

From: Finlay Bennet (Finlay.Bennet@snh.gov.uk)
To: Tony Hawkins (a.hawkins@btconnect.com);
CC: David Bale (David.Bale@snh.gov.uk); Erica Knott (Erica.Knott@snh.gov.uk);
Date: 15-07-2008 16:34:59
Subject: Re: AWPR Appropriate Assessment

Message: Tony,

Not quite sure what happened with my previous email replying to yours of the 23rd June. I sent a reply to you on the same day. Copy attached.

FoI request noted and we will need to get back to you once we've pulled together the correspondence.

SNH have still to provide comment on the Report to inform Appropriate Assessment. Once SNH have commented I anticipate that the report will be edited if necessary to reflect SNH's advice. I also anticipate that the report will inform the Minister's final decision regarding impacts on the integrity of the Dee SAC, as outlined in my previous email.

If you can let me know you've received this email I'd be grateful.

Kind regards

Finlay

>>> "Tony Hawkins" <a.hawkins@btconnect.com> 14/07/2008 22:34:18 >>>

On 23rd of June I emailed Finlay Bennet at SNH Aberdeen asking whether an appropriate assessment had been issued or agreed by SNH with respect to the crossing of the Dee SAC by the Aberdeen Western Peripheral Route. As yet I have received no reply. I have in my possession a copy of a document issued by Jacobs, the agents of Transport Scotland, entitled 'Report to Inform an Appropriate Assessment for the River Dee SAC'. Could you tell me whether this is the actual 'appropriate assessment' required under the Habitats and Species Directive? If not, is there another document approved by SNH or any other competent authority which constitutes the actual 'appropriate assessment' for the Dee crossing? If so, may I have a copy of that appropriate assessment? Further to this enquiry I request under both the Freedom of Information Scotland Act and the Environmental Information (Scotland) Regulations copies of any documents, letters, emails, reports and minutes of meetings in relation to the crossing of the River Dee SAC by the AWPR exchanged between Jacobs, Transport Scotland, Scottish Ministers and Scottish Natural Heritage within the period from 1st July 2007 until the present day. I appreciate that parts of the appropriate assessment may be confidential. As a former senior civil servant and a professional biologist I hereby undertake not to communicate any portions of the appropriate assessment labelled confidential to other parties except by agreement with SNH. Tony Hawkins Professor A D Hawkins BSc PhD FRSE CBE Kincaig, Blairs Aberdeen AB12 5YT Scotland +44 (0) 1224 868984 a.hawkins@btconnect.com

Attachments: Re: Appropriate Assessment for AWPR

From: Finlay Bennet (Finlay.Bennet@snh.gov.uk)
To: Tony Hawkins (a.hawkins@btconnect.com);
CC:
Date: 23-06-2008 12:16:10
Subject: Re: Appropriate Assessment for AWPR

Message: Tony

You're understanding is essentially correct. An appropriate assessment is issued by the competent authority. The developer, or their environmental agents, can provide information that could inform the appropriate assessment, perhaps in its entirety. However the appropriate assessment would still need to be 'signed-off' by the competent authority to provide an audit trail that demonstrates they have fulfilled their statutory obligations under the Conservation Regs (1994).

In the case of the AWPR the developer is Transport Scotland in partnership with Aberdeenshire & Aberdeen City local authorities. The project is being implemented on behalf of the partners by the managing agents.

I would suggest the competent authority is the Scottish Minister who decides whether or not to approve the proposal. Jacobs have been contracted to produce a report to inform an Appropriate Assessment, which is what was sent to Henry.

SNH's role is as statutory advisors, we are not the competent authority. SNH must advise on the need for an appropriate assessment. Letter of 9 March 2007 advised that construction and operation of road had potential to cause significant and adverse impacts on the Dee SAC. We have also been asked to provide comments on the report prepared by Jacobs and we intend to provide these fairly soon.

Hope that helps

Finlay

>>> "Tony Hawkins" <a.hawkins@btconnect.com> 23/06/2008 11:46:15 >>>

Finlay You were kind enough to send to Henry Irvine Fortescue some papers from Jacobs which were in support of the appropriate assessment for the AWPR. It is my understanding that the full appropriate assessment is a document which has to be issued by the competent authority and not by the agents for the proposer of a particular plan or project. Has SNH issued a full appropriate assessment yet? If so, could you send it to me please?
Tony Dr A D Hawkins Loughine Ltd Kincaig, Blairs Aberdeen AB12 5YT Scotland+44 (0) 1224 868984 a.hawkins@btconnect.com

Attachments: