquiry insofar as they set the context for the AWPR and Fastlink. Scottish Ministers therefore only wished to be advised on the technical aspects of the route choice including the Environmental Statement published in connection with the Special Road Scheme and any opinions on the route choice. Given the assessment approach taken in the Environmental Statement, Scottish Ministers wished to be advised on the technical and environmental issues associated with the individual components of the Northern Leg, Southern Leg and Fastlink as well as the entirety of the Special Road Scheme.

The policy decision to construct the AWPR has long been recognised with an ongoing Scottish Government commitment dating back to 2003. Since the announcement in March 2003 that the AWPR would be promoted as a trunk road in partnership with Aberdeen City Council and Aberdeenshire Council, there has been a clear policy line moving towards implementing the Scheme. This has been supported by successive Governments and Ministers through a number of policy documents and Ministerial announcements. A number of policy documents identifying a need and support for an AWPR at a national level have been published in recent years:

- 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;
- National Planning Framework for Scotland, published in 2004;
- Scotland's Transport Future, published in June 2004;
- Building a Better Scotland, published in 2005;
- Scotland's National Transport Strategy, published in 2006;
- Scottish Budget Spending Review 2007: Finance and Sustainable Growth; and
- National Planning Framework for Scotland 2 – Published in 2008.

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. 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.

The AWPR features in the current Aberdeen Local Plan (2008), Aberdeenshire Local Plan (2006), both Councils local transport strategies, the approved Aberdeen City and Shire Structure Plan (2009) and in consultative drafts for the emerging local development plans.

As set out above, schedule 1 to the Roads (Scotland) Act 1984 sets out the procedure for making or confirming certain orders and schemes, such as the AWPR Special Road Scheme and associated compulsory purchase orders. Paragraphs 5 and 6 of Schedule 1 relate to draft Orders and provide that if any person on whom a copy of the draft Order is required to be served object and do not withdraw their objection, then the Secretary of State (now devolved to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998) shall cause a local inquiry to be held. However, the Scottish Ministers may, if satisfied that in the circumstances of the case that the holding of an inquiry is not necessary, dispense with the inquiry. The equivalent provision in relation to draft Schemes is found at paragraphs 11 and 12 of Schedule 1 to the 1984 Act. These statutory provisions confer authority upon the Scottish Ministers to determine the scope of the inquiry.

Paragraph 1 of Schedule 4 to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 provides that the Ministers shall appoint a person to hold the inquiry and report to him. This is the statutory authority which confers power upon the Scottish Ministers to draft a letter of appointment, appointing Reporters to hold the public local inquiry. The relevant statutory provisions are in compliance with Article 7 of the Aarhus Convention.

The Scottish Government has a transparent and fair framework in place to provide sufficient information to enable the public to participate in the formation of policies in relation to the AWPR, including its specific commitment to the AWPR in the NPF and NPF2, which confirm the National level support for the principle of the project. The appointment of independent Reporters to hold an inquiry and the ability of the Scottish Ministers to determine the scope of that inquiry, having regard to the merits and circumstances of a particular case, is a practice regulated by statutory provisions which are in compliance with Article 7 of the Aarhus Convention. It is the UK's view that the alleged breach of Article 7 is unfounded.

8. It would be helpful to the Committee if you could provide a map showing the geographical location of the AWPR route.

A map depicting the preferred route for the AWPR is appended to this letter. Further drawings, including alternatives considered are shown in Volume 12 (Graphics – The Scheme, Northern Leg and Air Quality Appendices Figures) of the Environmental Statement 2007. Figure 1.1 shows the proposed AWPR with Figure 3.18 highlighting the alternative corridors considered during 2005. A copy of the figures contained in Volume 12 is available from the AWPR project website

at http://www.awpr.co.uk/document_archive.asp?command=OpenFolder&folder=Environmental+Statement%5CSeptember+2007%5CEnvironmental+Statement+Graphics%5C&file=Part+A+%2D+The+Scheme+and+Part+B+%2D+Northern+Leg.

Summary

Road Sense alleges that the Scottish Government, and therefore the UK, has breached Articles 1, 3, 4, 5, 6, 7 and 9 of the Aarhus Convention.

As outlined in the response above and Transport Scotland's response to Road Sense dated 16 July 2009 it is the UK's view that Road Sense's allegation of breach of various articles of the Aarhus Convention is unfounded.

At the time of finalising this response, we have received some supplementary observations from the complainant which we have not had opportunity to consider and respond to. We therefore reserve the right to submit further observations on those supplementary observations in due course.

In the meantime, I hope the above addresses the questions posed by the Committee. However, should you require any further information please do not hesitate to contact me.

Yours faithfully

A handwritten signature in black ink, appearing to read 'J. M. Barton'. The signature is written in a cursive style with a long, sweeping underline that extends to the right.

Jane Barton, UK national focal point.

Cc Dr A D Hawkins

FIGURE 1.1



LEGEND

Proposed Roads
(green) (1994-2011)



JE JACOBS



JACOBS ENGINEERING GROUP, INC.

Aberdeen Western Peripheral Route
Environmental Statement Part 4: The Routes

AMSTR & FOSTER

DATE

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SCALE

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FIGURE 1.1

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