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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE  
AND NATURAL HABITATS

**Standing Committee**

30<sup>th</sup> meeting  
Strasbourg, 6-9 December 2010

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**Complaint in stand-by**

**Aberdeen Western Peripheral Route  
(United Kingdom)**

***REPORT BY THE GOVERNMENT***

*Document prepared by:  
The Government of United Kingdom*

## Aberdeen Western Peripheral Route

The Department for Environment, Food and Rural Affairs  
Biodiversity Programme  
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Bristol, BS1 6EB  
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16 February 2010

### **Subject : Aberdeen Western Peripheral Route (United Kingdom)**

1. I refer to your letter dated 11 December 2009 seeking up-to-date information regarding Scottish Ministers' decision about the above project, the information being required by the Bureau for consideration at its next meeting.
2. We have been informed that the Scottish Ministers have decided to proceed with the Aberdeen Western Peripheral Route (AWPR), subject to a number of detailed modifications to the published draft Schemes and Orders as specified in Annex A and Annex B of their Decision Letter dated 21 December 2009 (link below). In coming to their decision the Scottish Ministers carefully considered:
  - all objections to the draft Schemes and Orders which were made and not withdrawn;
  - all of the evidence presented to the Public Local Inquiry, including the written submissions, the Report including the Reporters' findings of fact and their conclusions and recommendations thereon;
  - the Environmental Statement; and
  - all opinions on that statement or the scheme expressed in writing by a wide range of consultation bodies and by any other person.
3. The Scottish Ministers Decision Letter can be found via the following link, and the main points of interest can be found within the first eight pages. <http://www.scotland.gov.uk/Resource/Doc/935/0092586.pdf>. Copies of the letter were 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.
4. The following is an extract from the Scottish Government's press release on the Scottish Ministers Decision and provides an overview with regard to consideration of the key issues:
  - Firstly, Ministers are 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
  - Secondly, on the question of the EU Habitats Directive, Ministers are satisfied the issues have been addressed by the undertaking of an appropriate assessment, endorsed by Scottish Natural Heritage
  - Thirdly, on the question of Compliance with the Wildlife and Countryside Act, that the requirement that an appropriate obligation is placed on the promoter (Scottish Ministers) to ensure the necessary legislative arrangements are in place addresses this issue. Ministers consider that the details of the decision letter provide the necessary conditions for ensuring arrangements can be put in place to protect affected wildlife

- Fourthly, Ministers are 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
- Fifthly, 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 the Aarhus Convention have been met

5. In accordance with previous commitments given, a Direction has been issued under Section 143A of the Roads (Scotland) Act 1984 confirming that a number of Schemes and Orders relating to the AWPR will be subject to affirmative procedure in the Scottish Parliament, they will therefore not come into force until approved by resolution of the Scottish Parliament. The six Schemes and Orders were made on 14 January 2010 and laid before Parliament on 15 January 2010 for final approval. The Lead Parliamentary Committee now has up to 40 parliamentary days to make a recommendation to Parliament whether or not to approve the Schemes and Orders and Parliament will then vote on the Schemes and Orders. A Notice will thereafter be published outlining that the Parliament has, or as the case may be has not, passed a resolution approving the instruments.

6. It is fair to say then that the situation has moved on but until the Parliamentary process, and ultimately the statutory procedures, have been completed then there is still some time before work on the AWPR can commence.

7. A copy of the Public Local Inquiry Reporters' Report, Appropriate Assessments and the Decision Letter is available from the Scottish Government's website at <http://www.scotland.gov.uk/Topics/Transport/Road/AWPR>.