



North Kincardine Rural Community Council

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ABERDEEN WESTERN PERIPHERAL ROUTE

PUBLIC INQUIRY

REF : C 620707

CLOSING SUBMISSION OF NORTH KINCARDINE
RURAL COMMUNITY COUNCIL (NKRCC)

FLAWED CONSULTATION AND FAILURE OF PROCESS

NKRCC , in its statement to the Inquiry, commented on the flawed and misleading public consultation in 2005, which clearly led to a flawed selection process before the final decision was taken on a 6th ‘Hybrid’ route.

Our contention that the Murtle route had pride of place in that consultation by virtue of the work so far done and was thus seen by the public as obviously the route which would ultimately go ahead, was not refuted.

In fact it was also supported by other witnesses, notably William Walton of Road Sense , notwithstanding minor disputes over the size of diagrams on display at the consultation.

This clear intention to adopt Murtle was confirmed by the evidence given of the meeting in July 2005 between Transport Scotland and the two Councils concerned, which endorsed the choice of Murtle.

That being so, there was a clear need for a complete re-appraisal of all possible options once the Minister had second thoughts about the Murtle route.

Mr Peter Wyatt gave powerful and unchallenged evidence that, to secure maximum benefits and greatest efficiency and value for money from any major project – indeed from any size of project - there should, at that stage, have been a complete re-appraisal – a ‘back-to-square-one’ approach. That was not done, casting doubt not only on the efficacy of the proposed route but questioning its very validity and the legality of its choice.

Evidence, both from Mr Graham and Mr Galbraith when examined on the meetings between, and exchange of e-mails between, Ministers and officials, showed that the change of course, from Murtle to Hybrid, was done at the 11th hour and was purely politically driven, based on no substantive evidence. Not only that, but they made statements showing that there was deliberate post-hoc rationalisation of AWPR Objectives to suit the change of course.

Under cross-examination Mr Graham admitted that the first mention of relieving congestion on the A90 was in mid-November (memo of 17th), following the non-minuted meeting of the 14th, at which the decision was made. He also admitted that there was no evidence to demonstrate that there was pressure on the A90 South of Aberdeen and it was this totally unsupported claim which was later used to justify changing the Objectives for the AWPR and adding the Fast Link.

Not only was there no evidence (of pressure on the A90), at the time of the decision, but Mr Wyatt showed figures from ‘Transport Statistics, Great Britain’, which confirmed NKRCC’s statement that there is no difficulty on the A90 South of Portlethen. Councillor Marie Boulton also gave unchallenged evidence in support of our statement on the lack of congestion on the A90 South of Aberdeen. Similarly we also call in support, the evidence given by Mr Beeson and Mr Stewart.

Mr Graham also agreed that the Camphill campaign was a .. “highly significant factor..” for the Minister in making his decision. We also adduce the evidence of Mr Wilson, of the Managing Agents, in support of the belief that the Minister was influenced by the Camphill campaign, rather than by his officials, in changing course away from the previously-favoured Murtle route and deciding on the Hybrid.

Most significantly of all, there is clear written evidence of that influence, in Ministerial communications with officials and between officials, with phrases such as .. “implacably opposed..” used. This culminated in the 18 Nov memo from the Transport Minister to the First Minister in which he refers to Camphill being ... “firmly opposed..” to the Murtle route.

Mr Galbraith, under cross-examination, admitted that, despite his “pivotal role” in Jacobs, he did not know of the 17 Nov 2005 presentation by MVA and that he learned of the choice of the Hybrid route 30 minutes before the Minister’s announcement on 1 Dec 2005.

Further, he stated, under questioning by Mr Gale, that the Objectives for the AWPR had only been changed... **“in the days following..”** the announcement of 1 Dec ’05, and two weeks after the Minister’s memo of 18 Nov ’05 in which the Minister said that the Hybrid was his choice.

It is clear that, at that point, the process should have been halted and started anew, going back to first principles : again, see Mr Wyatt’s evidence as well as that of Mr Alan James (Road Sense).. That would have been in the interest of all parties concerned – the Executive, the Managing Agents, Jacobs, the two Local Authorities and the general public – in terms of securing the optimum, most cost effective and least damaging route.

However, there seems then to have been a perceived need to move quickly, leading to the failure even to do a full STAG assessment for the Hybrid. That failure was, as admitted three times by Mr Galbraith in cross-examination, because he, in his pivotal role within Jacobs design team, was instructed NOT to undertake STAG by Transport Scotland, but rather to take the quicker route of assessment under DMRB. He also made the significant admission that STAG... “is NOT the lesser beast to DMRB..” in reply to Mr Gale.

In these questions of failure to follow due process and correct, legal procedures, especially in respect of STAG assessments, we wish to highlight in support, the extensive evidence of Mr Alan James and Dr David McGuigan on behalf of Road Sense.

LOCATION OF SOUTHERN JUNCTION

NKRCC also averred in its statement that there was no attempt to examine or assess any other AWPR / A90 junction to the South (supposing that there was in fact a need for a Fast Link at all).

During the Inquiry we heard **no evidence** led from Transport Scotland to show that there was a need for the junction to be at Stonehaven. Certainly – as stated above – the evidence of traffic volume does not justify it.

There was merely an assertion from counsel for Transport Scotland that Stonehaven was the desired location, and even the revised Objectives of Dec 2005 gave no indication that consideration would be given to alternative junctions, nor did they specify that the termination of the Fast Link should be at Stonehaven.

It seems to us that, in these circumstances, a STAG should have been undertaken to demonstrate the need for Stonehaven, or indeed to show that it was possibly inferior to other potential junctions.

Therefore NKRCC reiterates its statement that due, legal process should have been followed to examine other junctions than Stonehaven for Fast Link / A90. Such junctions would, incontestably, have been shorter, cost less and destroyed a smaller acreage of productive farmland.

DEVELOPMENT PLAN

NKRCC stated that the proposed route of the AWPR was not specifically, or in any detailed manner, endorsed or supported by the DP. Whilst Mr Smith, for the promoters, agreed with that broad conclusion, he said that there could be claimed an ‘opt-out’ in the form of over-riding public interest.

Once again that was merely an assertion on his part and he did not substantiate or give any evidence on the form that such interest might take. Little weight should therefore be given to that assertion.

CONCLUSION

With both the failure of process during consultation, unsubstantiated change of course thereafter, lack of adequate – or any - re-appraisal of all options and failure to justify the present route in any convincing manner, Transport Scotland cannot claim that the proposed AWPR represents the optimum solution to some or any of the North-East’s possible traffic problems.

We therefore respectfully submit that the AWPR, as at present proposed, be rejected and subjected to full, public scrutiny in order to arrive at, if not an ideal, then at least a much better solution to the transport difficulties in the Aberdeen area, most importantly one supported by clear evidence of its necessity, its superiority to the alternatives and one in which the residents of this area could have full confidence.