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Jeremy Wates
Secretary – Aarhus Convention
Economic Commission for Europe
Environment, Housing and Land Management Division
Bureau 332
Palais des Nations
CH-1211 Geneva 10
Switzerland

19 May 2010

Dear Jeremy,

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 email of 1 April 2010 enclosing documents submitted to the Committee by the Communicant. In addition to the documents requested by the Committee at the hearing on 17 March 2010, the Communicant has submitted a covering letter dated 31 March 2010 and paper written by Dr Hawkins.

The UK would like to respond to the new points which are raised in these documents. We would also like to respond to additional points included in the summary of the oral submissions made at the hearing on 17 March which were not made in the hearing itself.

Consultation on the Modern Transport System

The Communicant's letter of 31 March 2010 raises the issue of public consultation on the Modern Transport System (MTS). This point was dealt with in our written and oral submissions to the committee.

The Modern Transport System

The Modern Transport System (MTS) was endorsed by the Scottish Executive (now Scottish Government) in January 2003 and provided the transport strategy for North East Scotland up to 2011. It drew on the Local Transport Strategies developed by Aberdeen City Council and Aberdeenshire Council in 2000 and the Scottish Executive's Sustainable Transport Study for Aberdeen completed in 1998.

The MTS was developed using the Scottish Transport Appraisal Guidance (STAG) appraisal methodology (a framework to assess evidence based transport problems and opportunities). This determined that an integrated package of transport measures was the optimum approach to improve the economy accessibility and environment of the North East of Scotland. The AWPR is a critical element of this.

The integrated transport strategy for the North East of Scotland, the MTS, was subject to significant public consultation during its development. In relation to the AWPR, public consultations for the southern leg (then known as the western leg) were undertaken in the 1990's with consultations in respect to the Northern Leg in 2001 and 2003. As indicated in our written and oral submissions to the committee, various consultations on the AWPR have been undertaken since 2003.

In September and October 2000, the North East Scotland Economic Development Partnership (NESEDP) consulted the public on the future of transportation in the North East of Scotland. It sent 10,000 questionnaires to households in Aberdeenshire and Aberdeen and (via the Chamber of Commerce) to 1,650 businesses in the North East. The results confirmed that the development of a Modern Transport System was supported by 85% of households and 89% of businesses¹. The respondents were asked which transport improvements they supported. The following table sets out the results of the consultation:

	Businesses		Households	
	Rank	Yes?	Rank	Yes?
Developing new local rail services	1	86.0%	2	82.7%
Western Peripheral Route	2	84.7%	9	74.7%
Improve traffic management	3	83.7%	5	80.9%
Maintenance of roads, bridges and lighting	4	82.3%	1	84.5%
Managing car parks for shopping and visitors	5	81.3%	8	76.0%
Rail freight infrastructure	6	81.0%	7	77.0%
New bus services	7=	79.7%	4	81.1%
Review priorities for the movement of goods	7=	79.7%	10	73.5%
Improvements to existing roads	9	77.3%	6	80.1%
Better information on routes and fares	10	73.7%	3	81.2%
Public transport infrastructure	11	63.0%	11	65.1%
Greater pedestrianisation	12=	58.7%	12	64.8%
Cycle network	12=	58.7%	14	58.9%
Traffic calming	14	53.7%	13	63.2%
Car clubs	15	29.7%	15	35.6%

In addition, a series of facilitated workshops and stakeholder meetings took place throughout the development of the MTS. Questionnaires and other opportunities for members of the public to engage in the process were used.

The Modern Transport Strategy drew on the Local Transport Strategies developed by Aberdeen City Council and Aberdeenshire Council in 2000. These strategies were themselves the subject of a series of public consultation meetings held by each Council. The Strategies contained the following policies/proposals regarding the Western Peripheral Route as part of the MTS:

Aberdeenshire Council Local Transport Strategy 2000

¹ Aberdeenshire Council Local Transport Strategy, December 2000 (section 4.10)

TR2 *"The Council will propose to the Scottish Ministers that the Aberdeen Western Peripheral Route Scheme be added to the Strategic Roads Review."*

RR2 *"The Council will continue to investigate, in partnership with Aberdeen City, the provision of a Western Peripheral Route between the A90 south of Aberdeen and the A96, and from the A96 to the A90 north of Aberdeen."*

Aberdeen City Council Local Transport Strategy 2000

RNP1 *"The Council (in partnership through NESEDP) will campaign for the Scottish Executive to develop and construct a Western Peripheral Route, so creating a trunk road infrastructure in the north east which is adequate to serve the area and acts as a boost to economic development rather than as a constraint."*

RNT1 *"By 2010, to have in place a Western Peripheral Route around the City as a key element of the Transportation Strategy."*

In addition, the strength of public feeling in support of the proposal was demonstrated by a public petition in March 2001 asking the Scottish Executive for funding towards the implementing the MTS, including the AWPR project. The petition was organised by the local evening newspaper and Aberdeen City Council with support from Aberdeenshire Council and the North East Scotland Economic Development Partnership and attracted over 16,000 signatures..

It can therefore be seen that there was a significant amount of public consultation during the development of the MTS.

Freshwater Pearl Mussels

The documents submitted to the Committee by Ms Frances McCartney on 31 March 2010 included a short paper written by Dr Hawkins on behalf of Road Sense in relation to freshwater pearl mussels in the River Dee.

The UK Government does not want to overburden the Committee by replying in detail to this paper as this issue has been dealt with extensively in our written and oral submissions to the committee. However, it is reiterated that a full analysis of the likely effects of the AWPR on the freshwater pearl mussel population in the River Dee Special Area of Conservation (SAC) was undertaken and is presented in the Report to Inform an Appropriate Assessment (RIAA) (Jacobs, 2008) (link attached in our letter of 31 March 2010). Following consultation of Scottish Natural Heritage, it was concluded that, subject to appropriate mitigation, the construction and operation of the AWPR will not have an adverse impact on the conservation objectives for the qualifying species, including the freshwater pearl mussel. The Competent Authority, in this case the Scottish Ministers, have now undertaken an Appropriate Assessment which was endorsed by Scottish Natural Heritage, as the statutory nature conservation adviser to the Scottish Ministers. A copy of the Appropriate Assessment is available from the Scottish Government website at <http://www.scotland.gov.uk/Topics/Transport/Road/AWPR>.

The refusal to disclose the unredacted version of the report was justified under Article 4(4)(h) of the Convention as the freshwater pearl mussels populations are threatened and revealing their location would have placed them at risk of illegal fishing. Whilst the presence of juveniles demonstrates evidence of full life cycle completion, mature mussels (which contain the pearls) are required for spawning and are therefore necessary in order to consider a population viable.

I hope this additional information provides assistance to the committee.

Yours sincerely

A handwritten signature in dark ink, reading "J. M. Barton". The signature is written in a cursive style with a prominent initial "J" and a long, sweeping underline.

Jane Barton
UK National Focal Point

Cc Dr A D Hawkins