

PRESS RELEASE

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CAMPAIGNERS TO CHALLENGE MINISTERS' ABERDEEN BYPASS DECISION IN COURT

Campaigners from Road Sense, (1) the community campaign against the Aberdeen Western Peripheral Route (AWPR) (2) today announced that they have instructed their legal team to lodge a challenge to the lawfulness of Scottish Ministers' decision to approve the new road. (3)

The campaigners have identified a number of grounds for their legal challenge, including Scottish Ministers' decision to restrict the scope and remit of the AWPR Public Local Inquiry and violation of the European Habitats Directive. The campaigners will release more detailed information on their legal challenge once the relevant papers have been lodged with the Court of Session in Edinburgh.

William Walton, Chair of Road Sense, said: "The legal opinions that we have received confirm that we have substantial grounds on which to challenge the AWPR through the court process. Any challenge of Government can be uncertain, but we are confident that we have a very strong case to present."

"We have been forced into taking this action after years of being sidelined, stonewalled, ignored and misinformed. Scottish Ministers' decision to limited the scope and remit of the Public Local Inquiry into the AWPR made the inquiry nothing more than window dressing, and the concerns and arguments of the majority of the 10,000 objectors to the AWPR were never properly heard."

"The court process will be the first time that arguments about the means by which the route for the AWPR was identified, selected, appraised and approved will be heard. The court will be the first body to give a detached, dispassionate assessment of the legality of the AWPR as it is proposed. These things should have been heard at the Public Local Inquiry, but were placed outwith the scope and remit by Scottish Ministers."

"In a democratic country, the courts are the final check against abuse of power by public bodies and Government. Successive Scottish Ministers may now live to regret having been so heavy handed, unfair and unreasonable."

The Road Sense community campaigners remain confident of their case and believe that, if they are successful, Scottish Ministers will be required to examine their past conduct, reconsider the entire case for the proposed AWPR, and consider alternative, less expensive and more effective options to alleviate traffic congestion in and around Aberdeen and tackle the transport problems of the north east.

In challenging the lawfulness of Scottish Ministers' decision to approve the AWPR in the courts, the Road Sense campaigners are exposing themselves to significant risk and potential costs. The campaigners are currently exploring methods by which they might mitigate those risks and meet those costs.

Sheona Warnock from Road Sense added: "We feel that we have been forced to take this court action as the last opportunity for the public to receive honest and open information regarding the AWPR project, and answers to the many questions and concerns that still remain. We have been delighted with the tremendous support that we have received so far. There is clearly a great deal of opposition to the AWPR as it is currently planned.

"We are a community group with limited finances, so we are looking into options that might enable us to limit our financial exposure, reduce our overall risk and meet our court costs. We still have some way to go to get to the stage where we can be sure that any potential defeat in the courts will not cause us immense financial difficulty, but we cannot sit back and allow the AWPR to be built on a foundation of self interest, misinformation and poor judgement."

The Road Sense campaigners also currently have complaints against the AWPR and Scottish Ministers ongoing under the European Habitats Directive and Aarhus Convention. Both complaints are going through due process at present and decisions on these are expected in the next few months.

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Editors Notes:

1. Road Sense was formed in January 2006 and is a group that includes residents from across the Aberdeen area who are objecting to the AWPR as it is currently planned. More information on Road Sense can be found at: www.road-sense.org

2. More information on the AWPR can be found at: www.awpr.co.uk. More information on the AWPR Public Local inquiry can be found at www.awpr-pli.org

3. The court action will be by way of a statutory review under the Roads (Scotland) Act 1984. This is a type of court proceeding in which a judge reviews the lawfulness of a decision or action made by a public body. In other words, a statutory review is a challenge to the way in which a decision has been made, rather than the rights and wrongs of the conclusion reached.

4. Those wishing to donate to the Road Sense campaign can donate online at www.road-sense.org.