ELECTRICITY ACT 1989
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
Code of Practice for the conduct of Electricity Act Inquiries (DPEA).

TEALING TO KINTORE 400 KV OHL reference TRL-120-1
CLOSING SUBMISSION ON BEHALF OF NOTKUP, a 10,500 person THIRD PARTY OBJECTOR GROUP

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EXECUTIVE SUMMARY

This is the closing submission of NOTKUP, an objector group of some 10,500 people. It opposes SSEN Transmission's application for consent for a new 400 kV double circuit overhead line between Tealing and Kintore. NOTKUP asks the Reporters to recommend refusal.

NOTKUP does not challenge the energy transition or the national priority given to renewable energy. Its case is that support for infrastructure does not exempt a project from scrutiny of its need, route, environmental impact, safety and local harm.

The law. Schedule 9 to the Electricity Act 1989 requires the decision-maker to have regard to the desirability of preserving natural beauty, wildlife and heritage, and to do what it reasonably can to mitigate harm. NOTKUP says this is a precondition to lawful consent, and the Applicant has only *asserted* compliance. National Development status and Ofgem's ASTI approval support the principle of grid reinforcement, but neither grants nor assumes consent.

Need. The national system operator identified a broad need for more capacity, mainly by upgrading existing lines. It did not choose this route or this technology. Ofgem's approval

related to rebuilding the existing line, not a new one. Demand assumptions have weakened, offshore wind timetables have slipped, and the line appears designed for far more capacity than it will use. NOTKUP's evidence on these points was not challenged.

Consultation. Consultation by the Applicants has been inadequate, misleading, too short and unreceptive.

Alternatives. Overhead lines were chosen on cost at the outset, before any environmental assessment or consultation. Underground HVDC, upgrading existing lines and offshore co-ordination were either dismissed on general assumptions or not assessed at all.

Environmental, heritage and community harm. The Applicant admits significant adverse effects on the landscape, on the settings of eight Scheduled Monuments and on three airfields, as well as the loss of ancient woodland. NOTKUP says the assessment understates the harm to homes. It identifies some 35 properties where the residential amenity threshold may be breached, compared with none in the Applicant's case.

Safety and health and MAH. The line crosses major gas pipelines 17 times. The Applicant accepts that it has not assessed the risk of ignition. The clearances under the line are too low for much modern farm machinery. Human health, including mental health, was left out of the assessment, and no Health Impact Assessment has been carried out.

Other matters. The claimed economic benefits are gross, temporary and mostly felt outside the affected corridor, while losses to property values and tourism are ignored. Construction traffic would have major effects on rural roads. The Applicant has not dealt properly with any finding of crashed military aircraft remains along the route.

Outcome sought. NOTKUP asks for consent to be refused. In the alternative, it asks that further information be obtained and specific conditions imposed.

1 Introduction and Recommendation

1-1 This is NOTKUP's closing submission. NOTKUP is a combined 'umbrella' objector group formed from three other action groups.[1] Some 10,450 people objected in one form or another to the proposed development. Hundreds have participated in the correspondence, application and examination-at-inquiry processes in relation to the proposal since its first public announcement. NOTKUP has brought together and consolidated group and local objectors to the scheme.

1-2 **The Reporters are respectfully invited to recommend refusal of this application and of the application for deemed planning permission.**

1-3 The national priority attached to renewable generation is not in dispute. But this application is for a pylon line, not a generation project. Its urgency and capacity have not

[1] Deeside Against Pylons (DAP), Stop Tealing Industrialisation Group (STIG), and Angus Pylon Action Group (APAG).

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been proven, and ASTI inclusion does not establish either. To have purpose, electric power must be taken from an existing, or potential, but realistically identifiable source to an identifiable point of need; the law imposes further requirements on infrastructure of this significance.

1-4 Climate objectives and the Nature Crisis are of course important, but this Examination concerns only the Tealing to Kintore Upgrade Proposal brought forward by SSEN, a shareholder-owned public utility. NOTKUP does not challenge the energy transition, nor politically driven priorities. It asks that the adopted legal framework be applied logically: support for necessary infrastructure is not immunity from scrutiny of need, route, environmental impact, safety, agricultural reality or local harm.

1-5 On the evidence, this application fails the tests set by the legislative, policy and guidance frameworks. It should be refused.

2 The Statutory Basis for the Decision

2-1 The overarching statutory framework for this Public Examination (otherwise, Public Inquiry) is the Electricity Act 1989 (**EA89**), s. 37 and Schs 8 and 9.

2-2 SSEN Transmission (**the Applicant**) has applied under s. 37 for consent to construct and operate a new double circuit 400 kV overhead line between Tealing and Kintore (**TKUP**, or **the Proposal**), together with a request that Ministers direct that deemed planning permission be granted under the Town and Country Planning (Scotland) Act 1997 (**TCPSA97**), s. 57(2).

2-3 TCPSA97, s. 57(2) does not import the primacy of the Development Plan established by s. 25. *Wm. Grant Distillers v Scottish Ministers [2012] CSOH 98* establishes that s. 25 does not apply to a direction for deemed planning permission under s. 57(2). The statutory Development Plan is therefore a material consideration; it is not determinative and does not dictate the outcome.

2-4 The Scottish Ministers must determine the application in compliance with EA89 s. 37 and Schs 8 and 9. EA89 is a UK-wide statute, and energy is a Reserved Matter under the Scotland Act 1998. Environmental Impact Assessment (**EIA**) law began life as an EU Directive and, through several iterations, has been retained across the UK post-Brexit; in Scotland, the Town & Country Planning (Electricity Works) (EIA) (Scotland) Regulations 2017 ("the 2017 Regulations") apply. The Aberdeenshire and Angus Local Development Plans, NPF4 and UK national energy policy are all important material considerations. None displaces the fundamental requirement to demonstrate compliance with EA89 Sch. 9.

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2-5 The Schedule 9 Duties: The Legal Threshold

2-6 EA89, Sch. 9 imposes mandatory duties. The Ministers must **have regard** to *"the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest."*

2-7 'Having regard to the desirability of preserving': a substantive obligation

2-8 Paragraph 3 of Sch 9 is headed "***Preservation*** *of amenity and fisheries: Scotland"*. Its focus is preservation.

2-9 Under Sch 9, para 3(1), a licence holder formulating proposals, *and* under para 3(2), the Scottish Ministers (**SM**) in deciding on them, are each subject first and foremost to the duty to ***"have regard to the desirability of preserving"*** the matters listed above.
2-10 NOTKUP submits that, properly interpreted, this is a substantive, legally significant obligation requiring the reasoned weighing of preservation objectives. It is not, as is sometimes suggested, an easily ignored nod towards a vague aspiration. The decision-maker must carefully weigh the preservation of natural beauty, of flora, fauna and geological or physiographical features, and of heritage in the overall balance. Compliance cannot simply be asserted; it must be demonstrated.

2-11 The EIAR (Chapter 9, para 9.5.1) asserts compliance with EA89 Sch 9 and refers to the development of "additional principles" (para 9.5.4).

2-12 The Applicant's experienced planning and energy policy witness, David Bell Planning (**DBP**),[2] likewise offers only the barest assertion of compliance with Sch 9 and its mitigation duty, without analysis or justification. That is inadequate. It amounts to a failure to consider the application of the Schedule's tests, and it should be fatal: if the Applicant cannot show adherence to Sch 9, the application falls at the first fence. The Reporters are invited so to find.

2-13 *"Preservation*" in this context logically implies conservation and protection — not diminution or destruction, even where other policy aims conflict. Tension between policies is inevitable in infrastructure planning, and not all policies can be reconciled. But if the decision-maker does not consider, evaluate and explain these desirability objectives in an intelligible, reasoned way, Sch 9 has not been complied with, and s. 37 consent could not properly be recommended or granted. Parliament must have intended its words to carry meaning and weight, or it would not have used them.

[2] David Bell Planning 'Kintore to Tealing 400kv Connection', August 2025, para 1.4.3, 1.4.6-1.4.9, 1.4.14,

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2-14 Mitigation

2-15 Sch 9, para 3 has a second limb. It requires the licence holder *and* SM to "***do what he [they] reasonably can to mitigate*** *any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects*." That is a test of reasonableness, not of technical possibility or economic optimisation, and its focus is the reduction, lessening or avoidance of impacts.

2-16 The best form of mitigation is intelligent site selection appropriate to the type of development proposed. It is beyond argument that the route of this Proposal has been driven by landowner choice and other commercial considerations, not by any significant effort to consider mitigation as Sch 9, para 3(1)(b) envisages. The 'least-worst' route is not mitigation.

2-17 Nor is it enough to shift pylons in an iterative *"design process"* and dress the result up as "*embedded mitigation"*, a phrase the Applicant uses but which has no real meaning. The route corridor has been poorly chosen, producing a cascade of predictable significant adverse cultural, landscape, visual, societal, residential and other impacts which, on these sites, cannot be moderated to acceptability. Successive rearrangements of the line to reach a 'least worst' result are not mitigation; they are the rearrangement of deckchairs on a fated landscape.

2-18 The Scottish Ministers must consider, and give reasons on, whether the Applicant has demonstrated compliance with its duties under Sch 9, para 3(1). This is not a discretionary matter to be weighed in the planning balance; it is a statutory precondition to the lawful exercise of the power to grant consent.

2-19 The Role of the Reporters and Ministers

2-20 The Reporters must inquire into the application and report to Ministers with a recommendation. They are not bound to accept claims of need, policy support or regulatory approval at face value; they must test the evidence and determine whether the Applicant has discharged its statutory and evidential burdens. Ministers may grant consent only if the statutory tests are met, and any departure from a recommendation of refusal or non-compliance would require cogent justification.

2-21 The Limits of Ofgem Approval and the ASTI Framework

2-22 The Applicant relies heavily on Ofgem's inclusion of TKUP within the ASTI framework as acceptance of the needs case (addressed *in* detail *in the* Need and Policy chapter below). From it, the Applicant infers "*a clear expectation from Government and the energy regulator, Ofgem, that this project will be delivered by 2030."* That is disingenuous; saying so does not make it so.

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2-23 Ofgem's function is to assess economic and technical need from a transmission system perspective. It is not to conduct the planning and environmental assessment that Parliament has assigned to the Scottish Ministers under s. 37. Neither Ofgem sanction nor politically driven ASTI approval can substitute for this inquiry or discharge the Applicant's burden of demonstrating compliance with the mandatory content of Sch 9, the Development Plan (including NPF4) and other material considerations.

2-24 Ministers themselves acknowledged that distinction in the Kendoon to Tongland decision, considered below. ASTI approval does not establish need; it accelerates a process that would occur anyway. It certainly does not establish that this route, this alignment and this design satisfy planning and environmental requirements.

2-25 National Development Status: Principle, Not Permission

2-26 The Applicant emphasises that the Proposal is a National Development under NPF4 ND3, described as "*significant developments of national importance that will help to deliver the spatial strategy"*, whose *designation "means that the principle for development does not need to be agreed in later consenting processes."*

2-27 But National Development status regulates applications for planning permission, and this is an application under EA89. Whatever status ND3 confers, it grants neither s. 37 consent nor planning permission. As NPF4 itself confirms: "*National development status does not grant planning permission for the development and all relevant consents are required*." The politically driven imperative that transmission infrastructure is needed nationally does not determine whether this overhead line, at this location and in this form, satisfies the statutory tests and policy requirements.

2-28 The Policy Framework: Support in Principle, Compliance in Practice

2-29 The Planning Statement invokes an extensive hierarchy of support, from the Paris Agreement and IPCC reports through UK and Scottish energy policy and NPF4. Those instruments support renewable energy and the infrastructure needed to deliver it, but they do not resolve whether this project, at this location and in this form, complies with the law and policy.

2-30 NOTKUP accepts that Scotland needs investment in transmission and that NPF4 Policy 1 gives significant weight to proposals addressing the climate emergency. The question is whether the Applicant has demonstrated compliance for this development, at this location and with this design.

2-31 Policy support is not a trump card. NPF4 Policy 11(e) does not say that transmission proposals will be approved whatever their impacts. It requires that "*project design and mitigation will demonstrate how the following impacts are addressed"*, and lists communities, landscape, visual impact, historic environment, biodiversity and other matters. The word "*demonstrate*" imposes an evidential burden. It is not met by reciting policy; it

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requires place-specific analysis of how the tests apply to the actual places and receptors affected.

2-32 The Development Plan: NPF4 and the Local Development Plans

2-33 The statutory Development Plan comprises NPF4, the Angus Local Development Plan (2016) and the Aberdeenshire Local Development Plan (2023). Where NPF4 and a Local Development Plan conflict, the later in date prevails. The Planning Statement acknowledges non-conformity in respect of ancient woodland (NPF4 Policy 6) and recreational airfields (ABLDP Policy PR2). Tellingly, it acknowledges no non-conformity in respect of impacts on communities and residences.

2-34 The Applicant asserts that the Proposal "*accords with NPF4 when read as a whole*" and that any conflicts are outweighed by benefits. But its method of weighing policy against policy, and policy against site-specific harm, is opaque. There is no transparent weighting matrix showing how NPF4 and LDP policies were balanced against the magnitude of predicted harm to particular receptors.

2-35 Conclusion: The Burden and the Standard

2-36 Throughout, the burden rests on the Applicant to demonstrate that the statutory and other tests are met and that the Proposal accords with the Development Plan, or that material considerations justify a departure from it. Reciting policy at the level of generality found in Mr Bell's Planning Statement does not discharge that burden. Policy is cited, but the bridge from policy to the lived landscape, heritage and social effects is simply missing.

2-37 NOTKUP respectfully submits that the Reporters should recommend refusal, because the Applicant has not demonstrated compliance with s. 37 and Sch 9 of EA89, has not demonstrated that the Proposal accords with the Development Plan when properly tested, and has not provided the receptor-specific analysis needed to justify the planning balance it asserts.

3 NEED AND POLICY

3-1 INTRODUCTION

3-2 This chapter responds to the Applicant's case that there is an established need for the proposed overhead line (**the** OHL) forming part of TKUP, and that the OHL is supported by national and local planning policy.

3-3 The Applicant's Need case is set out in the EIAR, Volume 1, Chapter 2, "Established Need for the Proposed Development" (**the** EIAR Need Chapter). Its planning policy case is set out in the Planning Statement prepared by David Bell Planning Ltd (**the** Planning Statement). This chapter addresses both.

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3-4 The question for the Reporters is whether this project, in this form, on this route and using this technology, has been shown to be necessary, proportionate and the best available solution. NOTKUP submits that it has not.

3-5 There was no oral hearing session on Need. The evidence of Mr Brian Wade on behalf of NOTKUP (**the Wade Paper**) was therefore never challenged in cross-examination. Its central propositions, many of which rest on the Applicant's own documents and on written admissions by the National Energy System Operator (**NESO**, formerly National Grid ESO), remain unanswered. For the reasons given under 'Weight of the Evidence' below, it should be given substantial weight.

3-6 This chapter addresses, in turn: the Applicant's case, including the Planning Statement; a critique of each element of that case; the community evidence on Need; the weight to be given to the evidence; and conclusions.

3-7 THE APPLICANT'S CASE ON NEED

3-8 The EIAR Need Chapter presents need as "established" through an accelerated programme (the ASTI Guidance); national planning policy and through a technical and economic need confirmed by the system planning and regulatory regimes (section 2.3). At paragraph 2.3.2 it asserts that *"the need for the development has been carefully assessed and established as part of those regimes."* Its key pillars are summarised below.

3-9 National Development Status

3-10 The Applicant says that the OHL falls within National Development 3 (**ND3**) of National Planning Framework 4, "Strategic Renewable Electricity Generation and Transmission Infrastructure", as a Class 3(b) development: a new onshore high voltage transmission line above 132 kV (EIAR Need Chapter, paragraphs 2.2.3 to 2.2.5). It relies on the statement, addressed above, that designation *"means that the principle of development does not need to be agreed in later consenting processes."*

3-11 NPF4 Policy 11

3-12 The Applicant identifies NPF4 Policy 11 (Energy) as the lead policy for grid transmission development (paragraph 2.2.6). It relies on the policy's support for *"enabling works, such as grid transmission and distribution infrastructure"* (paragraph 2.2.7).

3-13 Policy Support for Renewable Energy

3-14 The Applicant asserts that the OHL is consistent with wider Scottish Government energy and climate change policy (paragraph 2.2.8). It notes that in April 2024 the Scottish Government announced that the interim target of a 75% reduction in emissions by 2030

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would not be achievable, and presents this as reinforcing the urgency of new infrastructure (paragraph 2.2.9).

3-15 Technical and Economic Need

3-16 The Applicant relies on the system planning work of NESO: the 'Pathway to 2030' Holistic Network Design ("HND") published in July 2022; the Network Options Assessment Refresh ("NOA Refresh"), also of July 2022, which it says confirmed the need for onshore infrastructure to support around 11 GW of ScotWind generation by 2030; and the 2024 Beyond 2030 report (the HND Follow Up Exercise, or "HND FUE"), which it says confirmed the reinforcements identified in 2022 (paragraphs 2.3.3 to 2.3.6). The EIAR Need Chapter reproduces a map presented as Figure 1 of 'Beyond 2030'.

3-17 Ofgem Regulatory Approval

3-18 The Applicant also relies on Ofgem's Accelerated Strategic Transmission Investment framework ("ASTI"), established to approve and fund the transmission projects needed for 2030 (paragraphs 2.3.7 to 2.3.9). It cites Ofgem's statement that *"by including projects within the list of ASTI projects, we are accepting the needs case for these projects in terms of the technical capabilities reflected in the HND/NOA Refresh."*

3-19 Licence Duties

3-20 Finally, the Applicant refers to its duty under the Electricity Act 1989, s.9, as a transmission licence holder, to develop and maintain an efficient, co-ordinated and economical system (paragraph 2.3.13), and to Ofgem's role in ensuring that only efficient costs are passed to consumers (paragraph 2.3.14).

3-21 Taken together, the Applicant invites the Reporters to treat Need as settled: decided by national policy, confirmed by the system operator and approved by the regulator. Each of those premises is flawed.

3-22 The Planning Statement

3-23 The Planning Statement, a 120-page document dated August 2025, goes well beyond the EIAR Need Chapter. It appraises the OHL against NPF4 (including Policies 1, 3, 4, 5, 6, 7, 11 and 22), the Angus and Aberdeenshire Local Development Plans and the wider renewable energy policy framework.

3-24 Its central thesis is simple: the OHL is a National Development; Policies 1 and 11 direct significant weight in its favour; and any adverse effects are outweighed in the planning balance. At paragraph 5.12.2 it identifies Policy 11 as the lead policy, citing paragraph 99 of the Kendoon to Tongland decision (**KTR**). It is no criticism of Mr Bell that he does not note that KTR was (1) a Ministerial decision taken contrary to a firm recommendation to refuse;

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(2) the subject of a judicial review in the Court of Session, which failed; (3) the subject of an appeal from the decision of the Lord Ordinary; and (4) awaiting a hearing date.

3-25 The Planning Statement also relies heavily on recent Ministerial decisions as precedent: principally KTR, Creag Dhubh to Dalmally and the Skye Reinforcement. Those precedents are addressed below.

3-26 Of particular significance, the Planning Statement invites the decision-maker not to look behind NESO's and Ofgem's endorsement of the project. At paragraph 7.2.3 it quotes paragraph 61 of KTR, where Ministers stated that *"the technical and economic justification as considered…goes beyond what Scottish Ministers require to consider, in examining the roles of the system operator and the authority, and the decisions or assessments made by them in undertaking these roles."*

3-27 NOTKUP submits that this is precisely the scrutiny the evidence in this case demands. Taking the Need case on trust is the wrong approach where the evidence base has fundamentally changed and the project before the Reporters and Ministers differs materially from what the system operator and regulator assessed. Deference to NESO and Ofgem is appropriate only where they have assessed the proposal actually before the decision-maker, and their evidence has been tested. Neither condition is met here.

3-28 CRITIQUE OF THE APPLICANT'S CASE

3-29 National Development status does not establish specific need

3-30 The Applicant treats ND3 designation as settling the need for this particular line. It does not. As Mr Wade points out, NPF4 Annex B is intentionally high level. It describes a category of nationally important development across the whole of Scotland. It does not identify the Kintore to Tealing OHL, its route, its capacity or its technology.

3-31 That the principle of a category of development need not be re-argued does not relieve an Applicant of the obligation to justify its specific proposal. As the Wade Paper puts it, *"National development status does not give carte blanche consent for any badly designed, harmful or inappropriate development."*

3-32 NOTKUP accepts that the principle of transmission reinforcement need not be agreed afresh. What must still be demonstrated is the specific need for a brand-new 400 kV overhead line of this scale on this corridor. That is precisely what the Applicant has failed to show.

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3-33 NPF4 Policy 11 does not grant automatic consent

3-34 Policy 11 encourages, promotes and facilitates renewable energy and its enabling infrastructure. It does not direct that every such proposal be consented. Support in principle is not a guarantee of consent.

3-35 Policy 11 also carries its own requirements, including consideration of whether connections can be placed underground where possible, and an expectation that proposals maximise net economic and social benefit. The EIAR Need Chapter quotes the supportive parts of the policy but does not engage with these more demanding requirements. SSEN has not shown that undergrounding was properly considered, nor how the OHL maximises net socio-economic benefit for the communities affected. There is no evidence of engagement with the Treasury Green Book rules. A proposal that does not meet the terms of the policy on which it relies cannot claim the full benefit of that policy.

3-36 At paragraph 5.12.5 the Planning Statement argues that *"any identified impacts have to be weighed against a development's specific contribution to meeting targets — which attracts significant positive weight."*

3-37 NOTKUP accepts that Policy 11 directs significant weight to a proposal's contribution to renewable energy and emissions reduction targets. But that weight is not fixed or automatic. It depends on the strength and credibility of the Need case: a contribution to targets is only as valuable as the evidence that this particular project is needed to make it. If the Need case is materially weaker than the Applicant presents, as NOTKUP says it is, the weight on that side of the balance is correspondingly diminished.

3-38 The Planning Statement's treatment of undergrounding is telling. In only a few paragraphs (5.5.129 to 5.5.131) it asserts that *"the practical application of 400 kV underground cabling was not considered to be a reasonable alternative technology at any stage"* and that *"overhead lines are the main choice for projects of this scale."*

3-39 That is a revealing admission. Policy 11's express requirement to consider underground connections where possible was never genuinely engaged with: it was dismissed at the outset, not considered and rejected on the evidence. A requirement to consider an option is not met by a decision never to consider it. The Applicant’s arguments against undergrounding are focused on 400kV AC circuits. As identified in the Wade Paper, the optimum technology for long distance transmission of high voltage, high current electricity is usually High Voltage Direct Current (HVDC), a technology which has much lower transmission energy losses, higher reliability and lower environmental and community impacts. HVDC is used extensively in Europe and around the world, and by the Applicants themselves. The Applicants have failed to demonstrate a genuine holistic consideration of underground connections. Ofgem, NESO and DESNZ have all confirmed that technology choices are the responsibility of the Transmission Operator designing the project. There is

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also a failure in the Applicant's documentation to holistically consider the economic and environmental advantages of undergrounding connections from the North of Scotland and Shetland with the Scottish border and beyond. If the need for the project is to be considered, it should be within the broader context of the need for similar projects connecting Thurso with Beauly, Keith, Kintore, Tealing, and beyond.

3-40 Supply and demand assumptions have shifted

3-41 The claimed urgency and scale of need rest on forecasts of future supply and demand which, as the Wade Paper demonstrates, have not held up. Scotland generated 51.8 TWh in 2024 against a peak demand in the high 30s: it already generates more electricity than it uses. The case for TKUP does not rest on a rise in Scotland's electricity demand, which has in fact fallen over the long term. The Applicant's main justification has always been to move large volumes of projected future generation, especially offshore wind, through the transmission network.

3-42 On demand, the NESO future energy scenarios on which the 2030 network design was based assumed 600,000 heat pump installations a year. In 2024 only around 60,000 were installed — a 90% shortfall. The delay to the ban on new petrol and diesel cars will similarly slow demand growth from electric vehicles. Lower demand means less need for new transmission capacity, and less urgency.

3-43 On supply, the Wade Paper records that major offshore wind developers have retreated. BP, Shell and Equinor have scaled back their renewables ambitions; Ocean Winds, Ørsted and BlueFloat Energy have withdrawn from projects; even SSE Renewables is reported to have frozen hiring and to be planning redundancies. One of the eight projects given licences under the INTOG programme was cancelled within 8 months. Against that background, the ScotWind and INTOG leases underpinning the 37 GW figure are unlikely to be operational by 2030, given supply chain and financial pressures. Within the British Energy Security Strategy and HND Pathway to 2030, both published in 2022, a total UK-wide offshore capacity was predicted, with 11GW coming from Scottish waters. After the unilateral and unplanned granting of ~32GW of capacity with ScotWind and ~5GW of capacity with INTOG there was a knee-jerk panic reaction by ESO and Ofgem. From this chaos the previously rejected TKUP plan was dusted off and given the green light without any strategic environmental or community impact assessment being made. It is now clear that the 37GW figure will not be realised, however the badly planned TKUP project is still presented to the Reporters and the Ministers as urgent and critical. Projects such as the Ossian field, which, logically and sensibly, was supposed to transmit output direct to the east of England, has had its connection point moved to Aberdeenshire or Angus. The question has to be asked whether this is gerrymandering to justify an unnecessary project. Is the planned version of TKUP with 6GW of capacity already surplus to Scotland's needs but essential for SSEN's profit and loss account?

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3-44 The EIAR Need Chapter itself acknowledges that the Scottish Government has abandoned its 2030 interim emissions target. That points the other way from the Applicant's argument: the 2030 timetable around which the HND was built has slipped, and the evidence shows it to be unrealistic. That fundamentally undermines both the urgency and the scale of the claimed need, and removes any justification for foreclosing the statutory requirement for proper consideration of alternatives in the name of speed.

3-45 NESO did not prescribe this specific project

3-46 The heart of the Applicant's case is that the OHL was identified and required by the national system operator. The system operator's own written evidence shows otherwise.

3-47 In its response of 22 May 2024 to Mr Wade's request under the Environmental Information Regulations (**the** ESO EIR Response), the system operator explained that it considered options *"from an engineering benefit and needs point of view rather than from a perspective of how an option would be built as this is a matter for the Transmission Owner and the planning processes."* Projects were considered *"in terms of a requirement from a start point to an end point, not a specific route."*

3-48 The ESO EIR Response goes further. It states: *"We do not exhaustively create or review design and build options for every component of any particular project. Network infrastructure technology decisions are the responsibility of the Transmission Owners."* It confirms that it is during the detailed network design phase, carried out by the Transmission Owner, that *"decisions upon routes and technology choices are made and/or refined."* And it records that *"Alternative designs were not considered by ESO as this sits with the Transmission Owner at the planning stage."*

3-49 In other words, NESO identified a broad need for more transfer capacity between regions. It did not prescribe this technology, this route or a new line of pylons. Those choices are SSEN's own, and SSEN must justify them on their merits.

3-50 Moreover, the project which the system operator did assess was materially different. The Wade Paper explains that the Pathway to 2030 HND specified the uprating of existing lines and substation upgrades. As Mr Wade observes, *"There is simply no mention of a new 400 kV line from Kintore to Tealing."* In January 2024, in response to an EIR request from Echt and Skene Community Council, NESO stated that *"The major part of the TKUP works is to upgrade existing infrastructure from 275kV to 400 kV operation."* It appears that even NESO was unaware of SSEN's plan for an entirely new overhead line in a different corridor.

3-51 The Applicant's characterisation of the OHL as mandated by national system planning is therefore, with respect, misleading. The system operator recommended reinforcement, largely by upgrading capacity by the removal and replacement of existing assets. SSEN *instead* proposes a new 400 kV overhead line through new countryside and retention of the

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existing towers and conductors. Within the Clean Power 2030 publication, the system operator says: *"Having a clear plan for clean power allows for considering the environment holistically across the programme, making choices that collectively minimise potential negative impacts to the environment and communities and can support solutions that are positive for nature overall.*

The proposed plans in this report minimise new onshore infrastructure. We are prioritising reinforcement of existing infrastructure and have identified some marine cabling by 2030. This was a core part of the network plans that form the basis for proposals in this report: those plans consider ways to maximise and upgrade the existing network first and only once this reaches a limit are new lines considered. Strengthened engagement between developers, local authorities and communities is vital for building trust, addressing community concerns and incorporating them into network plans to minimise overall impact on local people."

This was exactly what the original plan given ASTI status represented. How did it morph into a separate line, following a different corridor, with new large scale environmental, community and safety impacts?

3-52 Map discrepancies and misleading representations

3-53 The EIAR Need Chapter reproduces, at paragraph 2.3.5, a map captioned as Figure 1 of NESO's Beyond 2030 report. The Wade Paper identifies that the map presented by SSEN does not correspond to the actual Figure 1 in Beyond 2030. The genuine figure does not show the new infrastructure that SSEN claims it shows. SSEN's version also carries a date error: the caption refers to the "Pathway to **2023** HND" rather than the Pathway to **2030**.

3-54 This is not a trivial point of presentation. The map is offered as independent confirmation by the system operator of the infrastructure SSEN now proposes. If it does not reflect the system operator's own published figure, the visual evidence on which the Reporters and the public were invited to rely is unreliable. The Applicant has offered no explanation. The Reporters are respectfully invited to place no weight on it.

3-55 The ASTI framework accepted a different project

3-56 Ofgem's acceptance of the needs case was carefully limited to *"the technical capabilities reflected in the HND/NOA Refresh"*. As shown above, the HND and NOA Refresh described the upgrading of existing infrastructure.

3-57 The Wade Paper records that the project description used by Ofgem in its ASTI decision was for *rebuilding* the existing Kintore to Tealing OHL, not constructing a new one. There was no mention in the original NOA submission of new substations at Fiddes or Hurlie. The project now before the Reporters therefore bears little resemblance to what Ofgem

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assessed. Regulatory acceptance of one project cannot be transferred to a fundamentally different one.

3-58 In any event, Ofgem's role is economic regulation: to ensure that only efficient costs are passed to consumers. It is not a planning authority, and ASTI approval is no substitute for the planning balance the Reporters must strike. Ofgem itself, in its July 2025 letter to NESO and the Transmission Owners, stated: *"We expect NESO and TOs to work together, fully considering environmental and community impacts at the design stage."* It added: *"It does not mean that we will always approve the lowest cost option. We recognise there are long-term benefits and community considerations."* That is the very scrutiny which has been absent here.

3-59 Failure to assess alternatives and over-engineering

3-60 The Wade Paper shows that the OHL is designed for 100% of the nameplate capacity of the generation it is to serve — around 6 GW — even though offshore wind typically operates at around a 50% load factor. SSEN has acknowledged that the line would likely operate at around 3 GW. The original upgrade proposal would have added some 5 to 6 GW of peak transmission capacity in total; SSEN's proposal, combining a retained existing line with a new 6 GW line, takes the corridor to something in the region of 11 GW. No explanation has been given for that jump, and no cheaper option — such as upgrading the existing circuits as originally envisaged — has been properly explored.

3-61 Nor has there been any transparent comparison with alternatives such as subsea HVDC, underground HVDC, or the upgrading of existing circuits. The Institution of Engineering and Technology ("IET") report on transmission costs, relied on as supporting overhead HVAC, compares technologies over distances of up to 75 km. It recognises that it does not account for negative socio-economic impacts. TKUP, even as a standalone project, is over 100 km long. The comparison therefore does not support the choice of overhead HVAC for a route of this length.

3-62 International practice points the same way. Germany and the Netherlands, among others, favour underground and subsea solutions for major new transmission routes. SSEN has not explained why lower-impact approaches adopted elsewhere in Europe are unsuitable here.

3-63 Absence of environmental and community assessment at system planning stage

3-64 The Applicant says need has been "carefully assessed". The ESO EIR Response shows what that assessment did not include. The system operator stated: *"Environmental and community impact assessments are part of the current methodology, but not the one that applied at the time that TKUP was considered."*

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3-65 The ESO EIR Response records that TKUP was first submitted in the NOA 2019/20 cycle (published January 2020), was reassessed in NOA 2021/22 as "Optimal" but not "Critical", and received an "HND Essential" signal in the NOA 2021/22 Refresh after the allocation of licences for up to 37GW of offshore wind capacity, unilaterally granted by the Scottish Government. Throughout that period the Environmental Sub Group did not exist; when it was established, only offshore projects initially fell within its scope. The system operator confirmed that *"Consultations with ESG and an independent consultant (RPS) are now part of the established methodology but the consideration of TKUP (under HND) predates this methodology."* It also confirmed that no ~~GIS~~ digital graphics environmental data was used in its appraisal of TKUP; such data was used *"purely for graphics/illustration"*.

3-66 The system operator's cost-benefit analysis compared the cost of building an option against the cost of managing constraints without it. In its own words, *"ESO does not apply monetary values to environmental and community impacts."* It also confirmed that no other options were submitted by interested persons for the Angus–Aberdeenshire corridor.

3-67 The result is stark. No independent environmental or community assessment was carried out at the strategic level. The Applicants defend the absence of a Strategic Environmental Assessment (Environmental Assessment (Scotland) Act 2005) and a plan level Habitats Regulations Assessment (The Conservation (Natural Habitats, &c.) Regulations 1994) on the basis that TKUP is a project, not a plan or programme. This conclusion has not been tested before a Court. Even if the ‘project rather than plan’ argument is accepted, the question remains of whether the combination of multiple ‘projects’ to transmit power across the length of Scotland into England over several transmission boundaries and the operating areas of three different Transmission Operators is a plan or a programme.

3-68 Financial conflicts of interest

3-69 SSEN's wider group holds both generation and transmission assets. It therefore has a commercial interest in building additional transmission infrastructure. The Wade Paper notes that SSEN is seeking guaranteed returns on its transmission assets of up to 10%, funded through consumer bills. NOTKUP does not suggest impropriety; but where the body proposing a project also stands to profit from its scale, its assertions of need call for rigorous and independent scrutiny, not deference.

3-70 The Wade Paper also notes that the existing Kintore to Tealing infrastructure is used for SSEN's NEOS data transmission business, and that this is not mentioned in the EIA or the application documents. It raises the legitimate question whether commercial considerations influenced the decision not to demolish and rebuild the existing line, as originally described in the ASTI determination, in favour of a new line in a new corridor. The Applicant has not addressed this question.

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3-71 The salami-slicing approach

3-72 SSEN is taking forward its network reinforcements as some 21 separate local projects, rather than as a single strategic scheme. This approach avoids any strategic, holistic assessment of the environmental and socio-economic effects of transmitting power from the north-east of Scotland to demand centres in the south, and of the alternatives for doing so.

3-73 The Wade Paper refers to the recent *Raeshaw Farms* Opinion,[3] which confirms the obvious: it is not acceptable to split a large project into separate sub-projects so as to avoid environmental assessment of its cumulative effects. Viewed holistically, the transmission of around 6 GW from the north-east of Scotland would plainly invite consideration of subsea or underground HVDC alternatives. By presenting TKUP in isolation, SSEN has made those alternatives appear less relevant than they are. The Reporters are invited to treat their approach with considerable caution.

3-74 The Policy 11 balancing exercise and admitted significant effects

3-75 Policy 11(e) lists thirteen categories of impact which must be addressed. Its concluding text provides: *"In considering these impacts, significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets."* That is the balance on which the Planning Statement relies.

3-76 The Planning Statement itself admits, at paragraph 5.12.4, a number of significant adverse effects which remain after mitigation. These include: **significant localised landscape and visual effects** across the 119 km route; **significant adverse effects on the settings of eight Scheduled Monuments**; **significant adverse effects on three recreational airfields**; and the **loss of 49.38 ha of woodland, including 0.19 ha of ancient woodland**.

3-77 At paragraph 5.12.3 the Planning Statement describes these as *"comparatively few"*. That characterisation cannot go unchallenged. Policy 11 does not invite a head-count. It requires a qualitative assessment of whether impacts have been addressed. The question is not how many significant effects there are, but how serious, enduring and avoidable they are. A string of "localised" effects across ±103 km of overhead line does not remain “localised” in any meaningful sense when viewed from the perspective of the communities who would live with them.

3-78 Nor is the comparison explained. Compared to what? Passing most policy tests is the baseline for any application that reaches a public inquiry; it is not a distinguishing virtue. The effects that remain are those that matter most, because they are the ones that mitigation cannot remove.

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3-79 Each admitted effect engages a specific protective policy with its own test. The Planning Statement does not engage properly with any of them.

3-80 **Scheduled Monuments.**

Policy 7(h) provides that development affecting Scheduled Monuments will *"only be supported where"*: direct impacts on the monument are avoided; significant adverse impacts on the integrity of its setting are avoided; or exceptional circumstances have been demonstrated to justify the impact and the impacts have been minimised. The Planning Statement admits significant adverse effects on the settings of **eight monuments**, some as close as 0.1 km to the OHL (paragraphs 5.10.17 and 5.10.18). It asserts that the *"permeable nature"* of the towers allows the settings still to be *"appreciated, understood and experienced"* (paragraph 5.5.80), and that their integrity would not be significantly adversely affected (paragraph 5.10.22). It thus seeks to thread a needle between a "significant adverse effect" on setting, which it concedes, and a "significant adverse impact on integrity" of setting, which it denies. No real explanation of that distinction is offered.

3-81 More critically, the Planning Statement never engages with the third limb of Policy 7(h): the 'exceptional circumstances' test. It offers no monument-specific justification for the harm to any of the eight monuments. Nor can it show that impacts have been "minimised" when the principal alternative technology — undergrounding, which would remove the visual impact on settings altogether — was never assessed. Its conclusion that the development *"is considered to accord with the provisions of Policy 7"* is unsupported.

3-82 **Ancient woodland.**

Policy 6(b) states that development *"will not be supported"* where it will result in *"any loss of ancient woodlands"*. That language is absolute. It contains no balancing mechanism and no threshold. The Planning Statement acknowledges "non-accordance" with Policy 6 (paragraph 7.1.4), but relies entirely, and disingenuously, on KTR (paragraph 7.1.7), in which Ministers stated: *"It is regrettable that the proposed development will result in the loss of a significant area of irreplaceable woodland…Scottish Ministers have given significant consideration to this impact but consider that the proposed development is both urgent, and necessary."* The loss of that ancient woodland was the principal reason for the two Reporters' recommendation to refuse.

3-83 The KTR reasoning depended on the Ministers' confidence that the project there was both urgent and necessary. If that confidence is less well founded here — and, for the reasons given in this chapter, NOTKUP says it is — then the KTR reasoning cannot be transplanted. Further, any claim that woodland loss has been minimised rings hollow when the alternative technology that would avoid wide felling corridors was never assessed.

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3-84 **Recreational airfields.**

The Planning Statement identifies three affected airfields: Gossesslie, Laurencekirk and Fordoun (paragraph 5.5.63). It records the aviation risk as "high" and the effect as "significant adverse" (paragraph 6.2.12). Yet at paragraph 5.5.64 it asserts that the reference in Policy 11(e)(iv) to aviation and defence interests relates to *"commercial or defence aviation interests, rather than local or regional recreational airfields/airstrips"*, and that the policy is therefore *"deemed of limited relevance"*. That reads into Policy 11 a restriction which its text does not contain. Recreational aviation is aviation.

3-85 Having deflected the issue to the Local Development Plan, the Planning Statement's treatment of the airfields under Policy PR2 is perfunctory. At Gossesslie, the OHL would oversail the middle of the airstrip. That is not an effect which can be managed; it makes continued use of the airstrip impossible. No mitigation is proposed, because none is available.

3-86 The common thread is clear. In each case the Planning Statement identifies the protective policy and acknowledges the significant effect. It then either asserts, without demonstration, that the specific test is not triggered; or relies on a generalised appeal to the benefits of National Development status to override the protective language; or deflects to a lesser policy framework. In none of the three cases does it squarely engage with the specific test which the relevant protective policy imposes.

3-87 NOTKUP submits that the Reporters cannot properly conduct the Policy 11 balancing exercise without first being satisfied that the specific protective tests in Policy 7(h), Policy 6(b) and the aviation provisions have been met. The significant weight Policy 11 directs to the contribution to targets does not exempt the Applicant from those tests. If it did, the protective policies would serve no purpose in any case involving a National Development — *and, as NPF4 itself makes clear, National Development status does not displace the need for all relevant consents.*

3-88 The Planning Statement's silence on changed circumstances

3-89 The Planning Statement is dated August 2025. Yet across its 120 pages it contains no engagement whatsoever with the shift in supply and demand assumptions addressed in Mr Wade's evidence: the delays to offshore wind, the heat pump shortfall, the withdrawal of major developers, or the slippage of the 2030 timetable. It presents the 2022 HND forecasts as current and unchallenged.

3-90 That is a significant gap. The Applicant's own planning consultant has not addressed the most substantial challenge to the Need case. A planning balance which gives significant weight to a contribution to targets, without asking whether the assumptions behind that contribution still hold, is not a balance the Reporters can safely adopt.

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3-91 KTR and the other precedents are distinguishable

3-92 The Planning Statement relies heavily on KTR, Creag Dhubh to Dalmally and the Skye Reinforcement. In Creag Dhubh the Ministers found the development *"overall, in accordance with and supported by NPF4"* (Planning Statement, paragraph 5.12.13); in the Skye Reinforcement they stated that *"the need for grid reinforcement is greater than ever"* (paragraph 3.8.8). In KTR the Reporters recommended refusal because of woodland loss, and the Ministers departed from that recommendation (paragraph 7.1.5).

3-93 Each of those decisions is distinguishable. KTR involved a 132 kV reinforcement, not a new 400 kV OHL of far greater scale and impact. Creag Dhubh, which was granted after an inquiry, and the Skye Reinforcement are both in the Highlands, in a different landscape and factual context. The Skye Reinforcement was not subjected to any form of inquiry, and the local planning authority's submissions were late; it is hardly a precedent for anything more than that a line has been consented on Skye. None of these cases involved the fundamental dispute that arises here: whether the project as proposed corresponds to what the system operator and regulator actually assessed. Each turned on its own facts, and none establishes a rule that need must be accepted without scrutiny.

3-94 The most relevant comparators are the Ministers' decisions on the upgrading of Alyth to Tealing (ECU00005167) and Tealing to Westfield (ECU00005168). Both supported upgrading the existing OHL rather than constructing new lines, consistent with the approach the system operator actually described, and neither involved a public inquiry, statutory objections or public representations. They support NOTKUP's case, not the Applicant's.

3-95 COMMUNITY EVIDENCE ON NEED

3-96 The community hearing evidence reinforces the Need and Policy case. It distinguishes general support for grid reinforcement from the unproven need for this route, technology and capacity, and confirms the absence of a transparent alternatives assessment and the seriousness of the effects on homes, land, wildlife and health.

3-97 WEIGHT OF THE EVIDENCE

3-98 The Applicant had every opportunity to seek an oral hearing session on Need, and to test NOTKUP's evidence by cross-examination. It did not do so. Nor has it produced any detailed written rebuttal of the specific points made in the Wade Paper.

3-99 It follows that Mr Wade's detailed technical arguments stand unchallenged and untested. They are not bare assertions. They are founded largely on the Applicant's own documents, on the published NESO reports, and on the written admissions of the system operator in the ESO EIR Response. Those admissions — that NESO did not choose the route

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or technology, that no environmental or community assessment formed part of the methodology applied to TKUP, and that alternatives were left to SSEN — are uncontradicted.

3-100 NOTKUP notes Mr Wade's evidence, in his Community Hearing Statement, that the Reporters declined to exhibit his 19-page paper on the DPEA website or admit it to the inquiry documentation. Whatever the formal status of that paper, its substance was put before the inquiry in Mr Wade's Community Hearing Statement and is borne out by the ESO EIR Response. The Applicant has had notice of these arguments and has not answered them.

3-101 In those circumstances, NOTKUP submits that the evidence of Mr Wade, and the ESO EIR Response on which it draws, should be given substantial weight. By contrast, the Applicant's general assertions that need is "established" should be given limited weight on the specific questions which matter: whether this route, this capacity and this technology are needed.

3-102 CONCLUSIONS ON NEED AND POLICY

3-103 The case is short. General policy support establishes only a principle in favour of reinforcement, not a need for this 400 kV line on this route. The evidence base has materially shifted; NESO did not prescribe this project; ASTI accepted a different project; alternatives were not transparently assessed; the strategic process did not account for environmental or community harm; and the Applicant’s financial interests and fragmented approach demand scrutiny. The admitted effects on landscape, heritage, ancient woodland, agricultural land, airfields and communities engage protective policies that have not been met. The contribution to targets therefore cannot outweigh the harm.

3-104 For all these reasons, NOTKUP respectfully submits that the Applicant has not demonstrated a need for the proposed OHL capable of outweighing its significant adverse effects, and that its planning policy case does not withstand scrutiny. Consent should not be granted without a transparent comparison of alternatives, proper consideration of lower-impact solutions, and genuine engagement with the specific protective tests that NPF4 imposes for the very harms this project would cause.

4 ALTERNATIVE TECHNOLOGIES

4-1 Introduction

4-2 This chapter addresses whether SSEN Transmission, the Applicant for the Tealing to Kintore Upgrade Project (TKUP), has properly identified and assessed alternatives to a new 400 kV overhead alternating current line. The opponents’ position is that it has not. Only one technology was ever genuinely considered. The alternatives that were mentioned were

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dismissed on generic cost assumptions, and a range of modern, less damaging options was not assessed at all.

4-3 No formal Hearing session was allocated to alternative technologies. Instead, the topic was addressed at a Community Hearing Session. The opponents' case therefore rests on the written evidence of Mr Brian Wade, contained in his written submission on Technological Alternatives dated 24 April 2026, and on the matters raised by the community at that session. Neither Mr Wade's evidence nor the Applicant's account of alternatives has been tested by cross-examination.

4-4 That procedural posture matters. The Applicant's conclusions on alternatives are set out only in writing, in Volume 1, Chapter 4 of the Environmental Impact Assessment Report (EIAR), headed Alternatives and the Routeing Process. They have never been examined in a formal Hearing. The Reporters are entitled, and in the opponents' submission bound, to scrutinise them with particular care.

4-5 Alternatives matter because the technology choice determines everything else. The landscape, visual, cultural heritage, agricultural and community effects addressed in the other chapters of these submissions all flow from the decision to build a line of pylons 60 to 70 metres in height. If that decision was not properly reached, the adverse effects of the project have not been justified.

4-6 The Legislative and Policy Framework

4-7 The 2017 Regulations require the Applicant to describe the reasonable alternatives it studied and the main reasons for the option chosen, taking into account the effects on the environment. The Applicant accepts that obligation at the outset of Chapter 4.

4-8 Section 9(2)(a) of the Electricity Act 1989 requires a transmission licence holder to develop and maintain an efficient, co-ordinated and economical system. Schedule 9 requires it to have regard to the desirability of preserving natural beauty and protecting sites of historic interest, and to *"do what [it] reasonably can to mitigate any effect"* of its proposals. The duty of economy and the duty of mitigation stand side by side. Neither overrides the other.

4-9 National Planning Framework 4 (NPF4) is central. Policy 11 provides that *"in the case of proposals for grid infrastructure, consideration should be given to underground connections where possible"*. That is a positive requirement to consider undergrounding, not merely to note it.

4-10 NPF4 Policy 5 provides that development on prime agricultural land will only be supported where it is for essential infrastructure and *"there is a specific locational need and no other suitable site"*. Mr Wade points out that the Aberdeenshire Local Development Plan

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contains a corresponding requirement in Policy PR1. Where viable alternatives with lower impacts exist, a specific locational need for pylons across prime agricultural land has not been shown.

4-11 HM Treasury's Green Book expects major projects funded through public expenditure to be supported by a costed appraisal of realistic options. The costs of TKUP will be recovered from electricity consumers. No such appraisal has been produced.

4-12 The Applicant relies heavily on the *"strong starting presumption"* in favour of overhead lines in the UK Government's National Policy Statement for Electricity Networks Infrastructure (EN-5). EN-5 is a policy statement prepared for nationally significant infrastructure in England and Wales. It is not part of the Scottish development plan and it does not displace NPF4. At most it is a material consideration. It cannot relieve the Applicant of the obligation under NPF4 Policy 11 to consider undergrounding, or of the obligation under Policy 5 to show that there is no other suitable site. Notably, EN-5 itself states, as Mr Wade records, that *"The coordinated approach is likely to provide the highest degree of consumer, environmental and community benefits"*.

4-13 The Applicant's Case on Alternatives

4-14 Chapter 4 of the EIAR describes two stages. First, a choice of technology. Secondly, a routeing process for the chosen technology through corridor, route and alignment stages, following SSEN Transmission's own Routeing Guidance, which is based on the Holford Rules of the 1960s.

4-15 The alternatives actually considered

4-16 Chapter 4 records that the strategic alternatives were a *"do nothing"* scenario and *"subsea cable and underground cable (UGC) options"*. Nothing else. Grid enhancing technologies, reconductoring of existing lines, HVDC overhead conductors on existing towers, and a co-ordinated offshore network are not assessed anywhere in the chapter.

4-17 The chapter also states that an onshore option had been selected before the choice between underground and overhead was made, and that *"the key factor distinguishing these two technology types was their relative cost"*. The Applicant's submission to the National Energy System Operator (NESO) *"was based upon costs for OHL"*. Development of TKUP then *"commenced based on using OHL technology for its entire length"*.

4-18 That is candid. It confirms that the technology was fixed on cost grounds at the outset, before any environmental assessment and before the public was consulted. Everything that followed was an exercise in routeing a decision already made.

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4-19 The evidence relied on

4-20 At the time the technology was chosen, the Applicant relied on the Parsons Brinckerhoff report of April 2012, endorsed by the Institution of Engineering and Technology (IET), which gave underground cable a build cost of 6.9 to 17.2 times that of overhead line. Chapter 4 itself acknowledges that the report was *"a general (rather than project-specific) study"* that *"does not seek to establish a cost ratio that can be applied to all projects"*. The Applicant nonetheless applied it to this project.

4-21 The Applicant also relied on the draft EN-5 of 2021. The final EN-5, the 2025 IET report and the detailed discussion of HVDC and HVAC cabling appear only in Section 4.8, under the heading *"Further Consideration of Alternatives During the EIA Process"*. That material was assembled after the decision, to support it. It is justification, not assessment.

4-22 The technical and cost appraisals were undertaken by the Applicant's own in-house teams. Only the environmental appraisal was undertaken by external practitioners. No independent, route-specific, fully costed comparison of an overhead line against underground HVDC, subsea HVDC or grid enhancement has ever been produced.

4-23 The dismissal of undergrounding

4-24 Chapter 4 concludes that 400 kV underground cabling *"was not considered to be a reasonable alternative technology at any stage"*, and that underground cable, whole or partial, *"is not a potential alternative amenable to further detailed study"*. Even short sections of undergrounding were rejected because the Applicant found no challenge that could not be *"overcome through re-routeing"*.

4-25 The opponents submit that a conclusion that an alternative was never reasonable *"at any stage"*, reached without any project-specific study, is not the consideration that NPF4 Policy 11 requires. It is the opposite of it.

4-26 Much of Chapter 4's case against undergrounding concerns HVAC cable: reactive compensation, heat dissipation, wide trenches, peat and groundwater. Those objections are directed at a technology the opponents do not advocate. The treatment of HVDC is confined to a few paragraphs, framed around subsea cable.

4-27 The case against HVDC

4-28 Chapter 4 states that proven HVDC technology at 525 kV has a capacity of 2 GW against about 6 GW for a 400 kV overhead line, so that three HVDC systems and three converter stations at each end would be required. On that premise it says that the construction footprint of three HVDC cables would be *"similar"* to HVAC, and that HVDC would cost more.

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4-29 Each step depends on the 2 GW premise. As set out below, Mr Wade's evidence is that that premise is wrong. The Applicant has produced no evidence in reply.

4-30 The routeing process

4-31 The corridor, route and alignment appraisals repeatedly identify the lowest-cost option as preferred. Corridors 1b and 2b were each *"the lowest cost option"*. Routes D4 and E2 were chosen although, in the case of D4, it *"was not the preference with regards to technical considerations"*, and in the case of E2 *"the environmental preference was marginal"*, because each *"was the lowest cost option"* or *"had the lowest estimated cost"*.

4-32 Following the May 2023 consultation, Chapter 4 records that *"no information was received which warranted further appraisal or review"* of the preferred corridors. That was despite the widespread objection to the overhead line technology itself, which is addressed in the Consultation chapter.

4-33 Taken as a whole, the Applicant's case is one of process: a routeing methodology followed carefully within a technology chosen on cost. The opponents do not dispute that the routeing exercise was carried out. Their case is that it was an exercise in choosing the least bad route for the wrong technology.

4-34 NOTKUP's Evidence

4-35 Mr Wade's central submission is that the Applicant, an established public utility, *"has failed to adequately explore modern, cost-effective, and less intrusive technological alternatives to traditional onshore pylons and substations, thereby failing to meet key planning and regulatory requirements."*

4-36 Only one solution

4-37 Mr Wade records that SSEN Transmission has only ever proposed one solution: onshore pylons and substations. NESO and Ofgem have said that they did not specify or prescribe the technology, and that the choice is the transmission operator's. The overhead line is therefore SSEN's own choice, and SSEN must justify it.

4-38 Failure to meet policy

4-39 Mr Wade identifies three policy failures. First, NPF4 Policy 5: because viable alternatives with lower impacts exist, there is no specific locational need for pylons on prime agricultural land. Secondly, NPF4 Policy 11: the Applicant has not given the required consideration to underground connections and has misrepresented their feasibility. Thirdly, the Green Book: no costed options appraisal has been produced.

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4-40 Mr Wade adds that, by failing to identify alternatives, the Applicant *"failed to give planning authorities the ability to judge if there is a 'specific locational need'"*. The opponents adopt that submission. Without a proper appraisal of alternatives, the Policy 5 test cannot be applied at all.

4-41 Grid enhancing technologies and reconductoring

4-42 Mr Wade describes grid enhancing technologies: reconductoring with lightweight, high-strength conductors, Flexible AC Transmission Systems, topology control, voltage phase control and dynamic line rating. He states that advanced conductors can carry two to three times the capacity of standard conductors with 50% lower line losses, and that HVDC conductors can be strung between existing pylons, as in Germany.

4-43 He gives the example of a proposal in California to convert an existing 500 kV line to HVDC, reusing towers, conductors and insulators and increasing capacity from 1.3 GW to 3.5 GW, instead of building a new 180-mile line. He also notes that TKUP was granted ASTI status on the basis that it would be an upgrade, not a whole new line.

4-44 None of these options is assessed in Chapter 4. The Applicant has not explained why the capacity required could not be delivered, in whole or in part, by upgrading the existing network.

4-45 Underground HVDC

4-46 Mr Wade explains that HVDC cables need less space and narrower trenches than HVAC, have lower transmission losses and weaker electromagnetic fields, and cause considerably less disruption during installation. In Germany, underground cable is given preference by law and pylons are seen as a last resort.

4-47 He cites two UK reports from 2024. The first, the East Anglia Network Study for NESO, identified a £600 million saving in an option using underground HVDC instead of overhead lines, if a 2034 completion date were selected. The second, a National Grid document for Eastern Green Link, found that overhead line technology was *"not considered to meet the identified need"*, because HVDC offered comparable capital costs but much lower lifetime costs and lower delivery risk.

4-48 Mr Wade directly contradicts the Applicant's 2 GW premise. He states that Hitachi can provide HVDC systems capable of 3 GW per circuit, and that Amprion is constructing a multi-terminal HVDC link in Germany, overcoming the objection that HVDC suits only point-to-point connections. If the premise falls, so do the Applicant's conclusions on the number of circuits, converter stations, footprint and cost.

4-49 Mr Wade also explains that the *"five to ten times"* cost claim derives from the 2012 report, which was based on historical data and on HVAC undergrounding. He describes the

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Applicant's brochure on undergrounding at 400 kV as addressing the difficulties of AC cabling, when the technology advocated is HVDC.

4-50 Offshore co-ordination

4-51 Mr Wade's evidence is that an integrated offshore grid, rather than the current point-to-point approach, would keep North Sea wind power offshore for as long as possible. He cites a National Grid ESO report of 2020 which found that a fully integrated offshore network could save 14% on capital costs and 19% on operating costs compared with radial connections of the kind proposed for the Hurlie and Emmock substations.

4-52 He records that two offshore wind projects originally planned to have offshore grid connections are now planned to connect directly to substations on the TKUP line. As he puts it, this means *"more congestion on the B6a boundary, not less, and appears to be an attempt to artificially create a justification for building the project."*

4-53 Cost to whom?

4-54 Mr Wade accepts that pylons may be cheaper for the developer at the outset. His evidence is that they are costlier for consumers and communities in the long term, because modern technologies have lower lifetime costs, lower line losses and greater climate resilience. The Applicant's own figures are expressed as build and lifetime cost ratios. They do not account for the cost of the environmental and community harm that the overhead line would cause.

4-55 His conclusion is that the decision-makers *"should be confident that it represents the option with the greatest net benefit to the population, landscape and ecology of Scotland, not just the most financially advantageous for a private, profit focused, organisation."*

4-56 Weight of the evidence

4-57 Mr Wade's evidence is specific and referenced to published sources. It stands unchallenged. The Applicant has not responded to the Hitachi 3 GW evidence, to the East Anglia and Eastern Green Link findings, or to the absence of any assessment of grid enhancing technologies and offshore co-ordination.

4-58 By contrast, the Applicant's conclusions rest on a general 2012 costing study, on its own in-house appraisals, and on material assembled after the technology was chosen. None of it has been tested. It should be given limited weight.

4-59 The Community Hearing Session

4-60 The choice of technology was the community's consistent and fundamental objection. Communities were consulted on the corridor, route and alignment of a pre-determined

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overhead line, not on whether a new line of pylons was necessary. The Applicant's reasons for rejecting alternatives have therefore not been tested under questioning and should not be accepted at face value.

4-61 Conclusions on Alternatives

4-62 The evidence establishes that the overhead technology was fixed on cost grounds before environmental assessment or consultation; that modern alternatives were not assessed; that undergrounding and HVDC were dismissed on generic, non-project-specific assumptions, including an untested 2 GW premise; and that no costed options appraisal or transparent justification for the chosen route has been produced. The Applicant's case has not been tested at a formal Hearing and should be given limited weight.

4-63 The requirement to assess reasonable alternatives is not a formality. It is the means by which the decision-maker can be satisfied that the harm caused by a development is necessary. Here, the harm to landscape, heritage, agricultural land and communities set out in the other chapters has not been shown to be necessary, because the alternatives that could avoid or reduce it were never properly examined.

4-64 The Reporters cannot remedy that deficiency by recommending conditions. It goes to the root of the application. The environmental information before Ministers does not contain a lawful and adequate assessment of reasonable alternatives, and the application does not comply with NPF4 Policies 5 and 11.

4-65 The opponents do not oppose the upgrading of the grid. They oppose, in Mr Wade's words, a reliance on *"1920s technology"* when modern, less damaging alternatives are available and in use elsewhere in Europe.

4-66 The opponents respectfully invite the Inquiry to find that the Applicant has failed to demonstrate that a new 400 kV overhead line is the appropriate solution, and to recommend to Ministers that consent be refused.

5 CONSULTATION

5-1 Introduction

5-2 This chapter addresses whether the consultation and engagement carried out by the Applicant, SSEN Transmission, in relation to the Tealing to Kintore Upgrade Project (TKUP) has been adequate. It has not. It has been grossly inadequate.

5-3 No oral hearing session was allocated to consultation. The opponents' case therefore rests on the written and Community Hearing evidence of Ms Eileen West, and on the

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Community Hearing Statements from Angus, including those of Mrs Angela Taylor and Mrs Gill Wilson, all grounded in Chapter 4 of the TKUP Single Objection Document (the SOD). That evidence has not been challenged by the Applicant. SSEN Transmission has produced nothing to contradict the specific events, statements and failings described. The Inquiry is entitled to accept that account in full.

5-4 Consultation matters for two reasons. First, it is a legal requirement: it must at the least meet the Gunning Principles, and in environmental decision-making the Aarhus Convention guarantees the public a real opportunity to take part. Secondly, it is a precondition of good decision-making: effects can only be weighed properly if those most affected have been told the truth about the project, in time, and have been listened to. For a new 400 kV overhead line carried on pylons of 60 to 70 metres in height, that obligation is at its highest.

5-5 These failures are not merely procedural. They bear directly on the chapters on Need and Policy and on Landscape and Visual Impact: on the quality of the environmental assessment, on whether alternatives were properly considered, and on whether communities were ever able to engage with the project's most significant effects on their homes, their health and their surroundings.

5-6 The Applicant's Case on Consultation

5-7 The Applicant's account is set out in Volume 1, Chapter 6 of the Environmental Impact Assessment Report (EIAR), headed Scope and Consultation. It states that *"SSEN Transmission has sought to maintain an open dialogue with stakeholders and local communities"*, describes in-person events at the corridor, route and alignment stages between May and July 2023, in March and April 2024 and in September and October 2024, and refers to virtual consultation rooms and to engagement with statutory and non-statutory consultees, community councils and landowners. It claims that those events took place *"at a formative stage"* and that feedback *"informed the further development of the proposals"*, and records a Report on Consultation after each stage. The Consultation Matrix at Volume 5, Appendix 6.3 records meetings with SEPA, NatureScot, Historic Environment Scotland, Scottish Forestry and the local authorities.

5-8 Its own detail is revealing. Table 6.1 records that the pre-consultation webinar for community councils on 25 April 2023 was attended by only 2 of the 27 community councils invited; a further webinar on 29 February 2024 drew 17 attendees from 7 community councils. Those are not the figures of a process that had engaged the communities most affected. The Matrix itself is almost entirely concerned with statutory consultees and technical assessment matters; community councils appear only through the formal Scoping Opinion process.

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5-9 The concerns they raised there were consistent and serious: AADCC on tourism, property values and outdoor groups; CDDCC on agriculture, biosecurity, socio-economic and cumulative effects; ICC on human health, electromagnetic fields (EMFs), effects on children and biosecurity; MCC on agriculture.

5-10 Chapter 6 itself records responses from five community councils raising agriculture, tourism, property prices, outdoor groups, EMFs, mental health and carbon impact. The response followed a clear pattern: the topic had been *"scoped out"*, or would be addressed in a separate standalone report rather than in the EIAR. The issues of greatest concern to local people were, in effect, moved out of the main assessment.

5-11 Chapter 6 also states that *"SSEN Transmission aimed to balance the need for certainty and a swift application process"*. That is candid, and it is revealing: speed and certainty for the Applicant were weighed against the breadth of both the assessment and the engagement.

5-12 Taken as a whole, the Applicant's account is one of process compliance — events held, documents published, webinars run. The opponents do not dispute that events took place. Their case is that the Applicant's account fundamentally misrepresents the quality, substance and good faith of what actually happened.

5-13 The Gunning Principles — The Legal Framework

5-14 The Gunning Principles derive from *R v Brent London Borough Council, ex parte Gunning* (1985) and have since been approved by the Supreme Court. They require that consultation takes place when proposals are still at a formative stage; that sufficient reasons and information are given to allow an intelligent response; that adequate time is given for consideration and response; and that the product of consultation is conscientiously taken into account in the final decision.

5-15 The Aarhus Convention adds a further guarantee in the environmental field: early and effective public participation when all options are open, with the outcome given due account. Participation must be meaningful, not a formality. The Scottish Government's expectations are equally clear. In March 2024, speaking on STV Tonight, Gillian Martin MSP said that SSEN must *"engage early, thoroughly and sympathetically with communities otherwise these projects may not come to fruition"*.

5-16 The Consultation Institute has warned, through Rhion Jones, that a consultation failing the Gunning Principles is vulnerable to judicial review. These are not abstract standards; they are the measure of lawful and fair engagement. On the evidence, this consultation fails every one of them.

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5-17 Principle 1 — Consultation at a Formative Stage

5-18 Chapter 6 claims the events took place *"at a formative stage"*. The evidence directly contradicts that. The choice of technology — a 400 kV overhead alternating current line — was fixed before consultation began. As the Need and Policy chapter sets out, neither the Holistic Network Design nor the Pathway to 2030 prescribes a new overhead line between Tealing and Kintore. The overhead line is SSEN's own proposal, yet it was never open for meaningful discussion.

5-19 Communities were consulted precipitately on stages 1 and 2 combined, explained by the need for haste. Corridor, route and alignment options were considered together, all within the pre-determined overhead line technology. The one decision that mattered most — whether there should be a new line of giant pylons at all, as opposed to an underground or subsea alternative — was never put to them. Ms West puts it plainly: communities were *"presented with a preferred technology and then invited to comment on the least damaging way to impose it upon them. That is not consultation. That is notification."* The technology choice had *"effectively been closed off before the public was ever allowed near the table"*.

5-20 The sequence following the Peterculter public meeting of 18 July 2023, which was arranged with SSEN and attended by more than 100 people, illustrates the point. On the very next day, 19 July 2023, SSEN shifted the route to what appeared to be a pre-determined fallback position. There was no realistic opportunity for what had been said at Peterculter to be weighed first. SSEN then promised to update the community council by October 2023 on the outcome of an *"expanded site selection"*, and failed to do so; the next communication came only on 28 November 2023. That is not the conduct of a developer whose mind remains open.

5-21 The SOD reaches the same conclusion: *"One of the most significant failures of the consultation process has been the feeling amongst communities that the decision to proceed has already been taken."* That feeling is not imagined. SSEN staff have themselves described the process as box-ticking and the project as a fait accompli. Ms West records a Senior Project Engineer stating, at a meeting attended by Ofgem and a government agency: *"We're box-ticking — they'll never stop it."* Another staff member reportedly described the Drumoak event *"explicitly as not being a consultation meeting"*, stating that SSEN was *"not required to consult on the proposal at all"* but had chosen to hold *"information sessions"*. The Drumoak meeting was very well attended, being arranged by the Applicant and the local Crathes, Drumoak and Durris Community Council. Those words are a candid admission of how SSEN itself regarded the exercise.

5-22 The Inquiry is invited to conclude that consultation did not take place at a formative stage. The first Gunning Principle was not met.

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5-23 Principle 2 — Sufficient Information for an Intelligent Response

5-24 No transparent, independently scrutinised options appraisal comparing an overhead AC line, underground HVDC and subsea HVDC was ever provided. Communities were expected to accept vague assertions that the alternatives were *"too difficult"* or *"too expensive"*, without route-specific, fully costed evidence to test them. Even Aberdeenshire Council had to ask that the advantages of undergrounding be set out in full; the response simply referred back to the EIAR chapter on alternatives. That absence is also contrary to HM Treasury's Green Book, which expects major public projects to rest on a properly costed comparison of realistic options. Its significance here is that the public was never shown the evidence on which the choice of an overhead line was said to rest.

5-25 What was provided was often unreliable. SSEN relied on Ordnance Survey mapping up to 20 years out of date: significant new housing developments, and even a school, were missing from the maps put before the public. People cannot respond intelligently to a proposal shown on maps that do not show their own homes. At Peterculter, busy, text-heavy slides were shown on a domestic-sized television and were impossible to read from the body of the hall. Staff were ignorant of basic local constraints: the Senior Project Engineer did not know what the AWPR — the Aberdeen Western Peripheral Route — was, appeared unaware of a busy helipad on the proposed route, and did not know of the overwintering pink-footed geese at Loch of Skene, though that had been cited as a major reason for the route choice. Ms West describes claims of a *"forensic"* route assessment that *"quickly collapsed under basic questioning"*.

5-26 On submission the problem was reversed. The application comprised 545 documents, some up to 100 pages long, amounting to an estimated 4,360,000 words; *War and Peace* runs to 587,287. Communities were invited to inspect it at venues that included a mobile library. Navigating it requires moving constantly between chapters, annexes and appendices, demanding good internet skills and substantial data that many rural and older residents do not have. Information presented in that way does not inform the public; it overwhelms them.

5-27 Equally important is what the EIAR leaves out. Human health including mental health, socio-economic effects, climate change and major accidents were all scoped out. The SOD puts it forcefully: *"Scoping decisions taken by the planning authorities/ECU have allowed SSEN to not include assessments of, inter alia, the socio-economic impacts, the impacts on climate change, the impacts of potential major accidents and, significantly the impacts on human physical and mental health."* The public was denied the complete picture. What was provided on health was itself out of date: SSEN's EMF leaflet, printed in 2023, cited research dating only from 2015, ignoring more than a decade of subsequent work. That is particularly serious given Ms West's evidence that 80.9% of respondents reported harm to their health and wellbeing. Nor did SSEN use the knowledge available locally: north-east

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Scotland has an unusual concentration of oil and gas professionals and subsea engineers, and Ms West records that their offers of expertise were rejected.

5-28 The Inquiry is invited to conclude that communities were denied the information they needed to engage intelligently. The second Gunning Principle was not met.

5-29 Principle 3 — Adequate Time

5-30 The initial windows were unreasonably short. Extensions were reactive rather than planned, granted only after public and political pressure, and then fragmented and poorly communicated, leaving residents uncertain what the deadlines were and whether their responses would be counted. Accessibility was equally poor: events were held between 2.00pm and 7.00pm despite repeated requests for weekend and evening sessions to enable those in employment to attend. The first round in May 2023 was held at Westmuir, a village outwith the corridor. Forfar had no consultation at all, despite being the largest town with residents within its Community Council boundaries; an event was held there only on the intervention of the Council and the Community Council.

5-31 Many communities did not learn of the project from SSEN at all. Ms West's evidence is that her community's first awareness came on 31 May 2023, from their MP, Andrew Bowie MP: *"Many people first learnt of this huge proposal not from SSEN, but from their MP"*. A consultation cannot give adequate time to people who have not been told it has started.

5-32 Set against the scale and complexity of the proposal and the sheer volume of documents, the time allowed was wholly inadequate: ordinary people, working and caring for families, were expected to understand and respond to a proposal of this magnitude within windows designed for a far simpler project.

5-33 The Inquiry is invited to conclude that adequate time was not given. The third Gunning Principle was not met.

5-34 Principle 4 — Conscientious Consideration of Responses

5-35 There is a near-total absence of evidence that SSEN conscientiously weighed the responses it received, particularly those going beyond small adjustments to the route. Notes of attendees' concerns were not taken until minutes were requested. Objections to the technology were treated as out of scope or simply dismissed, residents being told the events were only about local routing: the most common objection of all was thereby excluded by definition. Ms West records residents routinely receiving no response, significantly delayed responses, and copy-and-paste letters that failed to address the questions asked; she describes the correspondence as *"formulaic, evasive, and dismissive"*.

5-36 SSEN also misrepresented the balance of local opinion. A CDDCC survey at Drumoak found that 98.5% of respondents objected. The combined community councils'

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questionnaire showed that over 90.5% objected to the overhead line. Yet SSEN staff told residents that opinion was *"50/50 for/against"*. A developer that describes overwhelming opposition as an even split has not conscientiously considered what it has been told.

5-37 The Technical Forum illustrates the same approach. After prolonged negotiation SSEN proposed a forum consisting of a pre-scripted presentation by unnamed SSEN employees, with only 20 minutes for open discussion. The community representatives cancelled it because it could not deliver genuine dialogue; the SOD confirms that the focus groups were cancelled after SSEN proposed that format.

5-38 SSEN's own Independent Stakeholder Engagement Survey for 2024-25 confirms these failings: consultation experienced as box-ticking; engagement begun too late; limited transparency; poor communication; landowners feeling disregarded; rural and older residents digitally excluded; community benefits seen as conditional on the outcome of planning applications. The figures are stark. Stakeholder satisfaction stood at just 7%. The proportion very dissatisfied rose from 48% to 55%, and 70% were dissatisfied overall. Those are SSEN's own figures, from an assessment it commissioned itself. It is unsurprising that, as Ms West records, residents have come to call SSEN's consultations *"insultations"*, or that the SOD concludes there is *"no sense of procedural justice arising from the consultations so far"*.

5-39 The Inquiry is invited to conclude that consultation responses were not conscientiously taken into account. The fourth Gunning Principle was not met.

5-40 The Quality of Engagement — Specific Failings

5-41 The gap between the claims made in Chapter 6 and what actually happened is best shown by specific examples, each drawn from Ms West's unchallenged evidence and supported by the SOD.

5-42 **The Peterculter meeting, 18 July 2023.** Marked by poor professionalism, inadequate materials and ignorance of local infrastructure. Ms West describes a *"box-ticking exercise"* with *"poorly prepared, unreadable material"*. The SOD records that the *"SSEN team appeared nonplussed by the emotion in the room"* and *"could not articulate what it was they were consulting on"*. If the developer cannot explain what it is consulting on, there is no consultation.

5-43 **The Drumoak meeting, 15 February 2024.** At Drumoak SSEN imposed draconian conditions: questions to be submitted weeks in advance, no questions from the floor, campaign materials prohibited, and residents warned that security would be present. The Senior Project Engineer declined to face a live question and answer session because of *"stress"* following Peterculter. Ms West summarises the effect: *"questions filtered. Live challenge prevented"*, with questions *"cherry-picked by SSEN, answers scripted, the community banned from speaking from the floor and warned security was present"*. SSEN

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representatives left the hall promptly at 8pm, declining to remain for the question and answer session offered by Alexander Burnett MSP and Andrew Bowie MP. That is the language and conduct of containment, not dialogue.

5-44 **The webinar of 13 December 2023.** Questions were not displayed to participants, and many were neither answered nor followed up. SSEN's Greg Clarke insisted that *"all stakeholders"* had been informed, despite participants saying that they had not been. Participants were, in effect, told that their own experience was wrong.

5-45 **Written correspondence.** SSEN's written correspondence was formulaic, evasive and dismissive. There are no documented responses to the questions raised at events. Questions were asked in public and never answered on the record.

5-46 **Meetings with the Community Engagement Policy Manager.** Between September 2024 and November 2025 community representatives met SSEN's Community Engagement Policy Manager. Those meetings amounted to information-gathering and box-ticking, and the notes SSEN prepared were frequently inaccurate. The process ended with the cancelled Technical Forum. Fourteen months of meetings produced no genuine dialogue on the issues that mattered.

5-47 **The conduct of SSEN staff.** Residents have described the conduct of SSEN staff as contemptuous, dismissive and disrespectful, and staff were resistant to residents taking notes. One example stands out. At Drumoak, a distressed woman described how her father had suffered a heart attack, reportedly triggered by stress over the prospect of the line. The SSEN representative showed no empathy, took no details, and offered only the instruction to *"email us"*.

5-48 **Property values.** SSEN has denied that the project will affect property values, despite evidence of mortgage refusals and withdrawn sales in places including Echt, Drumoak and Auchenblae. Ms West refers to pending legal action concerning a property at Wester Letter, where the value is said to have fallen from £700,000 to £575,000. When offered evidence, the Senior Project Engineer responded: *"Don't bother sending it to me, I won't read it."* That is a refusal to consider evidence, not consideration of it.

5-49 **Health and EMFs.** SSEN's EMF leaflet, printed in 2023, relied on research from 2015. Residents who raised genuine concerns about health were given outdated material and told that health had been scoped out of the EIAR.

5-50 **The overall picture.** The SOD converges with Ms West's account: *"Throughout the consultation event, there were many examples of questions that could not be answered, basic errors... maps in cases were widely outdated... a frequent lack of understanding of local geography."* It concludes that *"the process has not achieved the trust of the communities it was supposed to engage"*. Ms West's own summary is that communities were *"NOT*

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consulted, not respected, not heard but managed, sidelined and systematically disenfranchised", and that her statement *"is not a complaint about poor communication. It is a challenge to the integrity of the entire process."* The examples above show why.

5-51 The Consultation and the Scope of the EIA

5-52 These failures have directly affected the scope of the environmental assessment. During scoping the community councils raised human health and EMFs, mental health, socio-economic effects, tourism, property prices, biosecurity and alternatives — concerns recorded in the Consultation Matrix entries for AADCC, CDDCC, ICC and MCC. They were systematically scoped out, or addressed only in standalone reports forming no part of the EIAR. The EIAR on which Ministers must base their decision therefore contains no integrated assessment of the project's effects on the very issues that most concern the communities affected.

5-53 This links directly to the earlier chapters. The Need and Policy chapter explains the failure properly to assess alternatives. The Landscape and Visual Impact chapter explains the disparity between the Applicant's residential visual amenity findings, which identified no breaches of the threshold, and those of the opponents' experts, who identified between 26 and 35 potential breaches; it also records that the study area was widened from 3 km to 5 km only after Angus Council objected that it was too narrow. In each case the voices of those affected were heard late, if at all.

5-54 The problem is compounded by the division of the project into three separate applications: one for the overhead line, one for the Emmock substation and one for the Hurlie substation. No single environmental assessment addresses the cumulative effect of TKUP as a whole. As the SOD puts it: *"SSEN have split TKUP into three separate planning applications, thus avoiding the requirement to complete an Environmental Impact Assessment of the project as a whole."* This fragmentation has denied both communities and decision-makers the complete picture they need. A consultation on part of a project cannot be an adequate consultation on the whole of it.

5-55 Weight of the Evidence

5-56 Ms West's evidence is detailed and specific, identifying dates, places, individuals and words spoken. It is corroborated by the community surveys and by SSEN's own stakeholder engagement survey, and it stands unchallenged. The SOD reinforces it on every material point: the sense that the decision had already been taken, the failings at Peterculter, outdated maps, unanswered questions, the cancelled focus groups and the collapse of trust. SSEN's survey data is particularly significant, coming from an independent assessment SSEN itself commissioned; it confirms that these failings are systemic, not incidental.

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5-57 Against all of this the Applicant has presented no evidence to rebut any of the specific failings identified. Its case consists of a description of the process it followed. It does not answer the evidence of what that process was actually like for those on the receiving end of it.

5-58 Conclusions

5-59 Drawing these matters together, the Inquiry is invited to reach the following conclusions.

(a) SSEN's consultation has breached all four Gunning Principles.

(b) The choice of technology was closed off before consultation began. Communities were consulted only on the means of delivery, not on the fundamental character of the project.

(c) The information provided was inadequate, misleading and in parts out of date. No transparent options appraisal was provided.

(d) The consultation windows were inadequate and were extended only under public pressure.

(e) Consultation responses, particularly those challenging the choice of technology, were not conscientiously considered.

(f) The conduct of engagement events showed a pattern of control, containment and defensive behaviour — process compliance, not genuine dialogue.

(g) SSEN's own stakeholder engagement survey confirms that these failings are systemic, not incidental.

(h) The consultation failures have had direct consequences for the scope and quality of the environmental assessment and for the information available to Ministers.

5-60 Ms West describes the process as *"a derisory exercise in managed tokenism designed to satisfy procedure rather than democracy"*. The evidence before the Inquiry bears out that description.

5-61 It is important to be clear what the opponents' case is and is not. The communities affected are not opposed to decarbonisation. They are opposed to what Ms West calls *"a 20th-century solution to a 21st-century problem"*, imposed on them through a process in which they were never allowed to question it.

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5-62 The Inquiry is invited to find that the consultation process for TKUP has been grossly inadequate, and that it does not meet the Gunning Principles, the Aarhus Convention, the expectations of the Scottish Government, or recognised standards of good practice. That finding should be given significant weight in the determination of the application. The Scottish Government's own position is that projects of this kind may not come to fruition unless developers engage early, thoroughly and sympathetically with communities. SSEN has done none of those things.

5-63 A project of this scale and consequence, imposed on the basis of a consultation process this deficient, cannot command the social licence that is essential to the delivery of net zero infrastructure. The opponents respectfully invite the Inquiry to take that into account in its recommendation to Ministers.

6 AGRICULTURAL OPERATIONS

6-1 Agricultural operations were initially scoped out of the Environmental Impact Assessment Report (**EIAR**) submitted by SSEN Transmission (the **Applicant**) in support of its application under section 37 of the Electricity Act 1989 for a new 400kV overhead line (**OHL**) of approximately 103km between Tealing and Kintore, of which approximately 59km crosses prime agricultural land.

6-2 By Procedure Notice dated 14 May 2026 (the **May PN**), the Reporters required agricultural operations to be scoped back in. They did so because the evidence before them relating to human health (electrocution risk) and agricultural land use indicated that it was necessary for this matter to be fully assessed as part of the EIA.

6-3 The May PN required an assessment of the entirety of the proposed OHL, identifying whether the proposed clearance heights would, individually or cumulatively, result in significant effects on human health and/or land use. Five specific assessment matters were required:

- identification of the agricultural land crossed by the proposed OHL and the nature of the agricultural operations foreseeably undertaken on it;
- identification of the machinery and equipment foreseeably used in those operations and its height in working configuration;
- a comparison, span by span, of the proposed conductor clearance heights with the clearance required to accommodate that machinery safely;
- an assessment of whether the proposed clearance heights would, individually or cumulatively, give rise to significant effects on human health (including electrocution risk) and/or agricultural land use; and

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- identification of any mitigation required to avoid, prevent, reduce or offset any such significant effects.

6-4 The Applicant responded with its Agricultural Operations Assessment Report (the **Report**). The Report is dated June '2025'; this is an error and the correct date is June 2026.

6-5 By a further Procedure Notice (the **July PN**), the Reporters invited comments on the Report. NOTKUP's representations were submitted on 7 August 2026.

6-6 A hearing session was held at Brechin City Hall on 23 September 2026 (the **Hearing**).

6-7 This chapter constitutes NOTKUP's closing submission on Matter 1: Agricultural Operations.

6-8 THE OVERARCHING SUBMISSION

6-9 NOTKUP's overarching submission has three parts:

- the Applicant's Report is only partially responsive to the May and July PNs and is **not legally or evidentially adequate** for the purposes of the 2017 Regulations;
- the Applicant has **not demonstrated that the proposed OHL can safely be constructed, energised and operated** in the agricultural context through which it passes; and
- the Applicant has **not demonstrated that the operational restrictions imposed on agricultural operations would be insignificant**.

6-10 It follows that **section 37 consent should not be granted on the basis of the material as submitted**.

6-11 THE 2017 REGULATIONS — LEGAL DEFICIENCY

6-12 The 2017 Regulations require the EIA report to describe the likely significant effects of the development on, among other things, population and human health (Schedule 4, paragraph 4), and to include a description of the expected significant adverse effects deriving from the vulnerability of the development to risks of major accidents and/or disasters (Schedule 4, paragraphs 5(d) and 8).

6-13 These requirements are **mandatory, not discretionary**. They cannot be satisfied by assertion.

6-14 The Report does not discharge these obligations. It contains no substantive assessment of effects on human health or on agricultural land use. Instead, it assumes the result: it treats compliance by third parties (farmers and contractors) with safe working practices as eliminating significance. That is **circular reasoning**.

6-15 The concept of 'inexorable' or 'tertiary' mitigation relied upon by the Applicant is not recognised in the 2017 Regulations or in the IEMA guidance as a basis for concluding that effects are not significant without first assessing them.

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6-16 The Applicant has **inverted the required sequence**. The correct approach is to identify and assess the effect, and then to identify mitigation. The Applicant instead assumes mitigation (by farmers) and then concludes that effects are not significant, without ever assessing what those effects would be in the absence of that assumption.

6-17 THE CORRECT METHODOLOGY — FROM THE GROUND UPWARDS

6-18 NOTKUP's position on method is straightforward: **safe clearance must be derived from the ground upwards**. The correct sequence is to:

- identify the foreseeable lawful agricultural use of the land;
- ascertain the maximum height of the machinery used in that activity in **operational mode** (not transport mode);
- apply the relevant safety separation distance together with the necessary allowances; and
- derive from that the conductor clearance required.

6-19 What cannot lawfully be done is to begin with a proposed conductor height and reason backwards to a 'permissible' machinery height.

6-20 This is a matter of **design compliance, not operational adaptation**. A new line must be designed to accommodate foreseeable agricultural operations safely. Reliance on altered working practices, operator judgement, exclusions or compensation does not answer the anterior question of whether the design itself is safe.

6-21 SUMMARY OF THE APPLICANT'S RESPONSE AND ITS DEFECTS

6-22 The Report identifies the legal and guidance framework, namely the Electricity Safety, Quality and Continuity Regulations 2002 (**ESQCR**), ENA Technical Specification 43-8 (**TS 43-8**), HSE Guidance Note GS6, the Health and Safety at Work etc. Act 1974 (**HSWA 1974**), the Management of Health and Safety at Work Regulations 1999 (the **Management Regulations**) and the Electricity at Work Regulations 1989.

6-23 The Report states a minimum clearance for the conductors of 9 metres. It calculates a 'maximum safe machinery height' by subtracting from the conductor height a total of 4.3m, made up of a 3.1m passing clearance and a 1.2m allowance.

6-24 The Report records 298 spans crossing agricultural land (251 arable and 47 non-arable). Its clearance statistics are that 100% of those spans exceed 9m; 73% exceed 10m; 47% exceed 11m; 37% exceed 11.5m; and 32% exceed 12m.

6-25 No site-specific machinery information was obtained.

6-26 The Report relies entirely on *"Tertiary (Inexorable) Mitigation"*. It identifies no primary mitigation (design changes) and no secondary mitigation (engineering controls). It concludes that effects are *"Not Significant"*.

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6-27 The core defect is **methodological**. The Report assumes that risks are not significant because farmers will alter their operations. That reverses the burden of compliance, placing it on those exposed to the hazard rather than on the party creating it.

6-28 The logical fallacy is plain: the Report **defines the restriction as the mitigation**, and then concludes that because the mitigation exists, the effect is not significant.

6-29 The question that remains unanswered is this: **what are the effects on agricultural operations of imposing these restrictions?**

6-30 THE APPLICANT'S OWN ADMISSION — CLEARANCE NOT DESIGNED FOR AGRICULTURAL USE

6-31 Appendix B of the Report states that the minimum clearances were developed by reference to legislation, industry standards and EMF guidance but *"did not give specific consideration to the particular land use, including agricultural and/or forestry"*.

6-32 This is, in effect, an **admission that the clearance design was not tailored to agricultural risks**. It:

- weakens any argument that design eliminated or reduced foreseeable risks;
- exposes a gap between generic compliance and risk-specific design; and
- brings into focus that the Applicant moved directly from generic clearance to operational mitigation without any meaningful risk assessment.

6-33 This matters because TS 43-8 delegates responsibility for determining the appropriate clearance to the ENA member company — here, the Applicant. Compliance with the generic provisions of TS 43-8 does not answer whether the Applicant selected an appropriate clearance for the agricultural context of this route.

6-34 QUANTIFIED MACHINERY HEIGHT VERSUS CLEARANCE ANALYSIS

6-35 Applying the Applicant's own method (working height plus 4.3m) to its own clearance statistics produces the following results, as set out in NOTKUP's submission:

Machinery type	Typical working height (m)	Min. clearance required (m)	% spans below required	Approx. affected spans (of 298)
Combine harvester (grain tank open, auger deployed)	5.5	9.8	27%	80
Forage harvester (discharging)	5.0	9.3	~0% (marginal)	Marginal

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Machinery type	Typical working height (m)	Min. clearance required (m)	% spans below required	Approx. affected spans (of 298)
Root/vegetable harvester	8.0 (field measurement / manufacturer specification)	12.3	68%	203
Advanced sprayer (on slope)	5.5	9.8	27%	80
Telehandler (raised boom)	7.0	11.3	53–63%	158–188
Tipper (raised body)	6.0	10.3	27–53%	80–158
Rain gun (in operation)	N/A (30m stand-off)	N/A	N/A	N/A

6-36 For advanced sprayers, booms should not be folded within 11m clearance.

6-37 For combine harvesters, **over one quarter of the route does not provide sufficient clearance** (27%, approximately 80 spans). For root and vegetable harvesters, **approximately two-thirds of all spans** (68%, approximately 203 spans) fall below the required clearance.

6-38 The Applicant's *"Not Significant"* conclusion is **irreconcilable with these figures**, which are derived from its own data. These are not marginal adjustments; they are **systematic constraints on ordinary agricultural practice across the majority of the route**.

6-39 THE REGULATORY FRAMEWORK — HEALTH AND SAFETY COMPLIANCE

6-40 This section draws on NOTKUP's submissions.

6-41 ESQCR 2002

6-42 Regulation 3 imposes a general duty on generators and distributors to ensure that their equipment is sufficient for the purposes for which it is used and is so constructed, installed, protected, used and maintained as to prevent danger so far as is reasonably practicable. **The duty is on the Applicant, not the farmer.**

6-43 Regulation 3(2) requires an assessment of foreseeable risk, having regard to the nature of the equipment and the use of the surrounding land.

6-44 Regulation 17 and Schedule 2 prescribe a statutory minimum height of 7.3m for a 400kV line. The Applicant adopts 9m, but that remains below the clearance required for many items of agricultural machinery.

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6-45 The ESQCR is not simply a numerical minimum-clearance exercise. If risks are foreseeable, the design must prevent danger so far as reasonably practicable.

6-46 HSWA 1974

6-47 Section 3 places a duty on every employer — here, the Applicant — to conduct its undertaking so as to ensure, so far as is reasonably practicable, that persons not in its employment are not exposed to risks to their health or safety. Farmers and their workers are such persons.

6-48 That duty is not discharged by reliance on third parties' compliance with safe systems of work. It requires the Applicant to ensure that its undertaking does not expose others to risk. Where the design creates the risk, the duty is to eliminate or reduce it by design.

6-49 MANAGEMENT REGULATIONS 1999

6-50 Regulation 3 requires a suitable and sufficient risk assessment. The Applicant has produced no evidence of such an assessment for agricultural operations.

6-51 CONSTRUCTION (DESIGN AND MANAGEMENT) REGULATIONS 2015 (CDM 2015)

6-52 Pre-construction phase duties arise at the design stage, not after consent. The HSE guidance L153 makes clear that health and safety should be integrated from concept onwards.

6-53 The Report states that *"no primary mitigation"* is applicable. That means no design mitigation was considered, which is alarming. The absence of any acknowledgement of CDM 2015 pre-construction phase duties or of L153 is significant.

6-54 ELECTRICITY AT WORK REGULATIONS 1989

6-55 Regulation 14 governs work on or near live conductors. Agricultural operations beneath a 400kV line constitute such work.

6-56 The hierarchy of control

6-57 The established hierarchy of control is: (1) elimination; (2) substitution; (3) engineering controls; (4) administrative controls; and (5) personal protective equipment.

6-58 The Applicant has proceeded **directly to administrative controls** — operational restrictions on farmers — without addressing steps (1) to (3).

6-59 The Applicant could design out the risk by specifying greater conductor heights. It has chosen not to. The clear inference is that the decision is economic.

6-60 THE OHL COMPARABILITY ARGUMENT

6-61 The Applicant relies on the fact that 79% of landholdings (122 of 154) already have OHL infrastructure. That reliance is unsound for three reasons:

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- existing lines are overwhelmingly of lower voltage (132kV, 66kV, 33kV and 11kV), with materially different clearance profiles, conductor sag, EMF intensity and risk. A 400kV line is not comparable;
- existing lines may benefit from derogations under Regulation 33 of the ESQCR for pre-existing infrastructure. The proposed development does not; and
- the Applicant has not demonstrated comparability. It has not identified which lines oversail which holdings, or at what voltage, clearance or derogation. The assertion is evidentially worthless.

6-62 Some existing lines are themselves problematic, as Mr Wilson's evidence shows. That is not a reason to repeat the problem in a new 400kV scheme. Legacy workarounds do not justify a new design with inadequate clearance.

6-63 COMPENSATION IS NOT MITIGATION

6-64 The 2017 Regulations require the assessment of significant effects and the identification of measures to avoid, prevent, reduce or, if possible, offset them.

6-65 Financial compensation does not avoid, prevent or reduce the environmental effect. It may address loss after the event, but it does not answer whether the infrastructure should be consented in that form.

6-66 The Report's reliance on compensation conflates two distinct concepts. An unsafe or insufficiently justified design cannot be rendered acceptable by carrying its effects into a compensatory regime.

6-67 IRRIGATION CONSTRAINTS

6-68 Modern irrigation equipment — rain guns, centre-pivot and linear-move systems — requires clearances and stand-off distances that are incompatible with the proposed conductor heights. The 30m stand-off required for rain guns may sterilise significant areas of agricultural land.

6-69 The Report does not identify which holdings use irrigation, what systems are employed, or what constraints would be imposed. The Applicant's suggestion that farmers contact its Asset Management department for advice does not constitute assessment or mitigation.

6-70 Potatoes are the largest irrigated field crop in Scotland. Given crop rotation, many spans will be affected over time. Climate change projections also indicate an increased irrigation requirement in north-east Scotland over the line's 40-year operational life.

6-71 PRIME AGRICULTURAL LAND AND LAND-USE IMPLICATIONS

6-72 The route crosses approximately 59km of prime agricultural land. The operational restrictions amount to a material interference with its productive use.

6-73 The Report does not quantify:

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- the reduction in productive capacity;
- the constraint on crop selection;
- the limitation on future development;
- the effects on harvest logistics; or
- the socio-economic effects on farm businesses.

6-74 Further:

- height restrictions may preclude certain crops that require tall harvesting machinery;
- modified operations during time-critical harvest periods may cause crop loss;
- night working and working under time pressure increase the risk of contact;
- machinery is increasing in size, and will continue to do so over the proposed 40-year operational life; and
- cumulative effects with other infrastructure have not been assessed.

6-75 THE FARADAY CAGE EFFECT AND INDUCED VOLTAGES

6-76 Agricultural workers operating metal-bodied machinery beneath a 400kV line are within an electromagnetic field of significant intensity.

6-77 Modern machinery does not provide full Faraday cage shielding. Open cabs, extended hydraulic arms, grain tanks with raised lids and discharge augers all create pathways for induced current.

6-78 The Report does not assess the risk of electric shock from induced voltages on machinery. This is a foreseeable risk which the May PN required to be assessed.

6-79 The Report asserts that cabs provide protection *"in some cases"* through the Faraday cage effect. That is an acknowledgement that the protection is **not universal**.

6-80 FURTHER INFORMATION REQUIRED

6-81 The Applicant has not provided the following information, which is necessary for a lawful and adequate assessment:

- a span-by-span schedule of conductor clearances under maximum sag conditions;
- a site-specific agricultural baseline for each holding;
- a schedule of spans where the safe machinery height is less than the foreseeable working height;
- a precise mitigation schedule for each risk span;
- an assessment of land-use, productivity and socio-economic effects;
- irrigation constraint mapping;

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- evidence of compliance with CDM 2015;
- an assessment of forestry operations;
- a cumulative effects assessment; and
- an assessment of alternative design options, including increased conductor heights.

6-82 THE HEARING AND THE REPORTERS' QUESTIONS

6-83 At the Hearing, the Reporters explored, *inter alia*:

- the scope of their assessment of risks to human health;
- whether the 'as low as reasonably practicable' test has been met;
- the basis for reliance on tertiary mitigation;
- transport mode versus operational mode;
- passing clearance versus normal clearance;
- the implications for agricultural activity and productivity;
- the position of the HSE;
- existing overhead lines on affected holdings; and
- the scope for further mitigation, if considered necessary.

6-84 NOTKUP's position has been consistent throughout: safe clearance must be derived from foreseeable agricultural use; the design must accommodate that use; and **reliance on operational adaptation by farmers is not an acceptable substitute for safe design**. The proposed design fails.

6-85 CONCLUSION AND REQUESTED OUTCOME

6-86 The Report does not adequately answer the May PN. The fundamental question — **what are the effects on agricultural operations of imposing the restrictions required by the proposed clearance heights** — remains unanswered.

6-87 The evidence demonstrates systematic constraints on ordinary agricultural practice across the majority of the route. The Applicant has not demonstrated that the line can be safely constructed, energised and operated in the agricultural context.

6-88 The design philosophy is fundamentally flawed: it works from conductor height downwards rather than from agricultural use upwards. The Applicant's own admission that clearance was designed without specific consideration of agricultural land use is decisive. The hierarchy of control has not been followed.

6-89 The Reporters are invited to conclude that the Report does not discharge the obligations under the 2017 Regulations; the design has not been shown to accommodate foreseeable agricultural operations safely; and section 37 consent should not be granted on

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the material submitted. Alternatively, any consent should require increased clearance heights sufficient to accommodate foreseeable agricultural operations without changing ordinary practice.

6-90 NOTKUP submits that consent cannot lawfully be granted on the deficient and incomplete environmental information on this topic, presently before the inquiry.

7 THE COMMUNITY EVIDENCE

7-1 Introduction

7-2 This chapter addresses the evidence given by members of the public at the community hearing sessions held in Banchory, Tealing, Brechin and Kintore. It draws together what those witnesses told the Inquiry about the Tealing to Kintore Upgrade Project (TKUP), the proposed 400 kV overhead line promoted by SSEN Transmission, and explains why that evidence should carry **substantial weight** in the determination of the application.

7-3 The chapter is not a speaker-by-speaker account. It is organised by theme. Each section brings together the evidence of those who spoke on that issue, identifies where their evidence connects with the technical and legal matters addressed elsewhere in this closing submission, and sets out the findings the Inquiry is invited to make.

7-4 The community evidence matters for three reasons. First, it is evidence. The witnesses who spoke at the hearing sessions live, farm, work and raise families along the proposed route. Several spoke with professional expertise: medical practitioners, a major accident hazard specialist with more than 25 years' experience, an aviation archaeologist with 56 years' specialist experience, and farmers who know their land far better than any desktop assessment can. Their evidence of local conditions, of the effects already being felt, and of errors in the Applicant's assessment is **substantive evidence** that the Inquiry must weigh. It is not mere opinion or expression of preference.

7-5 Second, much of that evidence has not been answered. The Applicant has not produced evidence to contradict the specific facts recorded by many community witnesses: the orientation of homes, the distances to towers, the omission of houses from maps, the absence of contact with the Ministry of Defence, or the practical effect of line sag on modern farm machinery. Where the evidence stands unchallenged, the Inquiry is entitled to accept it.

7-6 Third, the scale of community concern is itself relevant. More than 11,000 residents objected to the proposal. All 26 Angus councillors voted to reject it. The community evidence explains why, and it does so with a consistency across four hearing venues that cannot be dismissed as local resistance to change.

7-7 This chapter is structured as follows. It first addresses the evidence on need and the failure to assess alternatives. It then turns briefly to consultation, before examining the

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evidence on health and wellbeing; landscape and the character of place; environment and biodiversity; cultural heritage; agriculture; property, tourism and socio-economic effects; construction and traffic; major accident hazard; and route selection. It ends with conclusions on the application of planning policy and the findings the Inquiry is invited to make.

7-8 Strategic Need and Justification

7-9 The community witnesses did not dispute that the electricity network requires investment. Their evidence was directed to a narrower and more important question: whether the Applicant has demonstrated a need for **this** project, using **this** technology, on **this** route.

7-10 Mr Brian Wade explained that the designation of the project as a National Development under the fourth National Planning Framework (NPF4) does not amount to automatic consent. Designation establishes a need for reinforcement in principle. It does not relieve the Applicant of the obligation to justify the particular form of development proposed. Mr Wade told the Inquiry that a Freedom of Information response from the National Energy System Operator (NESO) confirmed only a broad need for network reinforcement. It did not confirm a need for an overhead line, for pylons, or for this route.

7-11 Mr Andy Jack made the same point from a different angle. The choice of technology rests with the network operator, not with the system operator or with national policy. SSEN Transmission never explained why the reinforcement required a 400 kV overhead line rather than another solution. That is a matter for which the Applicant, and only the Applicant, is accountable.

7-12 Mr Alan Chesterman gave evidence that the application is premature. He noted that UK electricity demand has fallen by 29% since 2005 and that consent is sought before publication of the Strategic Spatial Energy Plan, which is not due until 2027. In his view the proper sequence of decision-making has been inverted. Need should be established first, then alternatives assessed, then the preferred option chosen, and only then its scale determined. Here the option came first. Mr Wade also questioned the demand assumptions on which the Applicant relies, including those for electric vehicles and heat pumps.

7-13 Mr John Houston explained how quickly the planning assumptions underlying the project have changed. The ScotWind leasing round was expected to deliver between 4 GW and 15 GW of offshore capacity. It resulted in 31.4 GW, and with the INTOG round a further 4.4 GW, a total of 35.9 GW. Assumptions made before those results became known were, as he put it, rapidly obsolete. His central point was that infrastructure of this scale must be planned well rather than quickly.

7-14 Ms Fiona Mears observed that Scotland is already a net exporter of electricity, and that the line is designed principally to move Scottish power south to England. Mr Robert Melville described the absence of a coherent, integrated energy strategy, and explained how a series

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of piecemeal applications obscures the cumulative impact on the communities of the North East.

7-15 Mr Graham Sutherland placed the project in its wider economic context. Since privatisation in 1989, approximately £60 billion has been returned to shareholders while investment in the grid stagnated. Constraint payments, made when generation cannot reach the network, are running at around £1.7 billion a year and are predicted to rise to £8 billion by 2030. He described SSEN Transmission as a natural monopoly, remunerated according to the infrastructure it builds, so that pylons become assets on its balance sheet. He characterised the present position as a *"crisis of design"*.

7-16 These matters are addressed in detail in the Need and Policy chapter. The community evidence reinforces the conclusion reached there: the Applicant may have shown a general need for reinforcement, but it has **not demonstrated** a need for the development in the form proposed.

7-17 The Failure to Assess Alternatives

7-18 The most consistent theme across all four hearing sessions was the Applicant's failure to carry out a transparent comparison of alternatives.

7-19 Mr Wade told the Inquiry that SSEN Transmission defaulted to what he described as *"century-old overhead AC technology"* without any transparent comparative appraisal. He identified a range of alternatives that were not properly assessed: reconductoring existing lines, dynamic line rating, high voltage direct current (HVDC) transmission, and offshore routes. His summary was direct: *"the cheapest solution for the developer is not necessarily the best solution for the public"*.

7-20 Mr Jack referred to guidance published by the European Commission in 2024, which identifies underground HVDC as a standard solution for major transmission routes. Mr Marshall Bailey gave evidence that offshore and underground alternatives are entirely feasible, and described the Applicant's methodology as *"buy cheaper, build faster"*. Mr Houston described a *"path of least resistance"* approach to routeing.

7-21 Mr Sutherland addressed resilience. Overhead lines are exposed to storms, ice and deliberate interference in a way that underground and subsea cables are not. He described them as *"sitting ducks"*. That is a relevant consideration for infrastructure intended to secure the nation's energy supply for decades to come.

7-22 Several witnesses drew attention to the Treasury Green Book, which requires a proper appraisal of options, including their wider social and environmental costs. Cost to the developer is one factor. It is not the only factor, and it cannot be decisive where the costs imposed on communities and the environment have not been counted.

7-23 The Inquiry does not need to determine which alternative is best. It needs only to find that the Applicant has not carried out a lawful and transparent assessment of reasonable

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alternatives. On the community evidence, and for the reasons set out in the Need and Policy chapter, that finding should be made.

7-24 Consultation and Process

7-25 Consultation is addressed fully in the chapter on Consultation, and it is not repeated here. The community hearing evidence, however, confirms the conclusions reached in that chapter.

7-26 Ms Eileen West described the Peterculter meeting as a *"box-ticking exercise"*. At the Drumoak meeting, questions had to be submitted weeks in advance and were then selected by the Applicant; the presence of security staff was experienced as intimidating. Residents came to call the events *"insultations"*. Angus community councils, Mrs Gill Wilson, Jean McLean (Kirriemuir Landward East CC) and Mrs Angela Taylor all contributed their views, which remain unchallenged.

7-27 SSEN Transmission's own survey recorded stakeholder satisfaction of only 7%.

7-28 Dr Rachel Mayo-Jack explained that her first notification was sent to an old address in Surrey. The first event she attended was described as an *"information event"*, not a consultation, and she was told there was nothing the community could do to stop the project. Maps omitted houses, including the entire Kirkwood Homes estate. Posters understated pylon heights, depicting towers of 54.6 metres when the actual height was 57 metres, and some towers are 72 metres.

7-29 Mr Edward Troughton described the consultation as *"utterly woeful"*. Ms Angela Taylor gave evidence of shortcomings in Angus, including the inconsistent use of the word "local" and ludicrously the assurance that communities would benefit through *"jobs and business for Dundee"* - a different local authority area!

7-30 Those accounts are consistent with each other and with the evidence of Ms West set out in the Consultation chapter. They support the finding invited there: that the consultation did not meet the Gunning Principles or the requirements of the Aarhus Convention.

7-31 Health, Wellbeing and the Precautionary Principle

7-32 The evidence on health came from medical practitioners as well as from residents. It should be given particular weight.

7-33 Dr Iain Stirling identified five critical failures in the Applicant's approach:

- the Environmental Impact Assessment is legally deficient, because Population and Human Health was scoped out despite the requirements of the 2017 Regulations;
- no Health Impact Assessment has been carried out;
- the Applicant's case on compliance with limits for electric and magnetic fields (EMF) relies on a body that has not existed since 2021;

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- the effects on people are already real, in the form of stress, anxiety and financial harm; and
- the precautionary principle has not been applied.

7-34 Dr Stirling described the exclusion of Population and Human Health from the assessment as *"morally abhorrent and medically and scientifically astonishing"*.

7-35 Dr Mayo-Jack is one of 37 local doctors who signed a letter of concern about the project. That is a significant expression of professional concern from those with direct responsibility for the health of the communities affected.

7-36 The evidence of individual residents shows what that concern means in practice. Ms Mears has a pacemaker. The absence of clear information about EMF is especially troubling for her. Both she and her husband were diagnosed with cancer during the period of the project's development, and she described how stress, uncertainty and sleeplessness contributed to the burden they carried.

7-37 Mr David Potter of 2 Annamuick Cottages described anxiety, disturbed sleep, depression and a sense of helplessness. He said he felt *"imprisoned"*. Dust from works already undertaken has aggravated his asthma. Mrs Gloria Potter described financial anxiety about how the couple's future care needs will be met if the value of their home is lost.

7-38 Ms West gave evidence of a community survey in which 80.9% of respondents said the proposals were harming their health or wellbeing. She described Drumoak as living *"under the sword of Damocles"*. Mr Houston told the Inquiry that the mental wellbeing of residents is a material consideration. That is right. Effects on health, including mental health, are a matter the Inquiry must take into account.

7-39 Mr Troughton recalled being told by a member of SSEN staff: *"We're making them tall so we don't fry your hair"*. Whatever was intended, a remark of that kind does nothing to reassure a community that its health concerns are being taken seriously.

7-40 The Inquiry is invited to find that the Applicant has **failed to assess** the effects of the project on population and human health, and that the precautionary principle requires that failure to weigh against the grant of consent.

7-41 Landscape, Visual Amenity and the Character of Place

7-42 The witnesses described landscapes that they know intimately and that matter to them deeply. Mr Melville put it this way: Scotland's countryside is *"not simply scenery — it is part of our national identity, our wellbeing, and our economy."*

7-43 Ms Mears described towering pylons close to homes on Royal Deeside. Towers 70 metres high are proposed only 259 metres from homes, which she described as an *"abhorrent visual impact"*.

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7-44 Mr Jack explained that the settlement of Echt would be encircled by eleven pylons. That is contrary to the Holford Rules, which direct overhead lines away from settlements and seek to avoid the enclosure of communities, and to NPF4 Policy 4 on natural places.

7-45 Mr and Mrs Potter gave evidence that eight pylons would be visible in close proximity to their home. Mr Potter explained that the windows and extension of the house would frame infrastructure of an industrial scale. Mrs Potter described the home as *"surrounded and encircled"* by eight giant pylons, forming a *"wall of wire"*. No meaningful mitigation has been offered.

7-46 Mr and Mrs Joiner will have three towers on their land. Tower 114, which is 58 metres high, would stand 205 metres from their home, not 232 metres as SSEN Transmission stated. The Residential Visual Amenity Assessment (RVAA) omitted their conservatory, which is a principal room under Landscape Institute Technical Guidance Note 2/19. The Applicant's own assessment records a **high** magnitude of change and a **significant adverse** effect, yet no mitigation is proposed. They were told by an SSEN representative that *"someone has to live beside them"*.

7-47 Mr Troughton gave evidence that the RVAA recorded his home at Kirkside as facing north-east when in fact it faces south-west. He described this as *"dishonesty in the assessment"*. Tower 111 would stand between Kirkside and Lochty Cottages, creating a severe pinch point.

7-48 Errors of this kind are not trivial. They go to the reliability of the assessment on which the Applicant asks the Inquiry to rely. Where residents have identified specific and verifiable mistakes in distances, orientation and principal rooms, and those mistakes have not been corrected, the Inquiry cannot safely accept the Applicant's conclusions on residential amenity.

7-49 Ms Sue Paterson addressed cumulative effect. She told the Inquiry that landscapes are *"rarely destroyed in a single act; they are worn away piece by piece"*. Mr Bailey said the Applicant's description of the effect at Craigeassie as "significant adverse" with a "high magnitude of effect" does not do justice to the impact.

7-50 The Inquiry is invited to find that the landscape and visual effects of the project are **significant and adverse**, that they have been understated in the Applicant's assessment, and that they are contrary to NPF4 Policies 4 and 14 and to the Holford Rules.

7-51 Environment, Biodiversity and Natural Heritage

7-52 The witnesses described a route corridor that is, in Ms Paterson's words, a living and interconnected natural system.

7-53 Ms Mears and Dr Mayo-Jack described the wildlife of the area: red squirrels, badgers, deer, pine martens, otters, bats, birds of prey, pink-footed geese (*Anser brachyrhynchus*) and

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red-listed songbirds around Echt. Mr Potter gave evidence of a noticeable reduction in wildlife sightings since tree felling began.

7-54 Ms Carole Ledingham addressed the suggestion that species could be *"moved"*. She explained that this is futile for territorial bats, and cruel for red kites (*Milvus milvus*), which mate for life. She drew attention to the protection given to wildlife under the Wildlife and Countryside Act 1981.

7-55 Mr William Foster addressed the River Dee Special Area of Conservation, designated for the freshwater pearl mussel (*Margaritifera margaritifera*), Atlantic salmon (*Salmo salar*) and otter (*Lutra lutra*). Mr Bailey addressed the River South Esk Special Area of Conservation and its salmon fishing. Ms West gave evidence of damage to the Loch of Park Site of Special Scientific Interest.

7-56 Ancient and long-established woodland was a recurring concern. Mr Troughton described a 90-metre swathe cut through Long Established Plantation Origin woodland. Ms West observed that ancient trees cannot be replaced *"other than by a time machine"*. Ms Paterson made the same point: ancient woodland is irreplaceable.

7-57 Steve McSwiggan (Tealing CC) also spoke about concerns of environmental impacts, as did Mary Smith (Glamis CC). John Wiseman spoke about Tealing being the 'Gateway to Angus' and Nick Cole spoke about Lady Jane Plantation.

7-58 NPF4 Policy 3 requires development to conserve, restore and enhance biodiversity. Policy 6 protects ancient woodland and trees of high biodiversity value. The Inquiry is invited to find that the project conflicts with both policies, and that the loss of irreplaceable habitat weighs heavily against it.

7-59 Cultural Heritage and Archaeology

7-60 Ms Karen Nichols gave evidence that the Applicant has treated heritage as a procedural chapter rather than as a substantive constraint. She referred to the Brown and White Caterthuns, Iron Age hill forts whose significance lies in their open landscape setting. The introduction of large-scale infrastructure into that setting erodes the connected cultural landscape of which they form part. Ms West described the damage the project would do to Couper's Road, a historic drovers' route.

7-61 Ms Juliet Vivers gave evidence about the hamlet of Arniefoul, a 17th-century Category C listed group, which the chosen alignment would bring closer to the line. Mr Bailey referred to archaeological sites at Craigeassie.

7-62 Mr Kevin Stout, drawing on his long specialist experience, gave evidence that the remains of crashed military aircraft along the route have not been identified. The Applicant's desktop exercise concluded that the impact would be negligible. Mr Stout explained why that conclusion is wrong. Such remains are protected by the Protection of Military Remains Act 1986 and may include human remains. The Ministry of Defence confirmed in December

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2025 that it had not been contacted, despite the Applicant's claim that it had been informed.

7-63 That evidence is specific, expert and unchallenged. The Inquiry is invited to find that the Applicant's heritage assessment is **inadequate**, that it fails to meet NPF4 Policy 7 and the protection afforded by the Ancient Monuments and Archaeological Areas Act 1979 and the Protection of Military Remains Act 1986, and that the effect on the setting of the Caterthuns and other assets weighs against consent.

7-64 Agriculture, Food Security and Farm Operations

7-65 The farming evidence was among the most detailed given to the Inquiry. It came from people who work the land every day.

7-66 Ms Sheila Mather gave evidence that agriculture was *"duplicitously"* scoped out of the assessment. She described the loss or sterilisation of 93 acres of prime arable and potato land, and the biosecurity risk posed by the movement of construction plant between fields, including the spread of potato cyst nematode (*Globodera* species).

7-67 Mr and Mrs Joiner explained that SSEN Transmission's claim that only 4.98 hectares would be lost is misleading. Three towers would be spread across 34 of their 40 croppable acres. The sag of the line would create conflict with modern machinery and a risk to life. It would prevent irrigation and interfere with GPS, autosteer and drone technology on which modern farming depends.

7-68 Mr Foster confirmed that the height and sag of the line would make the safe use of machinery impossible in places, with risks of contact, flashover and death. Ms Mears described the loss of farmland used for barley, silage, sheep and cattle. Mr Bailey described prime arable land, cattle and specimen woodland at Craigeassie.

7-69 Ms Shonah Campbell runs a Clydesdale horse breeding operation. The Clydesdale is an at-risk rare breed, with around 5,500 animals worldwide. To put that in context, Ms Campbell compared it with the approximately 3,500 giant pandas in the world. Mares carry their foals for 11 to 12 months and are highly sensitive to disturbance. She described an incident in which a filly bolted through a fence towards the road.

7-70 NPF4 Policy 5 protects prime agricultural land. The Inquiry is invited to find that the Applicant has not properly assessed the effect of the project on agriculture, that the real loss of productive land is far greater than the Applicant claims, and that the risks to safe farm operation are material considerations weighing against consent.

7-71 Property, Tourism and Socio-Economic Impact

7-72 The witnesses gave clear evidence of financial harm that is already being felt.

7-73 Ms Mears referred to an assessment by Galbraith estimating a loss in property value of approximately £1 million per mile of line, and between 10% and 20% or more per home. She

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was told that *"there is no mechanism for compensation"*. Mr Jack explained that his family lost £125,000 on the sale of a home in Dunecht. Mr Troughton estimated that property values near his home would fall by 40%. Mr Potter was told by estate agents that his home would be difficult to sell. Taken together, estimates given to the Inquiry range from 10% to 50%.

7-74 Mr Chesterman explained that the economic benefits of the project are modest. It will create few permanent jobs, its gains are dispersed, and its impacts are borne by the communities along the route. Ms Taylor's evidence about the promise of *"jobs and business for Dundee"* illustrates the point.

7-75 Ms Ledingham told the Inquiry: *"we can kiss tourism to the area goodbye"*. Ms Mather observed that the Applicant is *"proposing destroying Scotland's landscape … which is the very thing visitors come for"*.

7-76 Mr Sutherland reported that the Angus councillors described the project as *"an act of vandalism on a colossal scale"* and as a failure of the just transition. Ms West reminded the Inquiry that *"a Just Transition is supposed to be JUST and behind every line on a map is a home."* Mrs Alison Wiseman spoke carefully about her tourism and llama farming business at Balnuith. It is believed that the Reporters have visited that location.

7-77 A just transition requires that the costs of decarbonisation are shared fairly. On the evidence, they are not. The benefits flow elsewhere; the costs fall on those who live along the route. The Inquiry is invited to find that the socio-economic effects of the project are **adverse**, and that the project does not accord with the just transition principles embedded in NPF4, including Policies 11 and 29.

7-78 Construction, Roads and Traffic

7-79 Mr Grant Alexander gave evidence that key elements of the construction methodology remain unclear. Temporary working areas of 100 metres by 100 metres are understated, and limits of deviation of 100 metres or more leave important matters unresolved. The construction programme runs for five years, with reinstatement not expected until late 2030 at the earliest.

7-80 Mr Fraser Smith explained that many of the rural roads and bridges along the route date from the horse-and-cart era. Masonry bridges built with soft lime mortar are susceptible to deflection and cracking under heavy loads. Lorna Campbell expressed her concerns about the safety of horse riders.

7-81 Ms West noted that there is no final Construction Traffic Management Plan. Ms Mather raised concern about emergency ambulance access during construction.

7-82 A five-year programme on unsuitable roads, without a final traffic management plan, is a significant burden on rural communities. NPF4 Policy 13 requires the transport effects of

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development to be properly assessed and managed. The Inquiry is invited to find that the Applicant has not shown that the construction effects can be acceptably controlled.

7-83 Major Accident Hazard and Safety

7-84 Mr Wade gave evidence that the Environmental Impact Assessment failed to address the interaction between the line and high-pressure gas pipelines, which are classified as major accident hazard pipelines. The topic of Major Accidents and Disasters was scoped out.

7-85 Mr Michael Muir Wright is a major accident hazard specialist with more than 25 years' experience. His evidence addressed the crossing of the Monboddo pipeline. He explained that, in the event of a release, gas reaches an ignitable concentration at approximately 50 metres from the pipeline. Pylons placed at 50 to 70 metres introduce a potential ignition source within that zone. An ignited release would affect between 14 and 17 residential properties. In his view, the D4 route fails the duty to reduce risk to as low as reasonably practicable (ALARP) under the Pipelines Safety Regulations 1996 and the associated major accident hazard regime. He explained that the D5 corridor would cost a similar amount and could cross the pipeline at 90 degrees, reducing the risk.

7-86 That is specialist evidence of a serious safety risk, and a practical alternative that would reduce it. The Inquiry is invited to find that the Applicant has **not assessed** major accident hazards as it should have done, and that the risk at the Monboddo crossing weighs heavily against the route as proposed.

7-87 Route Selection and Alignment

7-88 Mr Troughton gave evidence that Route 4A did not exist until August 2024. The route was pushed north after lobbying, in what he described as a *"macabre game of musical chairs"*. Mr Houston explained that the project team was unfamiliar with the area and had not *"walked the route"*. Dr Mayo-Jack noted that no Environmental Impact Assessment had been completed before the route was chosen.

7-89 Mrs Juliet Vivers explained that SSEN Transmission chose alignment 1a over alignment 1b, even though most respondents preferred 1b. Alignment 1a is 350 metres longer, requires approximately 33% more pylons, and runs closer to the listed hamlet of Arniefoul. Ms Mather gave evidence that an alternative corridor was identified but not acted upon. Mr Muir Wright's evidence on the D5 corridor makes the same point in the context of safety.

7-90 The community evidence shows a routeing process that was not driven by the careful application of the Holford Rules or by the findings of environmental assessment. The Inquiry is invited to find that the route and alignment selection has not been adequately justified.

7-91 The Application of Planning Policy

7-92 Mr John Campbell gave evidence that the application cites planning policy but does not apply it. There is no transparent, receptor-specific balancing of harm against benefit. The Applicant has not shown how it has discharged its duty under Schedule 9 to the Electricity

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Act 1989 to have regard to the desirability of preserving natural beauty, flora, fauna and features of special interest, and to do what it reasonably can to mitigate effects on them. The limits of deviation leave important matters open.

7-93 The community evidence engages a wide range of NPF4 policies: Policy 3 (biodiversity), Policy 4 (natural places), Policy 5 (soils and prime agricultural land), Policy 6 (forestry, woodland and trees), Policy 11 (energy), Policy 13 (sustainable transport), Policy 14 (design, quality and place), Policy 18 (infrastructure first), Policy 23 (health and safety) and Policy 29 (rural development). Under Policy 11, even national developments must address their impacts on communities and the environment. National Development status is not a substitute for that exercise.

7-94 Conclusions

7-95 The community evidence is consistent, detailed and, in large part, unchallenged. It comes from people who know the route corridor better than anyone, and from witnesses with medical, safety, archaeological and farming expertise. It is **substantive evidence**, and it should be given substantial weight.

7-96 On the basis of that evidence, and the matters set out in the other chapters of this closing submission, the Inquiry is invited to find that:

- the Applicant has demonstrated a general need for network reinforcement, but has not demonstrated a need for a 400 kV overhead line on this route;
- the Applicant has not carried out a transparent and lawful assessment of reasonable alternatives, including underground, offshore and HVDC options;
- the consultation was inadequate, for the reasons set out in the Consultation chapter;
- the Applicant has failed to assess the effects of the project on population and human health, and the precautionary principle weighs against consent;
- the landscape and visual effects are significant and adverse, and the Applicant's residential visual amenity assessment contains specific errors which undermine its reliability;
- the project would cause irreplaceable harm to ancient woodland and to protected habitats and species;
- the heritage assessment is inadequate, including in its failure to identify military aircraft remains and to consult the Ministry of Defence;
- the real loss of agricultural land is far greater than the Applicant claims, and the line poses risks to safe farm operation;
- the socio-economic effects are adverse and the costs of the project fall unfairly on the communities along the route;
- the construction effects on rural roads and communities have not been shown to be acceptable;
- the Applicant has not assessed major accident hazards, and the Monboddo pipeline crossing presents a serious and avoidable risk; and

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- the route and alignment selection has not been adequately justified.

7-97 Those findings should be given **significant weight** in the planning balance. Taken together, they show that the harm caused by the project has not been properly assessed, has been understated where it has been assessed, and is not outweighed by the benefits of the project in the form proposed.

7-98 As Mr Houston told the Inquiry, infrastructure of this scale must be planned well rather than quickly. The communities along the route have not been heard in the way the law requires. This Inquiry is the opportunity to hear them. The Inquiry is respectfully invited to recommend that consent be **refused**.

8 LANDSCAPE AND VISUAL IMPACT

8-1 This chapter addresses the landscape and visual effects of the proposed Tealing to Kintore 400 kV overhead line (**the Proposed Development**). It is one of the central issues at this inquiry. The Proposed Development would introduce a new line of steel lattice towers, generally between 51m and 61m tall and up to 72m where the vertical limit of deviation is used, across approximately 119 km of the Angus and Aberdeenshire countryside. The effects would be permanent for the life of the development and, in practical terms, largely irreversible.

8-2 The Applicant's primary landscape and visual impact assessment is **EIAR Volume 2, Chapter 9** (**the LVIA**), prepared by LUC. It is supported by **EIAR Volume 5, Appendices 9.1 to 9.5**, which include the methodology, the Residential Visual Amenity Assessment (**the RVAA**, Appendix 9.3) and the cumulative assessment (Appendix 9.4).

8-3 The opposing evidence on this topic comprises:

- the **LBLA Report**, prepared by Liz Bowman Landscape Architecture on behalf of NOTKUP. Ms Bowman is a Chartered Member of the Landscape Institute with over 20 years' experience;
- the **Campbell Hearing Statement**, by John Campbell, a retired Scottish King's Counsel with approximately 30 years' knowledge of energy developments;
- the **Anderson Hearing Statement**, by Carol Anderson on behalf of Angus Council. Ms Anderson is a Chartered Member of the Landscape Institute who also provides landscape consultancy to Aberdeenshire Council;
- the **Troughton Representation**, by Edward Troughton, an affected resident at Kirkside of Lochty; and
- the **Strathmore Hearing Statement**, lodged on behalf of Strathmore Estates.

8-4 As addressed in the preceding chapter on Need and Policy, landscape and visual effects are among the significant adverse effects which the Applicant admits. They therefore sit

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squarely on the harm side of the balancing exercise required by Policy 11 of National Planning Framework 4 (**NPF4**).

8-5 (Not used)

8-6 The opponents' case can be stated simply. **The LVIA, while comprehensive in form, materially understates the extent and severity of landscape and visual effects, particularly on residential receptors, and the Holford Rules have not been properly applied.**

8-7 THE APPLICANT'S ASSESSMENT — OVERVIEW AND METHODOLOGY

8-8 The LVIA follows the third edition of the Guidelines for Landscape and Visual Impact Assessment (**GLVIA3**). It considers effects on landscape character (the physical and perceived make-up of the landscape) and on visual amenity (what people actually see and how they experience it).

8-9 The study area extends 5 km either side of the alignment. That was not the Applicant's original proposal. LUC initially proposed 3 km, and the area was extended only at Angus Council's request. Angus Council described the original 3 km as *"relatively modest for structures of this height."* Even the extended 5 km area has been questioned. The episode is telling: from the outset, the Applicant's instinct was to draw the assessment tightly.

8-10 The Zone of Theoretical Visibility (**ZTV**), which maps where the towers could in theory be seen, is a "bare-earth" model. It does not take account of screening from trees, buildings or other local features. That is standard practice, but it means the ZTV is a starting point only; the real question is how the line would be experienced by people at particular places.

8-11 The LVIA relies on 38 representative viewpoints and divides the route into six sections (A to F). The assessment is broken down into: landscape character; visual amenity, assessed by reference to Visual Receptor Areas (**VRAs**); residential visual amenity (the RVAA in Appendix 9.3); cumulative effects (Appendix 9.4); and sequential effects experienced by people travelling along roads and paths.

8-12 Even on its own methodology, **the Applicant identifies 154 VRAs with significant operational effects.** The RVAA assessed 122 habitable residential buildings and found significant effects at 53 of them, yet concluded that the Residential Visual Amenity Threshold (**RVAT**) would not be breached at any property. That conclusion is examined below.

8-13 THE HOLFORD RULES AND THEIR APPLICATION

8-14 The Holford Rules are the established guidelines for routeing high voltage overhead lines in Scotland and the wider United Kingdom. The LVIA states at paragraph 9.5.3 that they informed the routeing of the Proposed Development. The key rules are:

> **Rule 1**: avoid altogether, if possible, the major areas of highest amenity value;

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Rule 2: avoid smaller areas of high amenity value by deviation;

Rule 3: choose the most direct line, with angle towers in inconspicuous locations;

Rule 4: choose tree and hill backgrounds in preference to sky backgrounds, and cross ridges obliquely where a dip occurs;

Rule 5: prefer moderately open valleys with woods; and

Rule 6: avoid a concentration or "wirescape" of lines.

8-15 Of critical importance to this inquiry are the supplementary notes on **"Line Routeing and People"**. These direct that routeing should: (a) avoid being close to residential areas; (b) *"In rural areas avoid as far as possible dominating isolated houses, farms or other small-scale settlements"*; and (c) minimise the visual effect on users of roads and public rights of way. In a sparsely settled rural landscape such as this, supplementary note (b) is the rule that matters most to the people who live along the route.

8-16 Ms Anderson acknowledged that the route has *"largely avoided intrusion on settled areas and key recreational locations"*. However, she identified important exceptions: dominant towers near the A928 layby at Lumley Den; towers at the western edge of Padanaram; the crossing of the River South Esk Local Landscape Area (**LLA**); and significant effects on dispersed rural residential properties.

8-17 Ms Anderson considered that the River South Esk LLA crossing is *"not optimal in landscape and visual terms"*, because of the scenic views up the valley towards the Highland Boundary Fault scarp and the interruption of riparian woodland. The LLA was not designated until 2024. It was therefore **not considered in the route option appraisal at all**.

8-18 The LBLA Report and Campbell's Hearing Statement identified multiple locations where supplementary note (b) (para 8-15 above) has not been achieved. **At 83 properties, highly significant effects on residential visual amenity have been identified**, against the Applicant's **53**. See paras 8-43 and 8-45 below. Mr Campbell concluded that the proposal *"conflicts with established principles contained within the Holford Rules, including the principle that overhead transmission lines should, as far as possible, avoid dominating isolated houses, farms and small settlements."*

8-19 The Strathmore Hearing Statement made the complementary point that the Holford approach has in places been applied too mechanically. In Section A, the Applicant preferred alignment 1a over alignment 1b in order to avoid the highest point of Hayston Hill. But, as Strathmore puts it, Holford is *"not a mechanical rule that requires the avoidance of every higher point irrespective of local circumstances."* Alignment 1b would affect fewer residential receptors and would benefit from existing woodland screening. The Holford Rules are a balanced set of principles; they are not satisfied by honouring the landscape rules while neglecting the rules that protect people.

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8-20 CRITIQUE OF THE APPLICANT'S METHODOLOGY

8-21 Drawing together the opposing evidence, five methodological failings emerge. Each on its own would give cause for concern. Together, they explain why the LVIA understates the effects on those who will live with this development.

8-22 The residential study area is too narrow

8-23 The RVAA was limited to properties within 225m of suspension towers (measured from the outer conductors) and 270m of angle towers. The LBLA Report, the Campbell Hearing Statement and the Strathmore Hearing Statement all argue that this is too limited for infrastructure of this scale — towers of 51m to 61m, and up to 72m with the vertical limit of deviation.

8-24 The Gillespies guidance identifies the potential for unacceptable effects at distances of up to 500m for pylons of 40m to 60m. The Landscape Institute's Technical Guidance Note on RVAA suggests 100m to 150m for overhead lines, but does not specify the height of line to which that applies. Gillespies indicates that wider distances are appropriate for taller structures. The towers here are at, or above, the top of the Gillespies range.

8-25 Strathmore highlights a stark internal inconsistency. **The Applicant's own noise assessment uses a 500m buffer and identifies 36 sensitive receptors in Section A alone; the RVAA, with its narrower buffer, identifies only 5 in the same section.** The Applicant evidently recognises that people living 500m from the line may be affected by it. It offers no good reason why the same people should be excluded from the visual assessment. Strathmore requests a revised RVAA with a minimum buffer of 570m.

8-26 The practical consequence is significant. **The LBLA Report identifies an additional 29 properties experiencing a High or Very High magnitude of change beyond the Applicant's study area.** Those residents were simply not assessed.

8-27 The limits of deviation have not been properly assessed

8-28 If consented, the Applicant would be entitled to move towers laterally within a horizontal limit of deviation (**LHOD**) of up to 100m for angle towers and 55m for suspension towers, and to increase tower height by up to 9m under the vertical limit of deviation (**VLOD**) — an increase of up to approximately 20%.

8-29 The Applicant acknowledges the limits of deviation, but it has **not reassessed the RVAT in the limits of deviation scenario**. The assessment is therefore of a scheme which the Applicant does not commit to building. The LBLA Report identifies 26 properties where the RVAT may be breached on the current alignment, and a further 10 where it could be breached taking the LHOD into account.

8-30 Mr Campbell considers the limits of deviation *"materially important"*, because they allow towers to move materially closer to sensitive receptors and to be made higher. The

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Troughton Representation shows what this means on the ground: at Kirkside of Lochty, the limit of deviation boundary comes within **17.75m** of the garden (Galbraiths survey). That is a radically different proposition from the 213m tower-to-house distance cited in the RVAA.

8-31 Gardens and external areas have been underweighted

8-32 The LBLA Report and the Campbell Hearing Statement both observe that gardens and access routes are given limited weight in the RVAA. In the countryside, gardens are where people spend much of their time outdoors. The enjoyment of the outlook from gardens, drives and private approaches is an important part of residential visual amenity; it is not to be treated as an optional extra.

8-33 Mr Troughton's evidence is particularly powerful. SSEN measured to the house (213m), when the nearest point of the residential curtilage — the garden boundary — is only 153m to 160m from Tower S111. As he puts it: *"A garden is where people live their lives outside."* And: *"SSEN have measured to the house when the correct receptor is the nearest point of the curtilage."*

8-34 The wirelines do not show the full extent of effects

8-35 The LBLA Report and the Campbell Hearing Statement note that the wirelines produced for the RVAA show only a limited field of view, centred on the nearest tower. They do not illustrate views in which residents would see long lengths of the alignment, multiple towers, cumulative infrastructure, or the wider visual setting of the property.

8-36 The LBLA Report further notes that the representative viewpoints generally do not represent receptors close to the line; they tend to show wider views. **The visual information about where the greatest effects will occur is therefore missing from the Applicant's material.** The reporter is being asked to judge the worst effects without having been shown them.

8-37 Inconsistent distance measurements

8-38 Mr Troughton's evidence on this point is devastating. At Kirkside of Lochty, SSEN's own sources produce multiple different distances to Tower S111:

(i) the visual assessment in the EIAR: **213m**;

(ii) the noise assessment in the same EIAR: **165m**;

(iii) SSEN's wireline tool: **194.51m** to the house and **153.54m** to the garden; and

(iv) the independent Galbraiths survey: **205m** to the house and **160.2m** to the garden.

8-39 Mr Troughton observes: *"In every case where multiple SSEN sources are available, the visual EIA figure is the largest — the one that places the development furthest from the property."* The visual and noise figures in the same EIAR differ by **48m** (213m against 165m).

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Within Appendix 9.3 itself, the RVAA table records 175m to the property while the body text describes Tower S111 as *"approximately 213 m"* away — **a 38m discrepancy within a single document** for the same property. Garden boundary distances were excluded from the visual assessment entirely.

8-40 Distance is the single most important input into any residential visual assessment. Where the Applicant's own figures for one property vary so widely, and consistently in the Applicant's favour, the Reporters cannot safely rely on the distances elsewhere in the RVAA without independent verification. The Reporters have visited the property.

8-41 RESIDENTIAL VISUAL AMENITY — THE RVAT

8-42 The RVAT marks the threshold at which the effect on a home becomes so great that the property would be widely regarded as an unattractive, and therefore unsatisfactory, place in which to live. It is a high bar. Remarkably, the Applicant concludes that it would not be breached at any property along the entire ±103km route.

8-43 The opposing evidence does not support that conclusion. The LBLA Report identifies **26 properties where the RVAT may be breached on the current alignment and a further 10 under the limits of deviation scenario**. Mr Campbell, having reviewed that evidence, puts the figure at *"approximately 35 properties"* and describes the Applicant's finding of "no breach" as *"untenable."* Ms Anderson records that the landscape advisers to both Angus Council and Aberdeenshire Council raised concerns about *"whether the RVAT would not be breached in all cases."*

8-44 The evidence shows that the greatest effects arise where:

- towers are in close proximity to the property;
- towers are skylined or sit on elevated ground;
- conductors cross the principal views from the house or garden;
- the alignment wraps around, or encloses, the property; and
- the receiving landscape has limited capacity to absorb structures of this size.

8-45 Key residential locations where these factors combine include **Dunian** (Tower S203), **Prieston Hill**, **5 Plans of Thornton**, **Lochty Houses/Culcairn**, **Nether Quithel Cottage**, **Mill of Mergie**, **Myriewell House** and **Southside Cottage, Leylodge**.

8-46 Mr Troughton's case at Kirkside of Lochty is particularly compelling. Tower S111 (57m) would stand between Lochty Cottages and Kirkside of Lochty across open, flat ground with no screening. Tower S112 (60m) would stand to the south-west, fully visible. In his words: *"Kirkside of Lochty is enclosed on two sides."* The EIAR does not assess that two-sided enclosure as a combined effect. It is precisely the kind of surrounding effect which the RVAT exists to capture, and which the Applicant's methodology is not designed to see.

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8-47 LANDSCAPE CHARACTER AND DESIGNATED LANDSCAPES

8-48 The Applicant admits significant adverse effects on landscape character within 1 km of the alignment across **all six** route sections.

8-49 The opponents broadly agree with the Applicant's judgements on landscape character. Ms Anderson herself states: *"There is little between the Applicant's landscape consultant and myself in terms of the judgements made on the significant landscape and visual effects."* The disagreement lies in how those effects are characterised. The Applicant describes them as "localised". **For a 103 km route, that label is misleading.** A continuous string of localised effects across this distance is, in aggregate, an extensive and severe impact. Ms Anderson identifies areas where effects are *"particularly severe"*, notably the Milton of Ogilvie Basin (Lumley Den to Glamis) and the River South Esk valley crossing.

8-50 **River South Esk LLA.** The Applicant admits significant effects on the special qualities of *"sweeping meanders lined with trees"* and *"strong rural character"*. Ms Anderson considers that the crossing is not optimal. Because the LLA was not designated when route options were appraised, it was never properly factored into the routeing decision.

8-51 **Dee Valley Special Landscape Area (SLA).** The Applicant admits significant effects on the special qualities of a *"broad, meandering river, with wooded banks"*, *"visual diversity"* and *"richness of landscape character."*

8-52 In both cases, the Applicant asserts that the integrity of the designation would not be affected. That assertion sits uneasily with its own findings. **The special qualities are the reason the areas were designated. If those qualities are significantly harmed, the purpose of the designation is harmed.**

8-53 CUMULATIVE EFFECTS

8-54 The route passes through a landscape already carrying existing transmission lines, substations, wind turbines and associated development. The Proposed Development adds to that load rather than being seen in isolation.

8-55 Mr Campbell identifies cumulative infrastructure as substantially intensifying effects in several areas, including **Tealing**, **Leylodge** and **Fetteresso**. Ms Anderson notes that the proposed Emmock substation, together with the existing Tealing and Seagreen substations and converging overhead lines, would significantly add to large-scale infrastructure clutter — the very "wirescape" which Holford Rule 6 seeks to avoid.

8-56 Ms Anderson also notes that the towers in the Proposed Development would average 57m (excluding the vertical limit of deviation), compared with an average of around 47m for the existing Alyth to Tealing line. **The new towers would be materially larger — roughly 10m, or about a fifth, taller on average.** Familiarity with the existing line is no answer to the introduction of a bigger one alongside it.

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8-57 THE STRATHMORE ESTATES ARGUMENT ON ALIGNMENT SELECTION

8-58 The Strathmore Hearing Statement advances a focused argument about Section A. Strathmore is not opposed in principle to an overhead line. Its concern is with the choice between alignment 1a and alignment 1b.

8-59 The Applicant preferred alignment 1a to avoid the highest point of Hayston Hill. Strathmore submits that this applies the Holford Rules too mechanically. Alignment 1b would affect fewer residential receptors (principally three, against a wider group under 1a), would benefit from existing woodland and landform screening, and would confine the skyline effect to a contained section seen in context.

8-60 Strathmore further submits that the comparative routeing exercise did not treat residential amenity as a meaningful reason for preferring one alignment over the other. That is, in Strathmore's words, *"a material omission."*

8-61 This argument reinforces the broader theme of this chapter. **Throughout, the Applicant has underweighted effects on residential amenity relative to landscape character considerations.**

8-62 MITIGATION

8-63 The Applicant relies on embedded mitigation through routeing and alignment design (avoiding hill summits, seeking backclothing and avoiding ridgelines), and on applied mitigation through the Construction Environmental Management Plan (**CEMP**) and the Outline Landscape Mitigation Design Guide (**OLMDG**).

8-64 Ms Anderson considers the OLMDG *"aspirational with no clear commitment by the Applicant to achieving the measures proposed."* The LVIA itself states at paragraph 9.5.7 that no off-site landscape and visual mitigation measures can be committed to at this stage. The draft conditions prepared for this inquiry reflect a change of stance, with the principle of off-site planting now proposed. That shift is welcome, but it is **late and uncertain**, and it was not reflected in the assessment on which the Applicant's conclusions rest.

8-65 The LBLA Report notes that mitigation for individual properties could be effective, but none has been proposed by the Applicant. Mr Campbell describes the mitigation currently proposed as *"insufficient"* and calls for:

- substantial off-corridor planting;
- restrictions on the limits of deviation at sensitive receptors;
- relocation of selected towers;
- additional screening for residential properties; and
- consideration of undergrounding, or consolidation with existing infrastructure, in selected locations.

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8-66 POLICY CONSIDERATIONS — THE POLICY 11 BALANCE

8-67 The policy framework is addressed in the preceding chapter on Need and Policy and is not repeated here. It is sufficient to focus on NPF4 Policy 11(e)(ii). This acknowledges that significant landscape and visual impacts *"are to be expected for some forms of renewable energy"*, and that *"where impacts are localised and/or appropriate design mitigation has been applied, they will generally be considered to be acceptable."*

8-68 The opponents challenge both limbs of that provision:

- **The effects are not merely localised.** They extend across 119 km and affect all six route sections, two local landscape designations and dozens of homes.
- **Appropriate design mitigation has not been applied.** Undergrounding was dismissed without genuine assessment; the Holford Rules supplementary notes on residential amenity have not been met; and the RVAA study area was too narrow to identify the homes that most needed mitigation.

8-69 Mr Campbell's conclusion is direct: *"The scale and distribution of effects are such that they cannot reasonably be characterised as merely localised."*

8-70 The Applicant's own assessment admits significant effects on landscape character, two local landscape designations, the settings of eight Scheduled Monuments, three recreational airfields, and woodland loss — yet it describes these as *"comparatively few."* As developed in the Need and Policy chapter, **this substitutes a numerical count for the qualitative judgement that Policy 11 requires.**

8-71 CONCLUSIONS ON LANDSCAPE AND VISUAL IMPACT

8-72 The opposing evidence shows that the LVIA materially understates severe and permanent effects, particularly on residential amenity; that its study area, treatment of limits of deviation, treatment of gardens and distance measurements are inadequate; and that the finding of no RVAT breach is untenable. The Holford Rules have not been properly applied, the effects are extensive rather than merely localised, and mitigation is late, uncertain and incomplete.

8-73 Accordingly, **consent should not be granted without adequate mitigation**, including genuine consideration of undergrounding in sensitive sections, restrictions on the limits of deviation at the most affected properties, and binding commitments to off-corridor screening.

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9-0 CULTURAL HERITAGE

9-1 Introduction

9-2 This chapter addresses the effects of the Tealing to Kintore Upgrade Project (TKUP) on the historic environment of Angus and Aberdeenshire. NOTKUP's position is that the Applicant, SSEN Transmission, has not demonstrated that the proposal properly understands, respects and protects that **historic environment, as Scottish policy and legislation require**.

9-3 The Applicant's assessment is set out in Volume 2, Chapter 10 of the Environmental Impact Assessment Report (EIAR), headed Cultural Heritage and dated August 2025, supported by Appendices 10.2 to 10.12 in Volume 5.

9-4 No Hearing session or other oral procedure was allocated to cultural heritage. Neither the Applicant's assessment nor NOTKUP's evidence has **been tested by cross-examination**. NOTKUP's case on this topic therefore rests on the written evidence of its sole witness, Miss Karen Nichols, contained in her Statement on Cultural Heritage Impacts dated 11 May 2026, read together with the Applicant's own EIAR material.

9-5 Miss Nichols lives near Brechin. She has a background in Scottish history, planning, heritage tourism and archaeological research, including archaeological field experience. Her evidence is concise, but it is specific and it identifies real deficiencies in the Applicant's approach.

9-6 The absence of an oral process cuts both ways. The Applicant's conclusions have not been tested either. Where the EIAR asserts that an effect is acceptable or that the integrity of a setting is maintained, the Reporters have only the Applicant's written reasoning to rely on. That reasoning must therefore be examined with particular care.

9-7 In this submission, this chapter is structured as follows. It first sets out the legislative and policy framework. It then summarises the baseline, examines the Applicant's assessment of predicted effects, including the stone circles mitigation response, and addresses Ms Nichols's evidence. It closes with the conclusions the Inquiry is invited to reach and the conditions NOTKUP invites the Reporters to recommend if, contrary to NOTKUP's primary case, consent is granted.

9-8 The Legislative and Policy Framework

9-9 The EIAR identifies the governing legislation as the Ancient Monuments and Archaeological Areas Act 1979, the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the Historic Environment Scotland Act 2014, the Protection of Military Remains Act 1986, the 2017 Regulations and the Electricity Act 1989.

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9-10 The relevant policy identified by the Applicant comprises National Planning Framework 4 (NPF4) Policy 7 (Historic Assets and Places), the Historic Environment Policy for Scotland (HEPS) 2019, Planning Advice Note 2/2011: Planning and Archaeology, Aberdeenshire Local Development Plan 2023 Policies HE1 and HE2, and Angus Local Development Plan Policy 8 (Built and Cultural Heritage).

9-11 The starting point is clear. As Miss Nichols observes, NPF4 requires that *development should preserve and enhance historic assets where possible* and avoid or mitigate significant adverse impacts on their integrity and setting. Under NPF4 Policy 7(h)(ii), the question for a Scheduled Monument is whether the development would significantly adversely affect the integrity of its setting.

9-12 HEPS requires the recognition, care and sustainable management of the historic environment. PAN 2/2011 emphasises the preservation of important remains in situ where practicable, and preservation by record only where that is not possible.

9-13 Historic Environment Scotland's guidance, Managing Change in the Historic Environment: Setting (2016), states that *"Setting can be important to the way in which historic structures or places are understood, appreciated and experienced. It can often be integral to a historic asset's cultural significance."* It also advises that setting *"often extends beyond the property boundary or 'curtilage' of an individual historic asset into a broader landscape context."*

9-14 That guidance further requires an *"objective written assessment"* which should *"take into account the significance of the asset and its setting and attempt to quantify* the *extent of any impact"*. It prescribes a three-stage process: identify the assets, define and analyse their settings, and evaluate the impact and the extent to which adverse impacts can be mitigated. In this instance the Applicant has not once shown any mitigation.

9-15 The Applicant has also relied on the EIA Handbook (SNH and HES, 2018), which states that *"visual change should not be equated directly with adverse impact"*. NOTKUP accepts that proposition. But the converse is equally true. Setting is not merely visual. The EIAR itself accepts that setting impacts may relate to other senses and factors, such as noise, and to historical relationships that do not depend on intervisibility.

9-16 The Applicant's legal and policy material in Volume 5, Appendix 11.1 is directed at ecology rather than heritage. Its relevance here is that it records NPF4 Policy 1, which requires significant weight to be given to the global climate and nature crises. NOTKUP anticipates that the Applicant will rely on Policy 1 to outweigh heritage harm. Policy 1 does not displace Policy 7. Both must be applied, and the heritage harm must first be properly identified before any balance can be struck.

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9-17 Baseline Conditions

9-18 The **study areas**

9-19 The EIAR uses two study areas. The inner study area follows the limits of deviation (LOD), broadly 100 metres either side of the centre line, and is used to identify assets that could be directly affected. The outer study area extends 3 km either side of the alignment and is used to identify designated assets whose settings may be affected.

9-20 Aberdeenshire Council asked that all historic assets within a 5 km search area be considered. That request was not adopted. Instead, it was agreed that assets up to 5 km would be included only where considered to have a potential significant effect, or where specifically highlighted by the consultees. The effect is that the Applicant decided which of the more distant assets merited assessment.

9-21 The inner study area

9-22 The EIAR identifies 346 heritage assets within the inner study area. These comprise five Scheduled Monuments — Balkemback Cottages Stone Circle (SM 2868), Law of Baldoukie Barrow (SM 6314), Baldoukie Souterrains (SM 6315), Cowie Line Pillbox and Earthworks (SM 6437) and South Leylodge Steading Stone Circle (SM 12350) — two non-Inventory designed landscapes at Inshewan House and Auchenreoch House, and 339 non-designated assets.

9-23 The landscape is one of long-term rural settlement. It contains prehistoric burial cairns, stone circles and standing stones; cropmark evidence of a cursus, barrows, ring ditches, enclosures, souterrains and pit alignments; Roman camps and roads; medieval and post-medieval farmsteads and field systems; and twentieth-century military remains, including part of the Cowie Line and possible military aircraft crash sites near Tannachie and in Fetteresso Forest.

9-24 The outer study area

9-25 Within 3 km of the alignment there are **478 designated heritage assets**: 117 Scheduled Monuments, 23 Category A Listed Buildings, 197 Category B Listed Buildings, 128 Category C Listed Buildings, eight Inventory Gardens and Designed Landscapes, and five Conservation Areas. Almost all have predicted theoretical visibility of the development.

9-26 A further 13 designated assets beyond 3 km were included following consultation, *including The Caterthuns hillforts (SM 90069), Edzell Castle,* Finavon Fort, and Brechin Castle designed landscapes, and Fasque House.

9-27 Limitations of the baseline

9-28 The baseline has important limitations. The Historic Environment Record data was acquired in September 2023. Field survey was targeted at rough pasture and moorland. It

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did not extend to improved or arable farmland, nor, generally, to commercial forestry. Yet the EIAR itself records that much of the prehistoric settlement evidence along the route survives as cropmarks in precisely that farmland, therefore increasing the likelihood of future finds being damaged by construction, but only if identified as important by construction workers or the ECoW.

9-29 Aberlemno and District Community Council advised that the area has a wealth of culturally significant sites, not all of which are designated, and asked that they be identified by consulting residents, businesses and relevant organisations. The Applicant's response simply referred back to its methodology. There is no indication that local knowledge was sought.

9-30 Assessment of **Predicted Effects**

9-31 Direct effects during construction

9-32 The EIAR assesses that, without Additional Mitigation, construction could directly affect 174 heritage assets, with potential significant effects on 30, and on a further 20 if towers or tracks are microsited within the LOD.

9-33 *The Applicant's answer is that these effects would be reduced to Minor or Negligible by archaeological watching briefs and recording to a standard acceptable to* the Aberdeenshire Council Archaeology Service (ACAS). For hitherto unknown remains, the EIAR records a moderate to high potential in at least one section, assessed as a Major adverse effect before mitigation.

9-34 Recording is not preservation. PAN 2/2011 places preservation in situ first. An effect is not rendered insignificant because the evidence destroyed has been recorded before or as it is lost. The Applicant's approach treats preservation by record as a complete answer. It is not.

9-35 Setting effects during operation

9-36 *Of 132 designated assets within 3 km assessed as having settings potentially affected, the EIAR finds significant (Moderate adverse) residual effects on the* settings of eight Scheduled Monuments: Balkemback Cottages Stone Circle (SM 2868), Law of Baldoukie Barrow (SM 6314), Mill of Balrownie Ring Ditch (SM 6472), Westside Barrows (SM 6367), Westside Unenclosed Settlement (SM 6368), East Finnercy Cairn (SM 6076), New Wester Echt Stone Circle (SM 6074) and South Leylodge Steading Stone Circle (SM 12350).

9-37 The EIAR states plainly: *"No further mitigation is possible to offset* the *impact on these assets* and *the residual effect will remain one of Moderate adverse significance."*

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9-38 Having found significant effects on eight nationally important monuments, the EIAR then concludes in each case that the integrity of the setting would not be significantly adversely affected, because *the* key contributors to significance would be *"adequately retained"*. The EIAR's own test is whether the setting's contribution to significance, and its capacity to convey that significance to visitors, would be compromised.

9-39 NOTKUP submits that that conclusion is not reasoned; it is asserted. At Balkemback, for example, the EIAR accepts that the current farmland setting and key views from the stone circle would be changed, with towers in close proximity, and yet concludes that integrity is maintained because the development is *"permeable"*. The same formula is repeated for each monument. That is precisely the kind of unexplained conclusion to which Ms Nichols objects.

9-40 The EIAR also acknowledges that the vertical LOD could allow taller towers and could exacerbate adverse effects on the setting of assets close to the line. The significance of the effect on these eight monuments could therefore be greater than assessed.

9-41 No significant effects are predicted on any Listed Building, designed landscape or Conservation Area, or on any asset beyond 3 km. The EIAR states that at distances beyond 3 km the development would not appreciably alter settings *"in most instances"*. That qualification is not explored.

9-42 The Caterthuns

9-43 The Brown and White Caterthuns (SM 90069) are among the best-preserved Iron Age hillforts in Scotland. The EIAR itself records that they command near 360-degree views over Strathmore and that the views to and from and between the forts are key characteristics of their setting.

9-44 Historic Environment Scotland specifically recommended that the assessment consider impacts on views towards both hillforts with the development appearing in the same view. Yet only one photomontage was produced, from the White Caterthun, and it is an LVIA viewpoint rather than a bespoke heritage viewpoint. The EIAR accepts that the line would pass the forts in an arc from west through south to east, at 3.2 km, with 59 towers visible. It inexplicably assesses the effect as Negligible.

9-45 NOTKUP submits that a conclusion of Negligible effect on an asset of this importance, where the defining characteristic of its setting is its commanding view over the very landscape the line would cross, is not credible.

9-46 Cumulative effects

9-47 The EIAR identifies a Moderate adverse cumulative effect on the settings of Balkemback Cottages Stone Circle and St Orland's Stone (SM 90270), for which no mitigation is proposed.

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HES advised that cumulative impacts, including the Emmock and Hurlie substations and existing 132 kV and 275 kV lines, should be assessed and mitigated during design.

9-48 As explained in the Consultation chapter, TKUP has been divided into separate applications. No single assessment addresses the cumulative effect of the whole project on the historic environment. Miss Nichols makes the related point that the historic sites of this region form connected cultural landscapes, yet the EIAR assesses them one at a time, sacrificing a holistic approach.

9-49 The stone circles mitigation response

9-50 HES and ACAS raised particular concerns about Balkemback Cottages, New Wester Echt and South Leylodge Steading stone circles, including cumulative effects with existing transmission infrastructure, and asked that mitigation be considered. The Applicant's response is Appendix 10.12.

9-51 That appendix does not offer mitigation. It explains why mitigation was rejected. At Balkemback, undergrounding was dismissed on economic and operability grounds, realignment was said to be constrained by properties on both sides, and removal of Tower S202 was rejected because it would require taller adjacent towers. At New Wester Echt, steep terrain, properties and the Dunecht House designed landscape were said to leave little opportunity to microsite. At South Leylodge, existing lines pass about 110 metres and 160 metres from the monument.

9-52 In each case the Applicant concludes that its proposed alignment is the *"best overall solution"*. That is a conclusion about the Applicant's engineering preferences, not a heritage mitigation. The appendix confirms that the significant effects on these monuments are unmitigated and, on the Applicant's own case, unmitigable within the chosen technology.

9-53 That links directly to the Need and Policy chapter. The harm to these monuments is a consequence of the choice of a 400 kV overhead line. The rejection of undergrounding by reference to **the general challenges set out in the** EIAR chapter on alternatives, without a site-specific costed appraisal, is the same failure identified there.

9-54 Miss Nichols's Evidence

9-55 Miss Nichols's central concern is that *"throughout this application, cultural heritage has been treated as a procedural exercise rather than something genuinely valued* and *protected."*

9-56 Methodology and the **reasoning** ***of*** **conclusions**

9-57 Miss Nichols also observes that Chapter 10 lists many heritage assets but contains *"little meaningful analysis"* of how the pylons and conductors would affect their setting,

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character or visitor experience. She states that assertions that impacts are *"acceptable"* or *"not significant"* are repeatedly made, but *"there is often no explanation of how those conclusions were reached" even applying the Applicant's own criteria.*

9-58 That criticism is borne out by the integrity conclusions on the eight Scheduled Monuments discussed above, and by the tabulated assessments in Appendices 10.10 and 10.11 of the EIAR, where the same phrase — that it would remain possible to understand, appreciate and experience the setting — recurs as a conclusion in case after case.

9-59 Miss Nichols reminds the Inquiry that HES guidance makes clear that setting *"is* **not** *just about visibility*. *It includes landscape context, views, relationships between sites, atmosphere, and sense of place."* The EIAR's reliance on the zone of theoretical visibility and a small number of visualisations does not engage adequately with those wider aspects. The EIAR scoped out noise at archaeological sites, despite Crathes, Drumoak and Durris Community Council raising it.

9-60 Significance: the Caterthuns and connected landscapes

9-61 Miss Nichols identifies the Brown and White Caterthuns as nationally important culturally, archaeologically and as visitor destinations. Their significance lies *"not only in* the *monuments themselves, but in their open setting*, *their relationship to the wider landscape, and the experience visitors have when walking there."* In her opinion, the introduction of very large pylons into views to and from them *"would fundamentally alter* the *experience of the landscape and diminish the integrity of the setting."*

9-62 She also reminds the Reporters of the cumulative impact across connected cultural landscapes. As she puts it, historic sites in this region *"do not exist in isolation"*. The EIAR's asset-by-asset approach does not address the combined effect on the historic environment as a whole.

9-63 Mitigation and **accountability**

9-64 Ms Nichols's second major concern is accountability. The EIAR repeatedly refers to future management plans, contractor procedures and mitigation documents that do not yet exist. The key archaeological safeguard, the Written Scheme of Investigation (WSI), is to be developed after consent and secured by condition.

9-65 When Miss Nichols asked SSEN whether the contractor management plans and WSIs could be viewed, she was told that they would only be developed after consent is granted. As she says, the public is effectively being asked to trust that important protections *"will be dealt with later, behind closed doors, by contractors and consultees. That is not a transparent process."*

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9-66 Miss Nichols also draws on her field experience. Important evidence, such as a Roman feature, a prehistoric boundary or burial evidence, *"may be almost invisible except to trained specialists. Once disturbed by heavy machinery,* that *evidence is gone forever."* That concern is sharpened by the fact that the Applicant's field survey did not extend to arable farmland or commercial forestry.

9-67 She further records that **consultation staff disclosed no knowledge or awareness of some of the legal protections surrounding historical discoveries, including the legislation on military aircraft remains**. The **EIAR itself identifies possible military aircraft crash sites at Tannachie and in Fetteresso Forest**, and relies on written guidelines for contractors. If those protections were not understood by the Applicant's own staff, the Inquiry cannot be confident that they will operate effectively on a construction project of this scale.

9-68 Weight of the evidence

9-69 Miss Nichols's evidence has not been challenged by the Applicant. It is grounded in relevant experience and in the Applicant's own documents. Her criticisms are consistent with the concerns expressed by HES and ACAS, who repeatedly asked for mitigation at the stone circles, and whose requests produced an explanation of why mitigation would not be provided.

9-70 Her evidence should be given substantial weight. Equally, the Applicant's conclusions on integrity and on the Caterthuns, which rest on untested professional judgement, should be given limited weight where they are not supported by transparent reasoning.

9-71 Conclusions on Cultural Heritage

9-72 The Inquiry is invited to find that, on the Applicant's own assessment, TKUP would have significant adverse effects on the settings of eight Scheduled Monuments which cannot be mitigated; the conclusion that their integrity would nonetheless be maintained is asserted rather than reasoned; the Caterthuns assessment is not credible; connected cultural landscapes and cumulative effects have been treated too narrowly; and the stone-circle response confirms that the harm is a consequence of the chosen overhead technology and will not be mitigated.

9-73 The question for the Inquiry, as Ms Nichols puts it, *"is not whether infrastructure is needed. The question is whether this proposal has demonstrated that it properly understands, respects, and protects the historic environment in accordance with Scottish policy and legislation."* NOTKUP submits that it has not. That harm should be given significant weight in the planning balance, and it is not outweighed merely by reference to NPF4 Policy 1.

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9-74 Recommended conditions

9-75 If, contrary to NOTKUP's primary case, the Reporters recommend that consent be granted, NOTKUP invites them to recommend conditions requiring the following.

- No development to commence until a WSI for the whole route has been approved in writing by the planning authorities in consultation with ACAS and HES, and published.
- **Archaeological evaluation, and not only watching briefs, in areas of arable farmland and forestry that were not field surveyed, before final tower positions and access tracks are fixed.**
- The appointment of an Archaeological Clerk of Works for the construction period, with power to halt works where remains are encountered.
- **A protocol for military aircraft remains and human remains, approved in advance and briefed to all site staff.**
- No increase in tower height within the vertical LOD for towers within the settings of the *eight Scheduled Monuments identified as significantly affected,* without the prior written approval of the planning authorities following consultation with HES.
- **Provision for public dissemination of the results of archaeological works, as Aberdeenshire Council requested in line with NPF4.**

9-76 Those conditions would not remove the harm identified in this chapter. They would, however, ensure that the protections on which the Applicant relies are defined, transparent and enforceable, rather than left to be settled after consent, out of public view.

10 MAJOR ACCIDENT HAZARDS (MAH): GAS PIPELINES

10-1 Introduction

10-2 This chapter addresses whether the Tealing to Kintore Upgrade Project (TKUP) has been shown to be safe in its relationship with the major accident hazard (MAH) gas pipelines that it crosses and runs alongside. NOTKUP's position is that it has not. The Applicant, SSEN Transmission, has not assessed that relationship at all within the environmental assessment, has not assessed the risk of ignition, has not produced a quantified risk assessment, and has not demonstrated that the risks it introduces have been reduced to a level that is as low as reasonably practicable. On the evidence before the Inquiry, the application cannot lawfully or safely be recommended for consent.

10-3 Major accident hazards are a matter of public safety of the highest order. The proposed overhead line (OHL) is a 400 kV line carried on pylons of between 50 and 70 metres in height. It crosses MAH pipelines 17 times and, over significant lengths, runs parallel to them. Those pipelines carry high-pressure natural gas and hydrocarbon liquids from St Fergus and

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Cruden Bay to the rest of the United Kingdom. If something goes wrong, the consequence is not a loss of amenity or a diminished view. It is the potential for multiple fatalities among the people who live, work and farm along the route.

10-4 The opponents have asked repeatedly for this topic to be examined at a formal hearing. That request was made in NOTKUP's Case for inclusion of MAH in the public local inquiry, in Mr Brian Wade's written submission of April 2026 and again in NOTKUP's Matter 7 response of 14 August 2026. That response asked the Reporters to recommend refusal *"or, at the very least, fully investigate the topic of Major Accident Hazard pipelines by including a formal hearing in the public inquiry"*. It said plainly: *"A Hearing or Inquiry into this matter is required."* No hearing was held.

10-5 Instead, the topic was dealt with in writing. The Reporters issued a Procedure Notice on 7 July 2026 containing seven written questions. The Applicant responded on 24 July 2026. NOTKUP made submissions on 22 July and 14 August 2026. Mr Wade also addressed the topic in his Community Hearing Statement of 11 May 2026.

10-6 That procedural choice has consequences, and the Inquiry should be clear about them. NOTKUP's case on this topic rests on the written evidence of two witnesses with directly relevant experience in one case, and expertise in another. Mr **Brian Wade** holds a BSc in Geological Sciences, has more than 30 years' experience in the oil and gas industry, and is a former Quality and Reliability Manager working in Oil & Gas. **Mr Michael Muir Wright** is a health, safety and environment professional of more than 25 years' standing. He has managed major accident hazards and reviewed environmental impact assessments, and he was involved in the construction of 48-inch high-pressure MAH gas pipelines for National Grid, including the Aberdeen–Lochside, Bathgate–Newarthill and Felindre–Tirley pipelines. He lives at Monboddo, on the route.

10-7 That evidence has not been tested by cross-examination. Equally, however, the Applicant chose not to lead any contrary expert evidence. It has not challenged the specific technical evidence of Mr Wade or Mr Wright. Its own written answers have not been tested either. In those circumstances, the Inquiry is entitled to give NOTKUP's written evidence full weight. Any gaps in the record flow from the decision not to hold a hearing. They cannot fairly be resolved against the objectors, who asked for the evidence to be examined in public and were refused.

10-8 The opponents also submit with respect that the seven written questions, however useful, could not substitute for a proper assessment. They focused largely on planning conditions and on the mechanics of the separate safety regimes. They did not, and could not, provide the holistic assessment of major accidents and disasters, and of population and human health, that the environmental impact assessment (EIA) regime requires. Members of the public remain uncertain as to why the Reporters were unwilling to allow open discussion of this topic as part of the Examination.

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10-9 This chapter first summarises the Applicant's case. It then sets out the legal and policy framework, describes the specific MAH risks, rebuts the Applicant's arguments, sets out NOTKUP's positive case, addresses the weight of the evidence and, finally, sets out the conclusions the Inquiry is invited to reach.

10-10 The opponents emphasise at the outset that the question for the Reporters is not whether the pipeline operators or HSE may, at some later date and under a different statutory regime, be able to manage whatever risk the line creates. The question is whether the application, as it stands, has been properly assessed and whether it can be recommended for consent on the information before the Inquiry. On this topic, that information is missing in its most essential respects.

10-11 The Applicant's Case

10-12 The Applicant's case is set out mainly in its submission on Matter 7 of 24 July 2026. It can be summarised fairly as follows.

10-13 First, the Applicant says that a grant of consent under section 37 of the Electricity Act 1989 would not imply acceptance that the risks are as low as reasonably practicable (ALARP). It says that ALARP is a matter for the Health and Safety Executive (HSE) under the Electricity Act 1989 and the Electricity Safety, Quality and Continuity Regulations 2002 (ESQCR), and for the pipeline operators under regulation 15 of the Pipelines Safety Regulations 1996 (PSR).

10-14 Secondly, the Applicant says that Safe Systems of Work will be developed with the pipeline operators. It says that it commissioned an independent AC interference study. That study has been provided only in redacted form and is described as confidential. The Applicant says that National Gas Transmission (NGT) is progressing its own separate study to validate it. According to the Applicant, the study identified *“one, possibly two, locations that may require mitigation”* on NGT's pipelines, and none on the pipelines of SGN, INEOS or Shell.

10-15 Thirdly, the Applicant points out that HSE could use regulation 34 of the 2002 Regulations to stop construction or operation of the line if necessary.

10-16 Fourthly, the Applicant says that *“There are currently no outstanding objections to the scheme from any of the pipeline operators or the HSE.”* It says that the crossings of SGN's pipelines are *“at, or close to, perpendicular”* and that the terms of any servitude are a private-law matter.

10-17 Fifthly, on ignition, the Applicant says that the operators have not raised ignition risk, and that SGN has confirmed that the physical arrangement has no impact beyond the potential for AC corrosion. It then makes an important concession: *“The risk associated with ignition by the OHL has not been specifically assessed by the Applicant.”* It adds that the

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operators indicate that, in the event of a loss of containment, *"the likelihood of ignition and catastrophic impacts are considered high irrespective of the presence of the OHL."*

10-18 Sixthly, the Applicant says that 8 of the 17 crossings are at or close to perpendicular. It says that crossing at 90 degrees everywhere is not feasible, because of the shared corridor and the need for angle and tension towers, and that undergrounding would add risk. In relation to Alignment 7 at Schoolhill, it accepts that option 7b had the least interaction with pipelines, but option 7c was chosen.

10-19 Finally, the Applicant relies on HSE's consultation response, in which HSE was content that consultation with the pipeline operators would be sufficient and had no further comment. It also relies on **Shell Chemicals UK Ltd v Scottish Ministers [2026] CSIH 29** at paragraph 40, for the proposition that Ministers are entitled to consider whether the existing regulatory regime is sufficient.

10-20 The Legal and Policy Framework

10-21 The 2017 Regulations. The 2017 Regulations require the EIA to identify, describe and assess the likely significant effects of the development on, among other factors, population and human health (regulation 4(2) and 4(3)(a)). Regulation 4(4), read with paragraph 8 of Schedule 4, requires a description of the *"expected effects deriving from the vulnerability of the development to risks, so far as relevant to the development, of major accidents and disasters"*. Paragraph 5(d) of Schedule 4 requires a description of the likely significant effects resulting from risks to human health, for example due to accidents or disasters. Regulation 5(2) sets out the required contents of the EIA report, including a description of the reasonable alternatives studied and the main reasons for the option chosen.

10-22 Regulation 19 allows supplementary information to be required where it is directly relevant to reaching a reasoned conclusion on the significant effects of the development. Objectors asked for regulation 19 to be used on this very topic (Representations 008, 978 and 006). The Energy Consents Unit did not act on those requests.

10-23 Planning Circular 1/2017, at paragraphs 78 and 114, gives guidance on the treatment of major accidents and disasters in EIA and on requesting further information. The point is simple: major accidents and disasters are not an optional extra. Where the development is relevant to them, as it plainly is where a 400 kV line crosses MAH pipelines 17 times, they must be assessed.

10-24 NPF4.

10-25 Policy 23 of National Planning Framework 4 has as its intent *"To protect people and places from environmental harm, mitigate risks arising from safety hazards…"*. Policy 23(g) provides that development proposals within the vicinity of a MAH pipeline *"will consider the associated risks and potential impacts of the proposal and the major accident hazard site/pipeline of being located in proximity to one another"*. The word **"will"** is mandatory. It

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is not a matter of discretion or weight. Policy 23(i) provides that HSE advice that consent should be refused, or that conditions should be attached, should not be overridden *"without the most careful consideration"*. Policy 14(c) is also engaged, since development that is detrimental to the safety of the surrounding area is not supported.

The Electricity Act 1989. Section 3C requires Scottish Ministers to consult HSE about electricity safety issues and to take its advice into account.

10-26 The health and safety regime. Regulation 24 of the Control of Major Accident Hazards Regulations 2015 (COMAH) governs the interface between the major hazards regime and land-use planning. Section 3 of the Health and Safety at Work etc. Act 1974 imposes a duty not to expose non-employees to risks to their health and safety. Regulation 3 of the Management of Health and Safety at Work Regulations 1992 requires a suitable and sufficient risk assessment. Under the PSR, regulation 15 governs pipeline design and integrity, regulation 23 requires a major accident prevention document in which all hazards are identified and the risks evaluated, and regulation 25 deals with emergency arrangements. Under regulation 4(2) of the Gas Safety (Management) Regulations 1996, a revision to a safety case that makes it materially different requires HSE's acceptance. Regulation 9 of the Construction (Design and Management) Regulations 2015 (CDM) requires designers to eliminate foreseeable risks so far as is reasonably practicable. Regulation 3 of the ESQCR requires equipment to be sufficient for its purpose and so constructed, installed, protected, used and maintained as to prevent danger so far as is reasonably practicable.

10-27 Risk assessment methodology. HSE uses its PADHI methodology (Planning Advice for Developments near Hazardous Installations) and consultation zones around MAH pipelines. The UK Onshore Pipeline Operators' Association (UKOPA), in a paper on IGEM/TD/2 and PD 8010 Part 3, explains that PADHI decision tables are used for most cases, *"but for borderline or difficult cases, site specific quantified risk assessments (QRAs) are applied"*. A development that crosses MAH pipelines 17 times, with pylons of up to 70 metres, is by any measure a difficult case. SGN's own consultation response expressly reminded the Applicant of PADHI and of HSE's guidance L82.

10-28 National and local policy. Paragraphs 2.4.3 and 2.4.4 of the National Policy Statement for Electricity Networks Infrastructure (EN-5) make clear that safety must not be threatened. EN-5 is a relevant consideration in Scotland, as paragraph 1.4.3 recognises. Policies P4.1 and P4.2 of the Aberdeenshire Local Development Plan 2023 require development to ensure that *"any risk to public safety is not increased"*. Policy PV21 of the Angus Local Development Plan governs development within Pipeline Consultation Zones.

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10-29 Industry standards. The relevant industry standards all point in the same direction. ISO 18086:2019 sets out the parameters that govern AC corrosion, including distance. NACE SP21424-2018, section 7.5, addresses AC interference. UKOPA Good Practice Guide 29 (Edition 2, February 2026) and GPG 50 on Electrical Interaction (February 2026) state that pipeline operators *"should be included as key stakeholders"* and that an Electrical Interference Assessment *"is an early-stage essential"*. UKOPA GPG 016 addresses pipeline hazard distances. IGEM/SR/18, NGT's specification T/SP/SSW/22 and BS EN 50443 are also relevant.

10-30 HSE's warning. HSE's Land Use Planning representation stated: *"There is potential to initiate a major accident at the major accident hazard pipelines, for example during the development construction phase and potentially the operational phase"*. HSE said that the EIA should show that the operators had been consulted or that the issues had been considered. That warning came from the national safety regulator. It was not answered by the EIA.

10-31 The Specific MAH Risks

10-32 The pipelines. The OHL crosses MAH pipelines 17 times. They include five NGT high-pressure pipelines running from St Fergus, SGN distribution pipelines, the INEOS Forties Pipeline System (Cruden Bay to Kinneil) and the Shell pipeline from St Fergus to Mossmorran. INEOS's own internal note identifies the Fetteresso–Brechin section as *"the critical interaction zone"*.

10-33 AC-induced corrosion and electromagnetic interference. A high-voltage AC line induces voltages and currents in nearby buried steel pipelines. NGT raised this in its correspondence of 7 April 2026. The risk is greatest where the line runs parallel to a pipeline and where it crosses at an oblique angle, because the length of exposure is greater. AC interference also affects the cathodic protection that protects pipelines against corrosion, including through overprotection, as UKOPA GPG 50 recognises. The EIA does not mention cathodic protection at all.

10-34 Ignition source. Mr Wright's evidence on ignition is of particular importance. When the pipelines were built, the public were told that a gas and air mixture from a release would be unlikely to become ignitable until it reached about 50 metres in height, and that there was no ignition source at that height. The proposed pylons, at 50 to 70 metres, introduce an ignition source at precisely that height, for the whole operational life of the line. Mr Wright also explains that the original safety case in the 1970s assumed that there was no risk of AC corrosion and no ignition source. Both assumptions would be displaced by the proposed development.

10-35 Mechanical damage. Pipelines are vulnerable to damage during construction and farming. The disaster at Ghislenghien, Belgium, on 30 July 2004, in which 24 people were killed, was caused by damage to a pipeline during construction work. The Inquiry should

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note that newly revealed plans, in the agricultural drawings, show proposals to underground existing distribution cables close to, or under, gas pipelines. Those works do not form part of the section 37 application and have not been risk assessed.

10-36 Monboddo. At Monboddo the line crosses a pipeline at an extremely shallow angle. That is contrary to SSEN's own guidance, *Pathway to 2030 – Tower Crossing Considerations* (May 2024), which recognises that crossings should be as close to 90 degrees as possible. The closest properties are about 150 metres away. Applying UKOPA hazard distances, the initial hazard distance from an ignited release would affect between 14 and 17 residential properties, with the potential for multiple fatalities. Mr Wright's own home is among the closest.

10-37 Inchbare. Between towers S87 and S93, over about 2 kilometres, the line runs parallel to NGT's Aberdeen–Kirriemuir main, a 900 mm Grade X52 pipeline. The crossings are at about 40.6 degrees (S92–S93) and 54.4 degrees (S87–S88). The distances between the towers and the pipeline are set out below, both as designed and as permitted within the Limits of Deviation (LoD).

Tower	**Distance from pipeline (m)**	**Distance within Limits of Deviation (m)**
S93	108	53
S92	147	47
S91	275	175
S90	183	128
S89	138	83
S88	94	39
S87	166	111

10-38 Three dwellings lie between the pipeline and the line: Inyanga, less than 53 metres away; Athas House, less than 47 metres away; and Black Fox Barn, less than 39 metres away. The pipeline runs between these homes and the OHL. The LoD would allow the S92–S93 crossing to be built anywhere between about 17 and 64 degrees, and the S87–S88 crossing between about 34 and 74 degrees. In other words, a crossing presented at 40.6 degrees could be built at about 17 degrees without any further assessment. No assessment of that worst case has been carried out.

10-39 **Carmont.** The Applicant's scoping report stated, at paragraph 15.2.4, that *"in its current condition, the area within the Proposed Route is no more vulnerable to major accidents and disasters than the surrounding areas, and the area is not known to have a history of such events."* That statement ignored the fatal Carmont derailment of 2020, which occurred very close to the proposed route. It illustrates the superficial basis on which major accidents and disasters were scoped out.

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10-40 Taken together, these features show that the risk is not generic. It is specific to identifiable locations, identifiable pipelines and identifiable homes. It arises from the design choices the Applicant has made: the choice of corridor, the choice of alignment, the choice of crossing angles and the width of the Limits of Deviation it has asked for. Those are choices that are made at the consenting stage, and it is at the consenting stage that their consequences must be assessed.

10-41 Rebuttal of the Applicant's Case

10-42 **Separation of regimes.** NOTKUP accepts in principle that the planning and consenting regime and the health and safety regime are distinct. But the planning regime is not insulated from safety. Policy 23(g) requires the risks to be considered at the planning stage, and it does so in mandatory terms. The 2017 Regulations require major accidents and disasters, and population and human health, to be assessed where relevant. The absence of a QRA, of completed AC modelling and of any ignition assessment is not a gap that can be filled after consent. It goes to whether Scottish Ministers have the information they need to reach a reasoned conclusion at all.

10-43 **Consented but unbuildable.** NGT's letter of 7 April 2026 makes clear that mitigation may include redesign, including *"redesign of the earthing arrangement of the installation."* NGT's letter of 10 March 2026 states: *"An AC interference model has not yet been commissioned by SSEN, that would give NGT a better indication of where AC interference may be in breach of acceptable limits"*. It would be irrational to consent a design that the relevant operator acknowledges may prove inadequate. The Applicant says that there is no indication that any change would fall outwith the Limit of Deviation. That does not assist. The LoD has not itself been assessed.

10-44 **HSE's response.** HSE's statement that it had no further comment was procedural. It was not an endorsement that the scheme is safe, still less a finding that the risks are ALARP. HSE's Pipelines Division was not engaged. Section 3C of the 1989 Act and Policy 23(i) require HSE's advice to be taken seriously. The substance of that advice was the warning quoted above, that there is potential to initiate a major accident. That warning has not been answered.

10-45 **"No outstanding objections".** The absence of objections carries little weight, because it was given on incomplete information: no QRA, incomplete AC modelling, no assessment of the LoD and no assessment of ignition. SGN's withdrawal of its objection was conditional. It stated that *"should the extent or design of the planning permission be amended, then we may require further consultation with the developer."* NGT, INEOS, Shell, UKOPA, IGEM and HSE's Pipelines Division were all excluded from scoping. Shell contacted the Energy Consents Unit on 29 July 2026 to ask why it had not been consulted. The operators engaged only after the application had been publicly notified. It is striking that the Scottish Canoe Association

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and the Aberdeen Hang-gliding and Paragliding Club were consultees, but three of the four MAH pipeline operators were not.

10-46 **The Hurlie substation.** NGT's response to the Hurlie substation application (APP/2024/1951) is instructive. NGT issued a High Risk Response Letter and then a conditional no objection. That required an Asset Protection Plan and an Electrical Impact Assessment before energisation. According to Mr Wright, the objection was removed on condition of 90-degree crossings. Following **Raeshaw Farms [2026] CSIH 10**, the substation and the OHL form a single project. There is every reason to expect that NGT would issue a High Risk Response for the OHL too.

10-47 **The redacted AC study.** The Applicant relies on an AC interference study that it has produced only in redacted form. It cannot be scrutinised by the opponents or tested by the Reporters. If the Applicant relies on it, it must be produced in full. If it is not, it should be given no weight. It has not been accepted by HSE or by NGT, and NGT is commissioning its own study.

10-48 **The ignition concession.** The Applicant's argument that the likelihood of ignition is high in any event, irrespective of the OHL, is with respect a *non sequitur*. The OHL increases the probability of a release, through AC corrosion. It also provides an ignition source at the critical height. Both factors increase risk. The concession that ignition risk *"has not been specifically assessed by the Applicant"* is, on its own, dispositive of Policy 23(g). The policy requires the risks of the two being located in proximity to be considered. They have not been.

10-49 **SGN's confirmation.** SGN's confirmation that the physical arrangement has no impact beyond AC corrosion has no known basis. No QRA underlies it. It cannot bear the weight the Applicant places on it.

10-50 **The crossing angles.** If 8 of the 17 crossings are at or close to perpendicular, then 9 of the 17 are not. That is a majority. It is contrary to SSEN's own guidance, to SGN's Deed of Servitude, which permits only perpendicular crossings, and to the condition NGT secured at Hurlie. The servitude is not merely a private-law matter. It is a constraint that cannot be reconciled with the design and may make the consented design unbuildable.

10-51 **Feasibility and alternatives.** The Applicant says that 90-degree crossings are not feasible. But the D5 corridor, which SSEN itself describes as economically similar and technically feasible, would allow near-90-degree crossings. At Schoolhill, option 7b was rejected even though it had the least pipeline interaction. No ALARP comparison with the alternatives has been made. There is a further point. The existing Tealing–Kintore route predates the pipelines, which were laid so as to avoid unsafe interaction with it. No risk comparison has been made with reuse of the existing route.

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10-52 **Shell Chemicals.** ***Shell Chemicals UK Ltd v Scottish Ministers [2026] CSIH 29*** is distinguishable. In that case the risk came from an existing establishment, and the regulatory regime was assumed to be adequate. Here, the proposed development introduces a new risk to existing pipelines. The regime has not yet been applied: there is no ALARP assessment, no completed AC modelling and no completed risk study. The design may need to be altered materially. And MAH was scoped out of the EIA entirely. Paragraph 40 of *Shell Chemicals* says that Ministers are entitled to consider whether the existing regime is sufficient. It does not say that they may assume it will be sufficient where it has not yet been engaged.

10-53 Standing back, the Applicant's case on this topic comes to this: the risks are real, but they will be dealt with later, by others, under a different regime. That approach inverts the proper order of decision-making. The 2017 Regulations and Policy 23(g) exist precisely so that decision-makers understand the risks before they grant consent, not after. Where, as here, the Applicant has not assessed ignition, has not completed its AC modelling, has not assessed the worst case within the Limits of Deviation and has not compared the safety of the alternatives, Scottish Ministers are being asked to consent a design whose safety is unknown.

10-54 NOTKUP's Positive Case

10-55 Mr Wright identifies the minimum that would be expected of a responsible developer in these circumstances:

- a Management of Change process;
- a MAH risk assessment demonstrating ALARP;
- emergency modelling of the ignition of a breach; and
- a demonstration of ALARP compared with other options.

10-56 None of these has been provided.

10-57 The safety case for the pipelines would be materially changed by the introduction of AC interference and an ignition source. Under regulation 4(2) of the Gas Safety (Management) Regulations 1996, such a revision requires HSE's acceptance. So far as NOTKUP is aware, none has been submitted. Compliance with CDM has not been evidenced, and no health and safety file has been produced.

10-58 A safer alternative exists. The D5 alternative would reduce both the likelihood of an incident, through near-perpendicular crossings, and its consequences. That is what ALARP requires.

10-59 NOTKUP is not opposed to energy infrastructure. As Mr Wade put it in his Community Hearing Statement: *“Our position is therefore not that energy infrastructure should never be built. It is that projects of this scale must demonstrate, transparently and lawfully, that risks*

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to public safety and human health have been fully assessed and reduced to a level that is as low as reasonably practicable."

10-60 Nor is the opponents' case merely that more information would be desirable. It is that the information that is missing goes to the heart of the lawfulness of the decision. The 2017 Regulations do not permit significant effects to be left unassessed on the basis that another regulator will look at them later. Policy 23(g) does not permit the risks of proximity to be considered after the event. A decision taken without that information would be taken in ignorance of matters the law requires to be taken into account.

10-61 Weight of the Evidence

10-62 The evidence of Mr Wade and Mr Wright is specific, technical and grounded in the Applicant's own documents and in the correspondence of the pipeline operators and HSE. It has not been contradicted by any expert evidence from the Applicant. The Applicant's written answers were untested and, in important respects, confirm NOTKUP's case, most notably the concession that ignition risk has not been assessed. The Inquiry is invited to accept NOTKUP's evidence in full.

10-63 The opponents also ask the Reporters to bear in mind the gravity of what is at stake. In other chapters of this Closing Submission, the harm alleged is to landscape, to amenity and to the quality of consultation. Here, the harm is the risk of a catastrophic event affecting homes at Monboddo and Inchbare and the people who live in them. Where the consequence of error is loss of life, the standard of scrutiny must be at its highest, and any doubt about the adequacy of the assessment must be resolved in favour of safety.

10-64 Conclusions

10-65 The Inquiry is invited to find that:

- **The EIA is deficient.** Major accidents and disasters, and population and human health, were wrongly scoped out, contrary to regulation 4 and paragraph 8 of Schedule 4 of the 2017 Regulations. A consent granted without a valid EIA report would be open to legal challenge.
- **NPF4 Policy 23(g) is not met.** The risks of the development and the MAH pipelines being located in proximity to one another have not been considered.
- **HSE's advice has not been properly engaged**, contrary to section 3C of the Electricity Act 1989 and Policy 23(i).
- **The risk of ignition has not been assessed**, as the Applicant concedes.
- **The majority of the crossings are not perpendicular**, and no adequate justification has been given.
- **The worst case within the Limits of Deviation has not been assessed.**
- **The redacted AC study should be given no weight.**

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- **The absence of objections from the operators and HSE carries little weight**, having been given on incomplete information.
- ***Shell Chemicals* is distinguishable.**

10-66 NOTKUP's primary submission is that the Reporters should recommend that consent be refused, because the application does not comply with NPF4 Policy 23 or the 2017 Regulations.

10-67 In the alternative, the Reporters should not recommend that consent be granted unless and until supplementary information has been obtained under regulation 19 and a formal hearing has been held. That supplementary information should include: the full, unredacted AC interference study; a QRA, including the worst case within the Limits of Deviation; ignition and emergency modelling; an ALARP comparison, including the D5 alternative and the existing route; and consultation with HSE's Pipelines Division, NGT, INEOS, Shell, UKOPA and IGEM.

10-68 Planning conditions cannot cure this deficiency. Conditions cannot supply an assessment that the 2017 Regulations and Policy 23(g) require to be carried out before the decision is made. To impose conditions requiring studies to be carried out after consent would be to defer the very assessment on which the decision depends, and would leave the design, the crossing angles and the Limits of Deviation to be settled outside the public process. NOTKUP reserves its position on any conditions that may be proposed.

10-69 For all of these reasons, the opponents respectfully submit that the Applicant has not demonstrated, transparently and lawfully, that the risks arising from the relationship between the proposed overhead line and the major accident hazard pipelines have been assessed, still less that they have been reduced to a level that is as low as reasonably practicable. The Reporters are invited to report accordingly to Scottish Ministers.

11 TRAFFIC AND TRANSPORT

11-1 Introduction

11-2 This chapter addresses the effects of the Tealing to Kintore Upgrade Project (TKUP) on the road network and its users in Angus and Aberdeenshire. NOTKUP's position is that the Applicant, SSEN Transmission, has not demonstrated that construction traffic can be accommodated safely on the rural roads it proposes to use, nor that the measures on which it relies to make those effects acceptable have been defined, evidenced or secured.

11-3 The Applicant's assessment is set out in Volume 2, Chapter 14 of the Environmental Impact Assessment Report (EIAR), headed Traffic and Transport and dated August 2025. It was undertaken by Pell Frischmann and is supported by the Transport Assessment in Volume 5, Appendix 14.1, by the high-level Public Road Improvement Works in Volume 5, Appendix

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3.5, and by the Indicative Public Road Improvement Works drawings in Volume 3, Figures 3.8.1 to 3.8.19.

11-4 No dedicated Inquiry session was allocated to traffic and transport. Ms Eileen West describes that as remarkable, "*given how weak and incomplete the Applicant's case is in this area.*" Neither the Applicant's assessment nor the community's evidence has been tested by cross-examination. NOTKUP's case on this topic therefore rests on the written Community Hearing Statements of Ms Eileen West on Traffic and Transport, dated 12 May 2026, alongside those of Wendy Loudon, Inveresk Community Council, Fraser Smith and Lorna Campbell, read together with the Applicant's own EIAR material.

11-5 Ms West speaks for her community. She had prepared a 22-page paper on Traffic, Roads and Transport, which the Reporters declined to admit to the Inquiry. Her statement is therefore a condensed version of that work. It is concise, but it identifies specific policy tests, a specific route and specific deficiencies in the Applicant's approach.

11-6 The absence of an oral process cuts both ways. The Applicant's conclusions have not been tested either. Where the EIAR asserts that a significant effect will become Minor once mitigation is applied, the Reporters have only the Applicant's written reasoning to rely on. That reasoning must therefore be examined with particular care.

11-7 This chapter is structured as follows. It first sets out the legislative and policy framework. It then summarises the baseline, examines the Applicant's assessment of predicted effects and its proposed mitigation, and gives particular attention to Couper's Road. It then addresses Ms West's evidence. It closes with the conclusions the Inquiry is invited to reach and the conditions NOTKUP invites the Reporters to recommend if, contrary to NOTKUP's primary case, consent is granted.

11-8 The Legislative and Policy Framework

11-9 The EIAR states that the assessment has been undertaken in accordance with the 2017 Regulations, and that there is no legislation specific to traffic and transport that needs to be considered.

11-10 The relevant policy identified by the Applicant comprises National Planning Framework 4 (NPF4), the Aberdeenshire Local Development Plan 2023 and the Angus Local Development Plan 2016. The Applicant's methodology relies on the IEMA Guidelines, Environmental Assessment of Traffic and Movement (2023), the earlier IEMA guidance of 1993 and 2005, DMRB LA 104, the NESA Manual, Planning Advice Note 75 and Transport Scotland's Transport Assessment Guidance (2012).

11-11 Chapter 14 lists NPF4 but does not engage with its individual policy tests. Ms West does. She identifies two. First, NPF4 Policy 18, Infrastructure First, which she describes as requiring development to protect existing infrastructure. Second, NPF4 Policy 13, which she describes as requiring that development must not have an unacceptable impact on the

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safety and function of the transport network and that it must support safe, sustainable movement for all users, "*especially the most vulnerable … walkers, cyclists, horse riders, children, older people and disabled people.*" As she puts it, "*Those are not optional considerations. They are policy tests.*"

11-12 The IEMA Guidelines themselves caution against a purely numerical approach. They state that the assessment of severance "*should pay full regard to specific local conditions, eg sensitivity of adjacent land uses, prevalence of vulnerable people, whether or not crossing facilities are provided*", and that for pedestrian delay "*it is not considered wise to set down definitive thresholds.*" The guidelines are intended to complement professional judgement. That judgement must be shown, not merely asserted.

11-13 Baseline Conditions

11-14 The study area and transport sections

11-15 The overhead line extends for approximately 105.2 km. For transport purposes the Applicant has divided it into three Transport Sections: Section i, Tealing to Inchbare, in Angus; Section ii, Inchbare to Drumlithie, in Kincardine and Mearns; and Section iii, Drumlithie to Kintore, in Garioch. Two Principal Contractors have been appointed, one for Sections A to D and one for Sections E to F.

11-16 The study area comprises the A90 (T) and a long list of A, B, C and unclassified roads in each section, together with numerous minor roads and tracks providing local access. In Section iii it expressly includes Couper's Road, between its junction with the B9125 and its junction with the A93. Although access roads have been examined, the means of reaching these roads from trunk roads has not been established and were not presented at consultation stage. This means that the impact on residents along these roads has not been consulted upon nor established, as wayleaves are still not agreed and the CTMP is not established.

11-17 Receptor sensitivity

11-18 Receptors are classified as High, Medium, Low or Negligible sensitivity. Users of a minor rural road not constructed to accommodate frequent use by HGVs are High. Residents of locations with individual dwellings or scattered settlements are Negligible. Core paths, minor roads and access tracks, and in Section iii the National Cycle Network, are High.

11-19 The effect of that framework is that people who live along the rural roads most heavily affected are classified as being of Negligible sensitivity because they do not live in a settlement with facilities. That is the case for the residents of Couper's Road, the C1K, the Zc31 and many others. The EIAR assesses road users and residents together and adopts the higher sensitivity, but the classification itself shows how little weight the method gives to the experience of living on these roads.

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11-20 Accidents and vulnerable users

11-21 The five-year accident review records 96 personal injury accidents in Section i, including three fatalities; 38 in Section ii, including two fatalities; and 53 in Section iii, of which 31 were serious and five fatal. On the local road network in Section iii there were three pedal cycle casualties and six motorcycle casualties.

11-22 The British Horse Society asked that the EIAR acknowledge that rights of way and core paths may be used by a variety of non-motorised users, including horse riders. The EIAR records core path and right of way crossings in every section, and NCN Route 195, the Deeside Way, within the LOD in Section iii. It states that cyclists, while not specifically identified as more vulnerable road users, are considered in similar terms to pedestrians.

11-23 Limitations of the baseline and assessment

11-24 The assessment has important limitations, some of which the Applicant acknowledges. Construction traffic figures are averages supplied by the Principal Contractors from their experience of other projects. The EIAR accepts that "*it is not possible to fully develop a day-by-day traffic generation estimate*". Origins for materials are assumed, and the EIAR accepts that if they change, "*the effects on surrounding areas may alter to those presented in the assessment.*" Supply contracts have not been let. There is no traffic count information on the core paths or the minor roads and tracks; for those, a 100% increase has simply been assumed.

11-25 Road Safety Audits are to be undertaken after consent. Whether cranes or other plant will be abnormal loads is to be confirmed after consent. The EIAR nonetheless concludes that "*there is sufficient information to enable an informed decision to be taken*". That is the very proposition Ms West disputes.

11-26 Assessment of Predicted Effects

11-27 Construction traffic generation

11-28 For Sections A to D, construction is expected to run from 2026 to 2031, with a peak in month 29, in 2028, of 198 vehicle movements a day, including 108 HGV movements. For Sections E to F, construction is expected to run from 2026 to 2029, with average daily movements of 354, including 134 HGV movements. Timber removal is expected in 2026 and 2027, before the peak.

11-29 Significant effects before additional mitigation

11-30 On the Applicant's own assessment, construction traffic would give rise to significant effects before additional mitigation across all three sections. In Section i, these are on the Zc6, Zc30, B957 and Zc31, and on minor roads, access tracks and core paths. On the Zc31 the increase in total traffic is 157.66% and in HGVs 322.65%, and the effect is assessed as Major. In Section ii, significant effects are found on the B974, Glenbervie Road, the unclassified road

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north of Glenbervie Road, the B966 and the C1K. In Section iii, they are found on the C1K, Couper's Road, minor roads and access tracks, and core path and NCN users.

11-31 The EIAR acknowledges that some receptors, "*particularly those along minor and lightly trafficked routes leading to the construction working areas, would be particularly susceptible to adverse effects.*"

11-32 Couper's Road

11-33 Couper's Road is assessed as one of the most severely affected roads on the whole project. Construction would add 354 movements a day, an increase of 123.79%, and 134 HGV movements a day, an increase of 147.74%. The EIAR assesses the effect on Couper's Road residents and users as Major for severance, driver delay, non-motorised user amenity, fear and intimidation and road safety, and Major/Moderate for pedestrian delay.

11-34 The Applicant seeks to play down those figures. It says that the increase would equate to approximately 30 two-way movements an hour, "*which equates to approximately two movements per minute, assuming a flat profile, which is not considered substantial in terms of overall traffic flows.*" That statement is not internally consistent: 30 movements an hour is one every two minutes, not two a minute. More importantly, it compares construction traffic with overall traffic flows on a road whose entire baseline is 286 vehicles a day. On a narrow road with passing places, it is the HGV movements, roughly 11 an hour, that matter to a walker, cyclist or rider meeting them.

11-35 The Applicant also relies on capacity. It finds 81% spare theoretical capacity on Couper's Road even with construction traffic. NOTKUP does not dispute the arithmetic. But capacity is not the test. Policy 13 asks whether movement is safe for all users, not whether the road can carry more vehicles.

11-36 The move from Major to Minor

11-37 Having found Major effects, the EIAR concludes that every significant effect, on every road in every section, would be reduced to Minor and Not Significant. The mitigation relied on is the same in each case: the Enhanced CTMP (TA9), public information (TA10), pedestrian management (TA11), and access and public road improvements (TA12 and TA13), "*to be secured via planning conditions.*"

11-38 NOTKUP submits that that conclusion is not reasoned; it is asserted. The summary table applies an identical mitigation formula to effects ranging from Moderate/Minor on the Zc6 to Major on the Zc31, the C1K and Couper's Road, and arrives at an identical residual outcome. There is no explanation of how a voluntary speed limit, signage, a website and a complaints telephone line would turn a Major effect on fear and intimidation into a Minor one on a single-track road carrying more than doubled HGV traffic for several years.

11-39 The EIAR also describes the effects as "*transitory in nature*" and the peak as "*short lived*". Construction in Sections A to D is programmed from 2026 to 2031 and in Sections E to

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F from 2026 to 2029. The EIAR accepts that other months "*may cause Significant effects*". For those who live on these roads, several years of construction traffic is not transitory.

11-40 Public Road Improvements

11-41 The Applicant's mitigation includes Public Road Improvements, which may include road widening, temporary or permanent passing places, new or upgraded junctions, and upgrades to or replacement of existing bridges. New or expanded laybys on single carriageway and single track sections would be designed to accommodate two HGVs.

11-42 Those works are mitigation for traffic effects, but they are also a source of harm in their own right. Appendix 3.5 presents only high-level information, which will be "*progressed further at the detailed design stage, including environmental information and mitigation.*" The form, location and reinstatement of the works are to be agreed with the councils before work begins, by condition. The Reporters therefore do not have before them a detailed design, or an assessment of the effects of widening and lay-bys on roads such as Couper's Road.

11-43 The Construction Traffic Management Plan

11-44 The Applicant's central safeguard is the CTMP. At the applied mitigation stage it is described as an "*industry standard*" plan, incorporating "*simple measures such as road cleaning facilities at the Site access and basic warning signage.*" The Enhanced CTMP (TA9) adds further measures, including a voluntary 20 mph limit for construction vehicles through villages and towns, and avoiding HGV movements past primary schools at certain times "*where practical*". It is to be developed in detail by the Principal Contractors after consent and agreed with the councils and Transport Scotland by condition.

11-45 Monitoring is also largely left to the Principal Contractors themselves. Under TA7 and TA8 they are to monitor implementation of the CTMP and check that their own drivers keep to agreed routes. The EIAR says that adherence would be audited by the Principal Contractors, by representatives of the Applicant and, where requested, by the local authorities. No independent enforcement mechanism, sanction or reporting requirement is described.

11-46 Consultation responses

11-47 Aberdeenshire Council's roads service asked that full details be provided of vehicle types and frequency, junction dimensions, drainage, gradients, materials, swept path analysis, visibility splays and proposed construction traffic routes. The Applicant's response was to refer to the high-level Appendix 3.5 and to propose that works be agreed with the Council by condition. Transport Scotland asked for a full Abnormal Loads Assessment if abnormal loads are envisaged; the response was that this would be confirmed after consent.

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11-48 Cumulative effects

11-49 The EIAR concludes that the construction peaks of the Emmock and Hurlie substations would not coincide with that of the overhead line, and that other projects would not exacerbate effects. Any overlap is to be addressed by an overarching Traffic Management and Monitoring Plan and a phased delivery plan, neither of which yet exists. As explained in the Consultation chapter, TKUP has been divided into separate applications, and no single assessment addresses the traffic effects of the whole project. Tealing, for example, is expected to have construction traffic for the new substation, the TKUP OHL, the upgrading of the Tealing to Alyth line, the upgrading of the Tealing to Westfield line and associated energy projects not belonging to SSEN.

11-50 Ms West's Evidence

11-51 Ms West's central concern is that the Applicant "*reduces rural roads to lines on a map and access routes.*" As she says, "*that is not what our roads are. They connect the fabric of community life.*" In many places, she observes, "*there is no pavement, no separation and no ALTERNATIVE.*"

11-52 Policy

11-53 Ms West's first point is that the proposal fails NPF4 Policies 13 and 18. The EIAR does not address those policies directly. Its own assessment, however, supports her case. It identifies Major effects on fear and intimidation and road safety on the roads most used by walkers, cyclists and riders, and classifies core path and NCN users as High sensitivity. The Applicant's answer depends entirely on mitigation that has not yet been designed.

11-54 The absence of a CTMP

11-55 Ms West's second point is that there is no final, detailed CTMP before the Inquiry, no "*route-specific evidence on traffic numbers, timing, bridge capacity or safety impacts*" and no robust mechanism to ensure contractors comply with routeing restrictions, reduced speeds or road safety requirements.

11-56 That criticism is borne out by the EIAR. Traffic generation is based on averages. Supply contracts and material origins are not fixed. Bridge upgrades and replacements are identified only as possible public road improvements. Road Safety Audits and abnormal load reviews are deferred until after consent. The speed limit relied on is voluntary, and avoidance of schools applies only where practical.

11-57 As Ms West puts it, "*assurances are not evidence. Promises are not protection. And goodwill is not a safety system.*" If safeguards are deferred until after consent, she says, what is asked of the Inquiry "*is not informed approval but BLIND FAITH.*"

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11-58 Couper's Road

11-59 Ms West gives particular attention to Couper's Road. She describes it as "*a surviving drovers' route*" linked to the Cryne Mounth and the movement of cattle, goods and people between Deeside, Angus and further south. She records that its course is marked in Roy's Military Survey, in early county maps and in the first edition Ordnance Survey. Its significance, she says, lives in "*the thin ribbon of its course, its dry-stone dykes, its mature trees and its enduring relationship with the landscape through which it passes.*"

11-60 On that evidence, Couper's Road is not simply a minor rural road. The IEMA Guidelines identify historical buildings and tourist attractions among the sensitive locations to be assessed under Rule 2. The EIAR does not identify Couper's Road as a sensitive location, and records its residents as of Negligible sensitivity. Its historic character is not considered at all in Chapter 14.

11-61 Ms West describes the combined effect of road widening, "*elongated line-of-sight lay-bys*", relentless construction traffic and the felling of familiar and ancient trees over five years as transforming "*a quiet historic route into a utilitarian access road for major infrastructure works.*" She describes that as "*obliteration and irreversible harm.*" She makes the point that ancient trees cannot be replaced once felled, and that compensatory planting elsewhere cannot undo what has been lost.

11-62 The EIAR's own figures give that concern substance. Couper's Road would see its total traffic more than double and its HGV traffic increase by nearly 150%, with Major effects on five of the six IEMA impact types. Widening and laybys sized for two HGVs are the improvements the Applicant itself proposes on single-track roads. Their precise extent on Couper's Road has not been assessed or published.

11-63 Wider environmental effects

11-64 Ms West raises concerns about drainage, root damage, sediment run-off, nearby designated wet woodland, the Loch of Park SSSI, groundwater springs and the setting of historic features such as the King's Well. Those matters are not addressed in Chapter 14 of the EIAR, and Appendix 3.5 expressly defers environmental information on the road works to detailed design. They reinforce the point that the road improvements have not been assessed as development in their own right.

11-65 Trust

11-66 Ms West's final theme is trust. She records that communities are being asked "*to accept that all will be well later despite ample repeated experience that once consent is granted, the burden of harm falls not on the developer, but on the people who live there.*" That is the same concern about accountability raised in the Cultural Heritage chapter, where key safeguards are also left to plans that do not yet exist.

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11-67 Weight of the evidence

11-68 Ms West's evidence has not been challenged by the Applicant. It is grounded in local knowledge and in the Applicant's own documents. Her criticisms are consistent with the requests made by Aberdeenshire Council and Transport Scotland for detail that the Applicant has deferred until after consent.

11-69 Her evidence should be given substantial weight. Equally, the Applicant's conclusion that every significant traffic effect will become Minor, which rests on untested professional judgement and on plans not yet prepared, should be given limited weight where it is not supported by transparent reasoning.

11-70 Conclusions

11-71 The Inquiry is invited to find that construction traffic would have significant, in several cases Major, effects on residents and users of rural roads, core paths and the National Cycle Network; the identical mitigation formula is asserted rather than reasoned; the EIAR does not demonstrate compliance with NPF4 Policies 13 and 18; the relied-on safeguards have not been designed; Couper's Road's historic character and the effects of widening and tree loss have not been assessed; and the claimed transitory description does not reflect a five-year programme.

11-72 As Ms West puts it, the Inquiry "*turns on three simple matters: policy, evidence and trust.*" NOTKUP submits that on each the Applicant's case is deficient. That harm should be given significant weight in the planning balance.

11-73 Recommended conditions

11-74 If, contrary to NOTKUP's primary case, the Reporters recommend that consent be granted, NOTKUP invites them to recommend conditions requiring the following.

- No development to commence until a final, route-specific CTMP has been approved in writing by the planning authorities in consultation with the roads authorities and Transport Scotland, and published. It should set out vehicle numbers, timing, routes, bridge capacity and measures for vulnerable road users on each construction route.
- A mandatory, not voluntary, construction vehicle speed limit on single-track and minor rural roads, with GPS tracking of construction HGVs and regular reports to the roads authorities.
- No HGV movements past schools at drop-off and pick-up times, and defined measures to protect walkers, cyclists and horse riders where construction routes meet core paths, rights of way and NCN Route 195.
- No Public Road Improvement works to commence on any road until a detailed design, including tree surveys, drainage and an assessment of effects on historic character, has been approved by the planning authority after public consultation.

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- On Couper's Road, no widening, new lay-bys or felling of mature or ancient trees without the prior written approval of the planning authority, following an assessment of its historic character and consideration of alternative construction routes.
- Road Safety Audits and any abnormal load assessments to be completed and approved before construction traffic uses the relevant route, and a Wear and Tear agreement with pre-construction condition surveys.

11-75 Those conditions would not remove the harm identified in this chapter. They would, however, ensure that the protections on which the Applicant relies are defined, transparent and enforceable, rather than left to be settled after consent, out of public view.

12 SOCIO-ECONOMICS

12-1 Introduction

12-2 This chapter addresses the socio-economic effects of the Tealing to Kintore Upgrade Project (TKUP) on the communities, economy and people of Angus and Aberdeenshire. NOTKUP's position is that the Applicant, SSEN Transmission, has not demonstrated that the proposal would deliver the net economic benefit that National Planning Framework 4 (NPF4) requires, and that its socio-economic case presents modest and uncertain benefits in the best possible light while understating, or leaving out altogether, the real costs that would fall on those living and working along the route.

12-3 The Applicant's assessment is set out in the report by BiGGAR Economics, *'Socio-Economic Assessment of the Kintore to Tealing Overhead Line 400 kV Connection'*, dated August 2025 (the BiGGAR report). It was prepared as a standalone socio-economic, tourism and recreation assessment, intended to supplement the Environmental Impact Assessment Report (EIAR) and to be read alongside it.

12-4 NOTKUP's evidence on this topic is given by Mr Alan Chesterman in his written submission on Socio-Economics dated 24 April 2026, and in his Community Hearing Statement dated 8 May 2026. Mr Chesterman is a Chartered Engineer and member of the Institution of Chemical Engineers, now retired, with 40 years' experience in the operation, design and management of major energy projects with BP and Apache. He lives in Banchory and is a member of Banchory Community Council. His submission was prepared on behalf of the campaign groups along the length of the route.

12-5 Mr Chesterman's evidence is supported by independent academic research: the London School of Economics Centre for Economic Performance Discussion Paper No. 1942, *'Are friends electric? Valuing the social costs of power lines using house prices'*, by Cheng Keat Tang and Stephen Gibbons, published in August 2023 (the LSE paper). NOTKUP also relies on the Community Hearing Statement of Mrs Sue Paterson, a Banchory resident of

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over 26 years, given at the Banchory Community Hearing Session on 16 June 2026, so far as it bears on socio-economic matters.

12-6 The Applicant's socio-economic conclusions rest on modelling assumptions and professional judgement that have not been tested by cross-examination. As with other topics, where the BiGGAR report asserts that an effect is not significant, the Reporters have only the written reasoning to rely on. That reasoning must be examined with particular care, all the more so where, as here, it is an assessment commissioned by the party that stands to benefit from consent.

12-7 This chapter is structured as follows. It first sets out the policy framework. It then examines the Applicant's economic case, the claimed secondary and community benefits, the assessment of tourism and recreation, and the omission of effects on property values. It then addresses the community evidence, and the wider question of whether the proposal represents good value. It closes with the conclusions the Inquiry is invited to reach and the conditions NOTKUP invites the Reporters to recommend if, contrary to NOTKUP's primary case, consent is granted.

12-8 The Policy Framework

12-9 The BiGGAR report itself identifies the governing test. NPF4 Policy 11 supports renewable energy development, including enabling grid infrastructure, but subject to Policy 11(c), which provides that *'development proposals will only be supported where they maximise net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities'*.

12-10 Two features of that test should be emphasised. First, it is concerned with net economic impact. A gross count of construction spending, without any account of the economic costs that the development imposes, does not answer it. Secondly, it looks specifically to local and community benefits. Benefits dispersed across Scotland or the United Kingdom are not the same thing as benefits to the communities that host the development.

12-11 The BiGGAR report also notes that the list of impacts to be addressed under Policy 11(e) does not include tourism, and that its consideration of tourism is therefore not required by NPF4. NOTKUP does not accept that framing. Tourism is, as the report itself acknowledges, an important contributor to the local economy. Any effect on it bears directly on the net economic impact of the proposal under Policy 11(c). Finally, it very strangely includes the City of Dundee as "local". Dundee City is a different local authority and well outwith the OHL corridor. This seems to NOTKUP to be illogical.

12-12 NOTKUP anticipates that the Applicant will rely on NPF4 Policy 1 and on national energy policy to give overriding weight to the need for the project. Need is addressed in the

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Need and Policy chapter. For present purposes it is sufficient to say that the claimed economic benefits cannot be added to the scales unless they are real, local and net, and that the socio-economic costs must be properly identified before any balance can be struck.

12-13 The Applicant's Economic Case

12-14 What is claimed

12-15 The BiGGAR report's headline is that the proposal would generate £218.1 million in Gross Value Added (GVA) and 2,214 years of employment across Scotland during construction. Under its core scenario the corresponding figures for the Regional Area, defined as the combined local authority areas of Aberdeenshire, Aberdeen City, Angus and Dundee City, are £20.2 million GVA and 201 years of employment. Under an ambition scenario, which assumes greater local supply chain involvement, the regional figures rise to £43.1 million GVA and 430 years of employment.

12-16 The scale of the regional benefit

12-17 The first point is one of proportion. Of the £218.1 million claimed for Scotland, only £20.2 million, less than a tenth, is attributed to the four local authority areas through which, or close to which, the line would pass. As Mr Chesterman observes, even on its own terms the benefit to the region is modest, mostly short-term construction work, with few long-term jobs.

12-18 The second point concerns the unit of measurement. A *'year of employment'* is defined in the BiGGAR report as one full-time equivalent job lasting for one year. The figure of 201 years of employment is therefore not 201 jobs. It is a measure of temporary work spread over the whole development and construction period, and across an area containing two cities and a population of over three quarters of a million people.

12-19 The third point is geographical. The Regional Area is very much larger than the corridor that would bear the impacts. The BiGGAR report itself acknowledges that the proposal is confined to a narrow corridor within Aberdeenshire and Angus, and that socio-economic conditions in the wider study areas may differ from those in its immediate vicinity. Yet no attempt is made to estimate what share, if any, of the regional benefit would reach the communities along the route. Mr Chesterman's evidence is that most regional employment and GVA would not flow to those communities, and that no evidence is given of any primary contractors or businesses in the corridor close to the line. Far fewer benefits would arise in the corridor that suffers the main impacts.

12-20 The methodology

12-21 The estimates are generated by an Input-Output model. The model is built on high-level cost estimates provided by SSEN Transmission and, where necessary, on detailed

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assumptions about how that expenditure might be distributed, what proportion of contracts might be secured in each area, and which sectors they would fall into. Those assumptions were informed, in the report's words, by *'SSEN Transmission's experience with similar projects and BiGGAR Economics' understanding of UK supply chains'*. The assumptions themselves are not disclosed. The Reporters cannot test them, and nor can NOTKUP.

12-22 The report describes the core scenario as based on the minimum level of supply chain content that could realistically be achieved locally, and characterises it as a worst case. That description is itself an assumption. No evidence is offered that even the core level of local content has been, or will be, secured.

12-23 The ambition scenario is more speculative still. It depends on the full implementation of a local supply chain development plan which does not yet exist. The report's own conclusion is that the level of local content ultimately achieved *'will depend on a range of factors, including market readiness, supplier capacity, and procurement constraints'*. Its recommendations are expressed in terms of what developers *'can and should'* do. As Mr Chesterman puts it, the fact that there is a case for good practice *'does not mean either will happen'*. Statements of intent are not evidence of local benefit. The ambition scenario should be given no weight.

12-24 Mr Chesterman also points out that the principal guidance on which the report relies to maximise local content, RenewableUK's good practice guide on the local supply chain, relates to onshore wind farm construction, not high-voltage transmission. There may be some overlap, but most contractors and machinery are different.

12-25 The Applicant's own addendum confirms the point. It suggests that more detailed employment matters are *'a post-consent issue for the principal contractor'*, to be addressed through a pre-commencement condition requiring a Local Employment Scheme. In other words, the local employment benefits on which the Applicant relies are to be defined after consent, if at all.

12-26 Operational benefits

12-27 The BiGGAR report undertakes no quantitative assessment of the operational or decommissioning phases. It accepts that operation and maintenance require substantially fewer resources and personnel than construction, and that the economic activity supported is of a much smaller order of magnitude. Mr Chesterman's evidence is that the line is very similar to existing transmission infrastructure, only larger, and that local jobs and contracts associated with existing transmission are few in number and of low local value. The Applicant has offered nothing to show otherwise. The lasting economic benefit to local areas would be minimal.

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12-28 Gross, not net

12-29 Most fundamentally, the BiGGAR report measures only gross benefits from construction spending. It does not set against them any of the economic costs the development would impose: the loss of value in homes near the line, the risk of harm to tourism, or the loss of amenity to residents and visitors. Its analysis therefore cannot answer the question NPF4 Policy 11(c) poses, which is whether the proposal maximises net economic impact. Mr Chesterman's conclusion, which NOTKUP adopts, is that once those costs are weighed the cost-benefit of local spend is negative: small sustainable benefits from regional and local spend are far outweighed by the costs and negative impacts, and for communities close to the route the negative impacts are overwhelming.

12-30 Secondary and Community Benefits

12-31 The BiGGAR report places weight on SSEN Transmission's wider corporate commitments: its Just Transition Strategy, its Community Wealth Building approach, its Community Benefit Fund and its Housing Strategy. NOTKUP does not doubt that these are well intended. But they are corporate programmes, not benefits of this proposal, and the report does not quantify what any of them would deliver to the communities along this route.

12-32 The Community Benefit Fund described in the report is a £10 million fund supporting initiatives across SSEN Transmission's activities. Mr Chesterman accepts that the fund is one of the few tangible local benefits, but points out that, split across SSEN's portfolio and spread thinly along the corridor, it will have little impact.

12-33 The Housing Strategy aims to deliver at least 200 new homes by 2030 across the north of Scotland as a whole. The number that would be delivered in the Regional Area, let alone along this corridor, is not stated. The report claims that the strategy will contribute to tackling longer-term housing and depopulation challenges. Mr Chesterman's evidence is that this is not credible. The policy is directed at housing construction workers, not at the long-term need for affordable housing for people on low incomes, and depopulation in the region is driven by other factors, notably the decline in oil and gas employment.

12-34 The same point applies to the claim that the proposal would support a just transition in the North East. The BiGGAR report asserts that the proposal would contribute to the regional economic strategy's objectives by creating well-paid jobs that would attract and retain people of working age. Mr Chesterman's evidence is that the proposal would create construction jobs for a few years but few long-term jobs, and that those are far too few to make any meaningful contribution to replacing the very large number of oil and gas jobs in the region. Whatever the merits of the energy transition, this proposal cannot bear the weight of the strategic economic claims made for it.

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12-35 Tourism and Recreation

12-36 The Applicant's conclusion

12-37 The BiGGAR report concludes that the proposal would not have a significant effect on tourism and recreation, because it is not expected to disrupt local tourism or significantly affect visitor numbers. NOTKUP submits that that conclusion is reached by an approach which, by its design, could produce no other answer.

12-38 Reliance on evidence from other projects

12-39 The report's central evidence is a review of studies of other energy infrastructure projects. Those studies include an *ex post facto* assessment of the Second Yorkshire Line, an assessment of the Scotland Northern Ireland Interconnector, and material from offshore wind farm applications. From them the report concludes that the evidence is *'clear and consistent'* that energy infrastructure rarely translates into a tangible impact on visitor activity or business revenue.

12-40 Mr Chesterman's evidence is that this reasoning ignores the scale of what is now proposed. Most UK pylons are up to around 35 metres tall. The towers proposed here are very much larger: Mrs Paterson describes some 550 pylons of between 42 and 65 metres, and Mr Chesterman puts the tallest at around 70 metres, the largest on any UK overhead line. The line would run for 119 km through lowland and low-relief countryside, with hills to the west and lowland and coast to the east, and would be visible over long distances. Studies of conventional lines cannot simply be transposed to a development of this scale and character. The report does not attempt to explain why they should be.

12-41 Individual assets, assessed one at a time

12-42 The report's assessment of individual assets follows a consistent pattern. Where significant effects are identified in the technical chapters of the EIAR, they are acknowledged and then discounted.

12-43 The land use assessment identifies a significant, direct, permanent and adverse effect on recreational fishing on the Rivers Dee, North Esk and South Esk, from construction and throughout operation. The BiGGAR report's answer is that displaced anglers could substitute other rivers in the region, so the effect on the wider tourism economy is minor. That reasoning treats the loss of two of the area's principal salmon rivers as being of no consequence because anglers might go elsewhere. It is no answer to those whose businesses and recreation depend on those rivers, and it rests on no evidence of anglers' actual behaviour.

12-44 The report assesses the effect on The Caterthuns as moderate, because scenic views are a key reason for visiting. It identifies five accommodation businesses, Greenhillock

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Glamping, Ravensby Hall, The Cosy Cow Shed, Glen Dye Cabins and Cottages, and Skene House Cottage and Courtyard Cottage at Drum Castle, as experiencing a moderate significance of effect, because their visitors' experience is closely linked to tranquil settings and natural views. It acknowledges significant visual effects at Edzell Golf Club, Kirkhill Forest, Kingennie Golf Club, Crombie Country Park, Balmashanner Hill and Cairn-mon-earn.

12-45 Having identified those effects, the report nonetheless concludes that the motivations of visitors *'are unlikely to be materially influenced'*. At Edzell, the low sensitivity attributed to the golf course is said to bring the effect within the minor range, because golfers' core motivations are unlikely to be affected. For walkers, the report states that *'Path users are in motion and often experience views in a dynamic way, reducing the perceptual impact of visual change'*. For castles and country parks, visitors are said to be likely to remain focused on the attraction itself rather than the *'distant backdrop'*.

12-46 As Mr Chesterman observes, many of these conclusions are assertions based only on the author's opinion. Little or no evidence is presented to show that golfers and walkers will not be deterred, or that accommodation users will not go elsewhere. For regular and visiting golfers at Edzell, the diminished allure of a fine course in a fine setting is obvious, and word of mouth travels.

12-47 No assessment of overall or cumulative effect

12-48 The report divides the tourism economy into separate categories and assets, and finds each effect either minor or confined to small numbers. Mr Chesterman's criticism, which NOTKUP endorses, is that no attempt is made to assess the overall effect on the visitor's experience of the area as a whole, the interaction between effects on different businesses and visitors, the cumulative landscape effect along the whole line, or the resulting reputational effect on an area that visitors choose for its unspoiled landscape. That criticism is reinforced by the point made in the Consultation and Cultural Heritage chapters: TKUP has been divided into separate applications, and no single assessment addresses the effect of the project as a whole.

12-49 The stakes are not small. The BiGGAR report records that the sustainable tourism sector across the local authority areas within 15 km of the route generated £765.3 million GVA and supported 37,000 jobs in 2022. Those figures dwarf the £20.2 million GVA and 201 years of temporary employment claimed for the construction phase. Even a small proportionate effect on that sector would outweigh the regional construction benefit. Mr Chesterman's evidence is that, in a region where tourism is one of the best prospects for sustainable jobs as oil and gas employment declines, there is a serious risk of significant harm to tourism. That risk is not addressed by the Applicant's assessment.

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12-50 Property Values

12-51 The BiGGAR report does not assess the effect of the proposal on property values. Mr Chesterman identifies the depression of house prices as among the most concerning impacts for local people, and his evidence is that the Applicant's position that there would be no adverse effect rests on a study of a different region.

12-52 That omission is significant, because the LSE paper provides the most rigorous evidence available on the question, and it points firmly the other way.

12-53 The LSE paper analyses nearly 1.4 million property sales in England and Wales between 1995 and 2018, and isolates the effect of the construction of 790 new pylons supporting 653 km of new transmission line. It compares price changes close to new pylons, before and after construction, with price changes in comparable neighbourhoods further away. The authors describe this as a significant advance on earlier studies, which were nearly all based on cross-sectional comparisons on relatively small samples.

12-54 Its findings are clear. The construction of new overhead pylons reduces house prices by an average of 3.6% for properties up to 1,200 metres away, around £6,120 per property in 2015 values. Properties within 300 metres experience a reduction of 9.6%. The effects extend further than previously estimated. An event study confirms that the effect is causal and not the product of pre-existing differences in price trends. There is no evidence that 400 kV lines are perceived as any less harmful than lower-voltage lines.

12-55 The LSE paper also explains why reassuring findings from other studies should be treated with caution. It shows that cross-sectional estimates of the impact of infrastructure are highly sensitive to specification and unreliable. Any reliance by the Applicant on studies of that kind, or on evidence from a different region, cannot displace the LSE findings.

12-56 The authors draw out the policy implications. The costs of overhead lines to households extend over a much larger area than those whose land is crossed and who are currently compensated. They estimate the cost to households of 1 km of overhead line in England at around £2.5 million. The research was based on pylons of around 40 metres. The towers proposed here would be substantially taller, and there is no reason to suppose the effect would be smaller.

12-57 NOTKUP acknowledges, in fairness, that the LSE authors also conclude that, on average, the benefits to households of burying cables are below the additional construction cost. But they expressly state that their analysis cannot answer the question of the value of burying cables in places of great natural beauty, where the visual damage may far exceed the mean cost to residential households. Nor does their figure include any effect on tourism or wider amenity. The point for present purposes is simpler: the effect on property values is

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a real economic cost, of material scale, which the Applicant's assessment does not identify, let alone weigh.

12-58 The population exposed to that cost is large. Mrs Paterson's evidence is that around 25,000 people live within 2 km of the route, and 137,000 within 5 km.

12-59 Mr Chesterman's evidence shows that the effect is not hypothetical, and that it is already being felt while the proposal is at the planning stage. He describes the experience of one couple whose home was valued at £420,000 on 10 March 2026, with the Home Report expressly noting its proximity to the proposed pylons. A prospective buyer viewed twice and was discussing mortgages and an offer, then withdrew, citing the pylons. After the property was listed, viewer after viewer lost interest on reading the Home Report or investigating the route. One buyer who had made an offer below market value withdrew on discovering the pylon issue, stating that no price reduction could compensate for the loss of the location and view. Another family, who wrote that the house had *'ticked every box'*, confirmed that its location in the proposed pylon corridor was a *'deal-breaker'*.

12-60 That evidence is consistent with the LSE findings. It demonstrates that the proposal is already affecting the marketability and value of property near the route, and that greater

effects are likely once the line is built. It has not been answered by the Applicant.

12-61 Community Impacts

12-62 The burden of the proposal would not be spread evenly. As Mr Chesterman says, the benefits are spread widely while the impacts are heavily concentrated on communities along the route. For those living close to it, the effects are *'not minor — they are dominant'*: visual intrusion, loss of amenity and financial loss combine into a substantial burden.

12-63 Mrs Paterson's evidence adds a further dimension. Around 40 to 45% of the route crosses productive farmland that supports food production and rural livelihoods. Permanent tower foundations, each with a footprint of up to 900 square metres, together with access tracks and restrictions on land use, mean fragmented fields, operational difficulties for farmers and a long-term loss of flexibility. She also raises the vulnerability of the River Dee and its tributaries, and of Atlantic salmon already under pressure, to sediment and drainage changes during construction, a matter which bears directly on the angling economy already discussed. Those are economic effects on rural businesses which the BiGGAR report does not consider.

12-64 Mrs Paterson's broader point is that the landscape along the route is not empty land, but a connected living environment that supports *'our community, our economy and our way of life'*. She does not believe that the scale and cumulative impacts of the proposal have

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been properly weighed against the value of what would be affected. NOTKUP submits that, so far as the socio-economic assessment is concerned, she is right.

12-65 Mr Chesterman also identifies a social cost that does not appear in any economic model. A proposal imposed on communities that are opposed to it is likely to reduce still further the already low sense of influence that local residents report over local decisions. The BiGGAR report itself records indicators of community wellbeing and influence. It does not consider how the proposal might affect them.

12-66 Value and Prematurity

12-67 Mr Chesterman's evidence goes beyond the BiGGAR report to the wider question of whether the proposal represents good value. That evidence is addressed more fully in the Need and Policy chapter, but it bears directly on the socio-economic balance.

12-68 His evidence, drawing on 40 years in major energy projects, is that well-established project development practice requires the need to be defined, alternatives to be assessed, the best option selected and the project designed to the right size. He finds no evidence that this process has been followed. Overall UK energy demand has fallen by 29% since 2005, future demand is uncertain, and the scale and location of future renewable generation in Scotland is unclear. The NESO Strategic Spatial Energy Plan, which will provide the key data needed to justify and size infrastructure of this kind, is not expected until 2027.

12-69 The consequence for the socio-economic case is straightforward. The economic benefit of construction spending is a benefit only if the spending is worthwhile. If the project is the wrong solution, the wrong size or not needed, the expenditure on which the claimed GVA and employment figures are based would represent waste rather than benefit, and the costs to communities along the route would have been incurred for no good reason. As Mr Chesterman puts it, doing the right project, and doing it right, matter more than modest value from project spend.

12-70 Mr Chesterman's Evidence

12-71 Mr Chesterman's central concern is that the Applicant *'paints a simple, clear, picture of urgent need'*, emphasises the benefits and downplays the negative impacts.

12-72 His evidence has not been challenged by cross-examination. It is grounded in long professional experience of major energy projects and in the Applicant's own documents. It is specific: it identifies the scale and geographical spread of the claimed benefits, the reliance on undisclosed assumptions and uncommitted aspirations, the absence of any operational assessment, the failure to address property values, and the piecemeal treatment of tourism. His evidence on property values is corroborated by direct accounts of lost sales and by independent academic research of high quality.

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12-73 Some of Mr Chesterman's wider observations on energy policy and the cost of the transition go beyond what the Reporters need to decide. NOTKUP does not ask the Reporters to resolve those matters. His criticisms of the BiGGAR report stand on their own, and do not depend on them.

12-74 His evidence should be given substantial weight. Equally, the conclusions of the BiGGAR report, which rest on undisclosed assumptions and untested professional judgement, should be given limited weight where they are not supported by transparent reasoning and evidence.

12-75 Conclusions

12-76 The evidence shows that the Applicant’s claimed benefits are gross, temporary and uncertain rather than net, local and secured; that operational and community benefits are unquantified; that tourism, property values, amenity, farming and rural businesses have been inadequately assessed; and that the costs will be concentrated on the communities along the route while benefits are dispersed elsewhere. The proposal therefore has not been shown to maximise net economic impact under NPF4 Policy 11(c).

12-77 The question for the Inquiry is not whether investment in the grid can bring economic benefit. It is whether this proposal has been shown to maximise net economic impact, including for the communities that would host it. NOTKUP submits that it has not. Properly analysed, the Applicant's socio-economic case offers modest, temporary and uncertain benefits that cannot be relied upon, and it leaves out of account substantial costs that fall on local people. That case should be given little or no weight in the planning balance, and the socio-economic harms identified in this chapter should weigh against consent.

12-78 Recommended conditions

12-79 If, contrary to NOTKUP's primary case, the Reporters recommend that consent be granted, NOTKUP invites them to recommend conditions requiring the following.

- No development to commence until a Local Employment Scheme, as the Applicant itself has proposed, has been approved in writing by the planning authorities, including measurable targets for employment and contracts within Angus and Aberdeenshire, and published.
- Annual public reporting, during construction, of the employment, contracts and expenditure actually secured within the Regional Area and within the corridor, measured against those targets.
- A scheme, approved in advance by the planning authorities, to monitor the effects of construction and operation on tourism and recreation businesses along the route, including those identified in the BiGGAR report as experiencing significant or moderate effects, and on angling on the Rivers North Esk and South Esk.

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- A scheme for the allocation of community benefit to communities along the route, in proportion to the impacts they bear, agreed with the relevant community councils.

12-80 Those conditions would not remove the harm identified in this chapter. They would, however, ensure that the benefits on which the Applicant relies are defined, measured and accountable, rather than left to be settled after consent, out of public view.

13 POPULATION AND PUBLIC HEALTH, AND MENTAL HEALTH

13-1 Introduction

13-2 This chapter addresses the assessment of the effects of the proposed development on population and human health, including mental health and wellbeing.

13-3 The opponents' case can be stated simply. Population and human health has been scoped out of the Environmental Impact Assessment Report ("EIAR"). The Applicant's case on health rests almost entirely on a single document: the Department of Energy and Climate Change ("DECC") voluntary Code of Practice, *"Power Lines: Demonstrating compliance with EMF public exposure guidelines"*, dated March 2012 ("the Code of Practice"). The Applicant has also produced a separate EMF Study Report, dated August 2025, which bears to apply that Code.

13-4 The opponents' position is that compliance with the Code of Practice, whilst necessary, is **not sufficient**. A comprehensive assessment of the health impacts of this project has not been carried out. The 2017 Regulations expressly require the EIAR to identify, describe and assess the likely significant effects of the development on population and human health. The Applicant has not done so.

13-5 The evidence comes from Dr Iain Stirling, a retired general practitioner and occupational and environmental physician; Ms Eileen West, who addresses mental health; and the Agricultural Operations briefing on human health. Apart from the Agricultural Operations evide**n**ce, addressed in the Agricultural Operations chapter**,** that evidence **stands unchallenged**.

13-6 The significance of the issue should not be understated. The World Health Organization defines health as *"a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity."* The Applicant itself quotes this definition in its EIAR. Yet it has failed to assess any aspect of health beyond compliance with EMF exposure guidelines.

13-7 This chapter should be read alongside the Consultation chapter. Health was one of the topics scoped out of the EIAR. During scoping, community councils raised concerns about electric and magnetic fields ("EMFs"), mental health and human health. Those concerns

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were systematically channelled into “scoped out” responses. One important consequence is that Public Health Scotland has not been engaged as a consultee.

13-8 This chapter is structured as follows: the Applicant’s case, which rests on EMF compliance; the legal and policy framework; the limitations of EMF compliance; mental health and wellbeing; health impacts from agricultural operations; the absence of a Health Impact Assessment; the weight of the evidence; and conclusions.

13-9 The Applicant’s Case: EMF Compliance

13-10 The Applicant’s case on health rests on showing that the proposed line complies with the DECC voluntary Code of Practice on EMF public exposure guidelines. It is necessary to be clear about what that Code does, and what it does not do.

13-11 First, it is a code. It is not a statutory requirement.

13-12 Second, it addresses **only EMF exposure**. Specifically, it is concerned with compliance with the 1998 guidelines of the International Commission on Non-Ionizing Radiation Protection (“ICNIRP”) for limiting exposure to time-varying electric and magnetic fields, as implemented by the 1999 EU Recommendation. The UK formally adopted the EU recommendation in 2004.

13-13 Third, it is concerned solely with the **direct effects** of fields on the body, namely the induction of electric currents in the central nervous system, and with **indirect effects** such as microshocks from touching charged objects. The UK remains the most lax and least protective in Europe; the vast majority of EU countries use EMF reference levels/exposure limits of 100µT and 5kV/m. Microshock risk and severity diminish significantly under 5kV/m.

13-14 Fourth, its compliance test is narrow. It asks whether the fields from the power line, at the location of the nearest property, exceed the ICNIRP reference levels of 360 µT for magnetic fields and 9.0 kV/m for electric fields.

13-15 Fifth, it is designed to prevent **short-term** biological effects. It does not address long-term epidemiological observations, nor does it address long term exposure and low-intensity cumulative effects. ICNIRP guidelines are insufficient to protect public health.

13-16 Sixth, it dates from 2012. It reflects the DECC response to the First Interim Assessment of the Stakeholder Advisory Group on ELF EMFs (“SAGE”), published in 2007. It says nothing about mental health, agricultural safety, construction impacts or the wider determinants of health. It is not, and does not claim to be, a Health Impact Assessment.

13-17 The Applicant’s EMF Study Report of August 2025 applies this Code. Even on its own narrow terms, Dr Stirling has identified apparent internal inconsistencies. The report states that calculations were carried out for the TKUP 400 kV line using a current of 5,000 A and AS4 tower geometry (table 3.2 p.8). However, Appendix B (p.19) appears to reproduce data from the separate Beauly–Blackhillock reconductoring project, using 4,570 A and older D10

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towers. That discrepancy appears to understate magnetic field strengths by approximately 9%. The one document on which the Applicant relies for its health case is therefore itself unreliable.

13-18 The evidence base has also not been kept up to date and is entirely insufficient. The Applicant's scoping document of September 2024, at chapter 12.4.3, refers to the National Institute for Health Protection's Centre for Radiation, Chemical and Environmental Hazards ("NIHP CRCE") as the body still responsible for reviewing the health evidence on EMFs. That body ceased to exist in the summer of 2021 and its functions passed to the UK Health Security Agency (UKHSA). The Committee on Medical Aspects of Radiation in the Environment (COMARE) along with UKHSA act independently in their scientific analyses and provision of advice. The EMF and Health Working Group (EAHWG), established in 2022, advises COMARE on the health impacts and concerns associated with exposure to EMF. Its remit also includes reviewing EMF research, considering implications for UK public health, and identifying research gaps. As Dr Stirling puts it, *"This application has not been updated with the latest scientific evidence."*

13-19 The EIAR, at Volume 1, Chapter 6, paragraph 6.7.10, acknowledges that mental health concerns were raised, but **dismisses** them. It states that *"it is not considered that reported mental health effects arising indirectly from uncertainty around the application process would give rise to significant human health effects."* No evidence is offered in support of that conclusion. No assessment was carried out from which it could be drawn.

13-20 The EIAR also records that community councils raised health concerns during scoping. Those concerns were answered by scoping the topic out, rather than by assessing it.

13-21 In short, the Applicant's position is this: comply with a 2012 voluntary Code of Practice on EMF, and scope everything else out. The opponents submit that this is **wholly inadequate** for a project of this scale and character.

13-22 The Legal and Policy Framework

13-23 Regulation 4(3)(a) of the 2017 Regulations requires the EIAR to identify, describe and assess, in an appropriate manner, the likely significant direct and indirect effects of the proposed development on population and human health. Health impacts have been scoped out. In Dr Stirling's words, *"Population and human health—explicitly required under the 2017 Regulations—have been deliberately scoped out. This is a fundamental failure."* The opponents adopt that submission.

13-24 Public Health Scotland (PHS) was asked about this in Autumn 2024. Its Director of Public Health Science and Medical Director confirmed in January 2025, following advice from Scottish Government colleagues, that it is the responsibility of SSEN, as the transmission operator, to produce a Human Health and Population Impact Assessment. In Spring 2025,

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the Scottish Government confirmed that a Health Impact Assessment would not be included.

13-25 The consequence of scoping health out is that Public Health Scotland, the national public health body, is not engaged as a consultee. PHS stated that if a Health Impact Assessment were required, they would expect to take a full part in it, as a stakeholder supporting the Scottish perspective and advising the Scottish Government to approach the UKHSA. Instead, it has fallen to affected members of the public, at their own expense and in their own time, to bring these concerns before the Inquiry.

13-26 National Planning Framework 4 ("NPF4") must be read as a whole, as explained in the Need and Policy chapter. Policies 1, 2, 14, 20, 21 and 23 all require consideration of **health, wellbeing, safety** and liveable places. Policy 11 (Energy) requires impacts on communities and on individual dwellings to be considered. Paragraphs 3, 9, 16 and 20 of NPF4 emphasise that planning should help deliver a fairer and **healthier** Scotland.

13-27 NPF4 Policy 23 **(Health and Safety)** requires development proposals to safeguard public health and safety. As the Single Objection Document ("SOD") identifies, the Applicant's Planning Statement does not address Policy 23 at all beyond a passing mention.

13-28 The World Health Organization framework defines health broadly, to include physical, mental and social wellbeing. The Applicant quotes that definition, but has not applied it. A definition quoted and then ignored gives the decision-maker no assistance.

13-29 Professional guidance is clear. The Institute of Environmental Management and Assessment (IEMA) Effective scoping of Human Health in EIA guidance (2022) states: para 3.10 p.9 "If the implications of other EIA topics for population are not clear at the scoping stage, then an EIA report health chapter should be included." and para 3.11 "The practice of solely relying on other EIA technical chapters to provide the coverage of human health (i.e. disparate discussion of health issues across the EIA report) is NOT recommended and should NOT be the justification to scope out health in EIA. It does NOT support an efficient review by public health stakeholders or the consistent discussion of public health outcomes and public health implications using a consistent methodology: para 4.1 p.10 "Engagement with health stakeholders and communities as part of this process should be considered to support determining the health scope." Table 4.1 specifically lists the Director of Public Health Scotland as a key organisation/post to contact in first instance. Para 4.9 p.12 "There should be early input by EIA health practitioners… This is a critical point at which to influence the project in favour of public health and to reduce project risks and costly charges". Here the health implications are, at the very least, uncertain. No health chapter has been included.

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13-30 The Limitations of EMF Compliance

13-31 EMF compliance is necessary, but it is not sufficient. It deals with one narrow aspect of the health impacts of a major overhead line, namely exposure to electromagnetic fields, and says nothing about the broader effects on the health of the population living along the route. Dr Stirling describes the compliance report as being *"presented in place of proper health assessment."* That is exactly what has happened.

13-32 The ICNIRP guidelines, on which the Code of Practice is based, are designed to prevent short-term biological effects. They do not address what long-term epidemiological studies have observed in people living near power lines for many years.

13-33 Dr Stirling's evidence reviews that epidemiological literature. A substantial body of research shows consistent associations between long-term exposure to magnetic fields and serious health risks, in particular childhood leukaemia. The 2024 review by the European Commission's Scientific Committee on Health, Environmental and Emerging Risks ("SCHEER") confirms consistent but moderate associations. SCHEER assessed the weight of evidence as weak to moderate and found no established causal mechanism, but it recognised that the association has been observed repeatedly and that uncertainty remains. SCHEER also showed moderate evidence on the association of occupational exposure to extremely low frequency EMF and amyotrophic lateral sclerosis variant of motor neurone disease.

13-34 Two studies illustrate the point. *Malagoli* (2023), an Italian study, found that children under 15 living within 100 m of high-voltage lines had approximately double the odds of developing childhood leukaemia. *Carpenter* (2019) concludes that pooled analyses show strong evidence of elevated risks of blood, brain and breast cancer with low intensity long-term exposure above 0.3 to 0.4 μT. Carpenter also showed that almost all government or independent studies showed elevated risk or statistically significant association between magnetic field and childhood leukaemia, and almost all industry studies fail to find association. As long ago as 2003, the National Radiological Protection Board acknowledged the childhood leukaemia association.

13-35 These findings relate to exposure levels **far below** the UK public exposure limits, which are set by reference to short-term effects. Showing that a line complies with a 360 μT limit tells the decision-maker nothing about low intensity long term exposure at 0.3 or 0.4 μT. Compliance does not resolve the uncertainty identified in the scientific literature. It does not engage with it at all.

13-36 The UK also has weaker limits than most European countries. SSEN works to a voluntary limit of 360 μT, whereas most European countries follow a mandatory limit of 100 μT; some Italian regions enforce limits as low as 0.2 μT. For electric fields, SSEN allows 9,000 V/m, compared with the European figure of 5,000 V/m, which is the threshold for microshocks. TKUP is rated at 8,220 V/m. SSEN is therefore knowingly exposing people to a risk of microshocks.

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13-37 In 2015 and again in 2024, some 280 scientists from 44 countries appealed to the United Nations, highlighting that the ICNIRP guidelines ignore long-term, low-intensity exposure and fail to protect public health. The scientific debate is live. The Applicant has not acknowledged it.

13-38 SSEN is itself a leading practitioner of subsea and underground high-voltage direct current technologies, as set out in the Need and Policy chapter. Elsewhere, Wales, Denmark, the Netherlands and Germany have minimised EMF exposure risks by adopting undergrounding and subsea alternatives. The means of reducing exposure are well known and are within SSEN's own expertise.

13-39 The Precautionary Principle requires that, where credible evidence of risk exists, particularly to children, and uncertainty remains, action should be taken to prevent harm. The Applicant has not adopted that approach. It has not even considered it.

13-40 Dr Stirling's evidence identifies a clear gradient of concern: within about 100 to 120 m of the line, the strongest observed association; between about 120 and 250 m, the 0.1 to 0.4 µT range, where multiple studies report elevated risk; and beyond about 250 m, exposure approaching background levels. A precautionary approach to routeing and siting would seek to avoid residential exposure within the 0.1 to 0.4 µT range. **No such approach has been applied.**

13-41 Mental Health and Wellbeing

13-42 This is the heart of the opponents' case on health. The mental health impacts of this project are real, documented and serious. They have not been assessed.

13-43 Ms West's evidence records the findings of the survey carried out by Crathes, Drumoak and Durris Community Council ("CDDCC"). Asked, *"Do you feel like the proposals for overhead lines are having a detrimental impact on your health and wellbeing"*, **80.9%** of respondents answered yes. That is a striking and significant finding.

13-44 Residents describe persistent anxiety; fear about the health risks of living close to very high-voltage lines; worry about the safety of those working the land; concern about years of HGV traffic on small rural roads; chronic stress; disturbed sleep; low mood; anger; and a sense of helplessness. For many, this has moved beyond "concern" into significant and sustained mental distress.

13-45 The residents' own words speak for themselves. One wrote: *"I'm 78 and have never been bothered by insomnia but I very often have sleepless nights now because of these pylons."*

13-46 A farmer reports being told by SSEN's land manager: *"There's no point being unhelpful... why don't you give up... because it's going to happen."* Another resident states: *"After weeks of constant haranguing about access to my land, three phone calls in one afternoon... I admit I felt suicidal and told him so."* A further household reports: *"For the sake*

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of our mental health we banned the Land Manager from our property." These are not the words of people who are merely inconvenienced.

13-47 The route also threatens cherished green spaces: forests, woods and paths, such as *"Lovers' Walk"* and *"Badger Wood"*, *the "Kings Well"* (documented for 700 years) surrounded by ancient beech and lime trees, "*Loch of Park SSSI"*: all of which carry deep sentimental value for local people. Ms West explains the concepts of eco-grief and solastalgia, the latter described by Glenn Albrecht (2003) as *"the homesickness you have when you are still at home."* The research literature is clear that long-term access to green space is strongly associated with lower stress, anxiety and depression, and that large-scale damage to cherished places can trigger grief-like and clinically significant responses.

13-48 That evidence base is substantial. *McEachan et al*. (2023), a population-wide longitudinal study, found that changes in access to green and blue space were significantly associated with changes in wellbeing and mental health. NIHR Evidence (2023), drawing on data from more than 2 million adults, found that living near green or blue space was linked with lower anxiety and depression. *Maddock et al*. (2024) found that higher levels of greenery were associated with lower rates of mental health service use.

13-49 The consultation process has itself been a source of harm, as set out in the Consultation chapter. SSEN's conduct, described by residents as dismissive, condescending and derisory, has materially worsened mental health outcomes. Being treated in that way is itself a cause of distress and anger.

13-50 Ms West gives examples. SSEN staff told one resident: *"We are too busy doing all these consultations, having to talk to the public stops us doing our jobs."* Consultation staff were heard openly discussing how the line should be moved even closer to a residential address because the owner had complained too much. Land agents knocked on doors at night demanding access for sound monitoring.

13-51 Ms West also records SSEN's written responses to distressed residents: *"Whilst we accept there are strong emotions regarding the potential impacts of our infrastructure proposals it is not fair to claim that we do not have empathy for those who may be affected."* and: *"We appreciate that our projects can also cause some uncertainty to people within the communities that are affected."* These are not empathetic responses. They reduce real distress to "strong emotions" and "some uncertainty".

13-52 SSEN's decision to scope mental health out, and to deal with it "internally", is wholly unacceptable. In practice, it means there is no independent scrutiny of the harm being caused, no baseline, no assessment of significance and no mitigation.

13-53 The Applicant's dismissal of mental health impacts at EIAR paragraph 6.7.10 is contradicted by the survey evidence. Where 80.9% of respondents report detriment to their health and wellbeing, that is a clear signal that something is profoundly wrong. It cannot properly be waved away as a by-product of *"uncertainty around the application process."*

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13-54 Nor is the harm confined to the application process. Dr Stirling records that *"Communities along the route are experiencing severe stress, anxiety, and financial harm"*, including homes becoming harder to sell. These effects are occurring now, before any construction, and will continue through construction and the operational life of the line.

13-55 NPF4, read as a whole, requires mental health to be considered. Policies 1, 2, 3, 11, 14, 20, 21 and 23 all engage **health** and wellbeing. Ms West rightly submits that mental health is a material consideration in the determination under section 37 of the Electricity Act 1989.

13-56 Simply quoting Policy 11 and "national need" does not relieve decision-makers of the obligation to assess mental health impacts in a way that is proportionate to the scale of the scheme. The larger the scheme, the greater the need for that assessment, not the lesser.

13-57 Health Impacts from Agricultural Operations

13-58 The AgriOps briefing raises important human health concerns arising from the interaction of the proposed overhead line with everyday agricultural operations beneath and around it.

13-59 The central question is whether the risk to human health from electric shock has been shown to be **As Low As Reasonably Practicable** ("ALARP"). The Reporters stated on 14 May 2026 that the evidence relating to potential effects on human health (electrocution risk), agricultural land use and the required vertical clearances needed assessment as part of the EIA.

13-60 Electrocution means death caused by electric shock. A person who survives has suffered an electric shock or electrical injury, not electrocution. The hazard is the 400,000-volt nine metre minimum clearance conductor wire. Potential "arc flashover" from this conductor may well be fatal. Agricultural machinery does not have to touch the conducting wires; depending on multiple atmospheric variables the arc flashover can jump up to 4 metres and this effectively creates an electrical fault connection of the machine and/or the person to the extremely high voltage line allowing the fatal current to flow.

13-61 The ISEP/IEMA guidance (Implementing the Mitigation Hierarchy from Concept to Construction 2024) sets out a clear mitigation hierarchy of controls: avoid, prevent, reduce, offset. This should be applied sequentially and demonstrated transparently. Primary mitigation is built into the project design and engineering changes the line; as the guidance puts it, *"the first step for an identified impact is to see if it can be avoided."* IEMA also states "the upper levels of the hierarchy are most achievable during concept, feasibility and site selection. The EIA report should show the hierarchy influenced the design and the consideration of alternatives". Secondary mitigation requires later action and is commonly secured through conditions or management plans. Tertiary mitigation, at the bottom of the primary, secondary, tertiary classification, covers measures required anyway by legislation or

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standard sector practice, including health and safety procedures. Controls should be applied always from the top down. The hierarchy requires priority to eliminating (avoid) or reducing (prevent) the electrocution hazard through the overhead line design. Tertiary mitigation cannot compensate for an inherently unsafe clearance. The Applicant on page 17 of its Agricultural Operations assessment report June 2026 states para 5.1.1. ‘‘There is no primary mitigation applicable to this assessment”: this statement would appear to be in conflict with all medical and health and safety guidance.

13-62 The Applicant’s agricultural operations assessment uses a simple two-way table: “Significant” or “Not Significant”. This is not an ISEP/IEMA table and appears bespoke. ISEP/IEMA 2022 Human Health guidance para 7.11 p 15 & table 7.2 p 17 advises assessment should consider severity, exposure, scale, frequency, duration/permanence and population affected. These essential variables appear absent from the simple binary table 3.2. p.10 of the Applicant’s additional information. It concludes “Not Significant” where the risk meets ALARP or can be adequately managed through safe-work procedures. The concern is that a “not significant” conclusion may be reached by relying on tertiary safe-working procedures, in other words telling the farmer how to behave safely, without first exhausting the design and engineering measures that could eliminate or reduce the hazard itself.

13-63 **First**, **ALARP** requires consideration of reasonably practicable avoidance and engineering measures before reliance on procedures and human behaviour. The evidence does not show that they were considered. ALARP does not mean accepting a potentially fatal electrical hazard because procedures reduce its probability; elimination and engineering controls must be addressed first.

13-64 **Second**, **tertiary** mitigation is a classification, not the first step in the hierarchy. Safe-working measures sit at its bottom. Relying on them to reach a “not significant” conclusion without showing that higher-order controls were exhausted is contrary to the ISEP/IEMA 2024 mitigation hierarchy.

13-65 **Third**, **“adequately managed through safe work procedures**” describes behaviour around a hazard; it does not remove the hazard. Its effectiveness depends on sustained compliance across machinery, contractors, changing farming practices and foreseeable human error. It is not a reliable basis for managing electric-shock risk in real agricultural conditions.

13-66 Microshocks are a particular concern. The July 2013 voluntary Code of Practice itself recognises that indirect effects, such as microshocks from charged objects, must be considered. With TKUP rated at 8,220 V/m, against the European figure of 5,000 V/m for microshocks, there is a real risk to farm workers handling metal machinery, fencing and equipment beneath the line. The vast majority of European countries have negligible issue with microshocks as they rarely occur below 5,000 V/m.

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13-67 The message is simple: design out what can reasonably be designed out, and then use safe-working procedures for the risk that remains. The Applicant appears to have done it the other way round.

13-68 The Reporters' tables tested the adequacy of a 9-metre minimum conductor height for typical machinery. Fourteen of the 16 combinations (87.5%) conflict with that height. This is not an 87.5% fatality probability; it means that physical clearance is not achieved in those combinations, so safe operation would depend on greater height, restrictions on machinery or operation, or another control. The two non-conflicting combinations use 4-metre transport or reduced operating heights and the 4.3-metre passing clearance. Applying the 5.3-metre normal clearance and the 6-metre exclusion zone of the 7-metre working clearance, every machine scenario conflicts with 9 metres.

13-69 This highly relevant safety concern is not a minor inconvenience. If tall agricultural machinery enters the electrical danger envelope of a 400kV overhead line the credible consequence under discussion is severe electrical injury including potential fatal arcing/flashover electrocution. The present design does not appear physically high enough to keep foreseeable agricultural operations outside the required clearance envelope. The design is unsafe now, and also appears to take no account of the anticipated design needs for future decades.

13-70 Germany leads much of the EMF safety research in Europe and has hundreds of kilometres of 525kV DC two gigawatt long distance underground transmission lines from the Baltic to Bavaria. Whilst Germany still has a basic conductor height for 380kV overhead lines of 7.8m, operator TenneT explicitly specifies a 12.0m minimum conductor height: they explain that 7.8 minus their 4m protective distance would only permit 3.8m high equipment, but 12m permits up to 7m. The 12m clearance both helps meet the German 5kV/m electric field limit and 'enables the use of large agricultural machinery in the line area'.

13-71 The Absence of a Health Impact Assessment

13-72 The Applicant has not carried out a Health Impact Assessment, despite Public Health Scotland's director stating that it was SSEN's responsibility to do so.

13-73 The Scottish Government confirmed that it would not require one. No justification was given for that position.

13-74 The result is that the planning authorities and Scottish Ministers do not have all the relevant information needed to reach a lawful determination on the likely significant effects of the development on population and human health.

13-75 The ISEP/IEMA guidance (2022) advice that, where health implications remain uncertain, *"a health chapter should be included rather than relying on scattered references elsewhere"*, has been disregarded.

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13-76 Without a Health Impact Assessment, there has been no systematic consideration of: EMF health effects beyond narrow compliance with the Code of Practice; mental health and wellbeing; the health effects of construction, including dust, noise, traffic and disruption over four to five years; health effects arising from agricultural operations; health effects from the loss of green space and amenity; health effects on children at schools along the route; and health effects on vulnerable groups.

13-77 As recorded in the Landscape and Visual Impact chapter, the opponents' evidence identifies up to 83 properties where the Residential Visual Amenity Threshold may be breached. Those residents face living with an overwhelming visual impact from their own homes. The health consequences for them have not been assessed.

13-78 This project is the most powerful overhead line ever proposed in Scotland. It would carry approximately 6 GW, around double Scotland's total electricity usage, on pylons up to 70 m high, spaced roughly every 350 m, along ±106 km. A project of that scale merits a comprehensive Health Impact Assessment. The Applicant's refusal to provide one is **indefensible**. Dr Stirling's view is blunt: *"Scoping out Population & Public Health is, in my opinion, Morally abhorrent, Medically & Scientifically astonishing. There is no ethical defence for doing this."*

13-79 Weight of the Evidence

13-80 Dr Stirling is a qualified medical doctor with 39 years of clinical practice. He holds MB ChB, BSc ARCS (Hons) Chemistry, MRCGP, DRCOG, DDAM and DOccMed qualifications. He practised as a general practitioner from 1989 to 2010 and as a GP with a special interest in occupational health with NHS Grampian from 2008 to 2016. He has twenty years' experience of industrial injury and military injury assessment, and remains registered with the General Medical Council. He sits on Tribunals. His evidence stands unchallenged.

13-81 Ms West's evidence on mental health is detailed and specific. It is corroborated by the CDDCC community survey, in which 80.9% of respondents reported detriment to their health and wellbeing, and it is grounded in the research literature. It too stands unchallenged.

13-82 The AgriOps briefing applies the authoritative ISEP/IEMA guidance framework, which is one of the main professional benchmarks for EIA assessment practice. The Applicant uses these frameworks which guide whether mitigation has been properly considered (2024), effective scoping of human health in the EIA (2022) and determining significance for human health in the EIA (2022).

13-83 The SOD, in its sections on the health impacts of EMFs and on safety, reinforces these concerns at every material point, including its observation that *"In the absence of a Health Impact Assessment, Public Health Scotland are not engaged as consultees."*

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13-84 The Applicant has presented no evidence to rebut any of the specific failings identified. Where witnesses have not been cross-examined and their evidence is not contradicted, that evidence should be given **significant weight**.

13-85 Conclusions

13-86 The evidence shows that the 2017 Regulations require an assessment of population and human health which the Applicant has not provided; EMF compliance is necessary but does not address long-term exposure, epidemiological uncertainty, mental health, wellbeing, agricultural safety, construction impacts or loss of green space; credible health concerns remain below current UK limits; the mental-health harm is current and documented; agricultural safety has been left to tertiary controls without exhausting design measures; and no Health Impact Assessment has been carried out. The assessment is therefore **grossly inadequate**, and a comprehensive Health Impact Assessment should precede any decision.

13-87 The Inquiry is therefore invited to find that the assessment of population and public health effects is **grossly inadequate**, and that a comprehensive Health Impact Assessment should have been, and should still be, carried out before any decision is taken.

13-88 These findings should carry significant weight in the Policy 11 balancing exercise, as explained in the Need and Policy chapter. A project that imposes unassessed health impacts on affected communities, on the basis of a narrowly drawn EMF compliance exercise and nothing more, has **not demonstrated that its Health effects are acceptable**.

14-0 MILITARY REMAINS

14-1 Introduction

14-2 This chapter addresses the remains of crashed military aircraft within and close to the route of the proposed overhead line, and the adequacy of the Applicant's response to them. NOTKUP's position is that the matter has not been fully understood or adequately addressed by the project, nor by those preparing to give consent for it.

14-3 No oral hearing session was allocated to this topic. NOTKUP's case therefore rests on the evidence of its sole witness, Mr Kevin Stout, given at the Community Hearing Session in June 2026, together with his written Hearing Statement on Military Remains and related matters and NOTKUP's further submission of 16 July 2026 in response to the Reporter's questions.

14-4 Mr Stout has more than 56 years' experience of researching, identifying and recovering the remains of crashed military aircraft, including during military training, and has direct experience of working under Ministry of Defence (MOD) licences. He addressed the existence of crash sites in the route corridor, the legal framework under the Protection of Military Remains Act 1986, the deficiencies in the Applicant's assessment, and the practical

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risks that construction would pose to remains that may include ordnance and human remains.

14-5 The Legal Framework

14-6 The Protection of Military Remains Act 1986 applies to any aircraft which has crashed while in military service, whether before or after the passing of the Act. It extends throughout the United Kingdom. The Act draws no distinction based on the age of the remains, and makes no provision by which such remains cease to be military remains and become merely 'archaeological'.

14-7 A place comprising the remains of, or of a substantial part of, such an aircraft, at or in the immediate vicinity of the place where the remains were left by the crash, is a protected place. Under section 2(1)(b) a person commits an offence if, *'believing or having reasonable grounds for suspecting that any place comprises any remains of an aircraft'* which crashed in military service, he tampers with, damages, moves, removes or unearths those remains, or causes or permits another person to do so. It is also an offence knowingly to take part in, or to cause or permit any other person to take part in, a prohibited excavation, or knowingly to use or permit the use of equipment for that purpose.

14-8 'Remains' is defined broadly. It includes any cargo, munitions, apparel or personal effects on board during the final flight, and any human remains associated with the aircraft.

14-9 The only general defence relevant here is that the activity was carried out under and in accordance with a licence granted by the Secretary of State under section 4. It is a further offence, under section 5, to make a statement in a licence application which is known to be false, or recklessly to make one which is false, in a material particular.

14-10 The Act does not exempt corporate bodies. By section 7(2), where a body corporate commits an offence with the consent or connivance of, or attributable to neglect on the part of, a director, manager, secretary or similar officer, that individual is also guilty of the offence.

14-11 The MOD's published guidance, 'Aviation archaeology', confirms that all military aircraft crash sites in the United Kingdom are protected under the Act, and that anyone wishing to excavate such a site must first obtain a licence from the Joint Casualty and Compassionate Centre (JCCC). The guidance makes four points of direct relevance to this project:

- Applicants must research and supply all relevant information about the aircraft, including the location of the crash site and the fate of the crew;
- the JCCC's enquiries may take several months, and Applicants should apply at least three months before work is to begin;

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- a licence will not be issued if human remains are likely to be found at the site, and cannot be issued if significant amounts of unexploded ordnance are believed to be present; and

- every application requires the written support of the landowner.

14-12 The guidance also states that all recovered items remain the property of the Crown.

14-13 The Evidence of Mr Stout

14-14 Mr Stout's evidence is that over 200 military aircraft crash sites have been identified by aircraft type and operational serial numbers on the two local Ordnance Survey maps covering the area in which pylons, substations and battery installations are proposed. The majority date from the Second World War. Most aircraft were operated by the RAF, many by the Royal Naval Air Service, and a few were German. Only a very small number of these sites appear on the local authority's Historic Environment Record (HER), and much of the HER information is, on his evidence, wrong or suspect.

14-15 That evidence is consistent with the published historical record of aircraft losses in Scotland. The compilation of crashes in the Isle of Man, Scotland and Northern Ireland observes that during the war inexperienced crews, flying at night over blacked-out countryside and often in bad weather, flew into the hills and moors of northern Britain with *'monotonous regularity'*. It records numerous losses in Angus and the north-east, including those from training units at Montrose and Tealing itself.

14-16 As to specific sites, NOTKUP's submission of 16 July 2026 maintains that wreckage exists in several locations to the east of Hill of Trusta near Hurlie bog, and in several locations to the west of Hill of Swanley near Burn of Day. The wreckage of those two aircraft requires further investigation and an MOD licence. Wreckage from two further aircraft exists close to the northern boundary of the proposed substation site, and there are four further crash sites slightly to the west of it. While these may not be affected by the substation itself, they may yet be affected by the pylons or associated works. Photographs of accessible wreckage in Fetteresso Forest, taken on 11 July 2026, were provided to the Inquiry.

14-17 Mr Stout explained why the surface evidence understates what may lie below ground. An aircraft descending at speed will bury itself in soft ground, sometimes many feet below the surface. Such sites were often covered over as quickly as possible, with minimal recovery, and it is not uncommon for them to contain ordnance and human remains. Where a site was hard to reach, only a few parts might be removed for accident investigation, with the rest left on site. Contemporary witnesses, including a former member of the Home Guard, have confirmed that abandoned wreckage was often buried on or near the crash site. Ordnance, human remains, personal effects and flying instruments have all been found at

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such sites, and it is a matter of record that human remains have been discovered despite efforts at the time to remove them.

14-18 The Applicant's Response

14-19 Mr Stout's evidence is that SSEN, the local authority and the Mearns objectors' group were all informed in writing of the existence of crash sites along the route, and that information was first supplied in May 2024. He states that SSEN initially advised that it had never heard of the 1986 Act and had no corporate strategy for dealing with such sites.

14-20 Despite that, the EIAR for the substation was prepared as a desk-top exercise. It concluded that the existence of remains was *'assessed as negligible'* and wrongly assumed that the land was under forestry at the time of the crashes. Forestry Commission archive material and historical maps provided by Mr Stout and freely available online show that the area now occupied by Fetteresso Forest was open moorland when the aircraft came down. Mr Stout can find no reference at all to aircraft remains in the EIAR for the overhead line, even though SSEN had been told of the sites. In his long experience, a desk-top exercise has never been capable of confirming the absence of remains. MOD records cannot be relied upon as fully accurate, and local research is always required, because MoD records are catalogued by aircraft type and serial number, not by area or OS map number.

14-21 Of the sites notified to the local authority, only one has been added to the HER. When asked to supply further details, Mr Stout was then prevented from doing so.

14-22 Most significantly, the MOD confirmed in writing in December 2025 that no organisation had contacted it about the project or the likely disturbance of crash sites, and that it was unaware of the development. By that date SSEN and the council had known of the sites for around two years. No licence application had been made.

14-23 Submissions

14-24 NOTKUP submits that the Applicant cannot now credibly maintain that it lacks reasonable grounds for suspecting that military remains are present within the route corridor. It has been told of them, in writing and with supporting evidence. The statutory threshold in section 2(1)(b) of the 1986 Act is therefore engaged. Any works that disturb those remains without a licence would expose the Applicant, its contractors and, potentially, its officers personally to criminal liability.

14-25 The risk is not theoretical. Once a site is closed off for construction, disturbance may be caused, whether accidentally or deliberately, by personnel with no knowledge or expertise in the subject. Specialist competence is uncommon. No evidence has been given of any provision by SSEN or the council for identifying competent and experienced personnel.

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14-26 A licence is not a formality. The MOD may refuse it, and its guidance states that it will not grant one where human remains are likely to be found, or where significant unexploded ordnance is believed to be present. If a licence is refused at a site on the chosen alignment, the project may have to be halted or the alignment changed. The Applicant has offered no answer to that question. Nor has it explained why, with knowledge of the sites, it has not approached the MOD.

14-27 NOTKUP accepts that the 1986 Act itself makes unlawful disturbance an offence. Its assessment, however, is that the Act alone is insufficient protection in the present circumstances. The criminal law operates after the event; it does not secure the proper identification of sites before construction begins.

14-28 Conclusion

14-29 The evidence of Mr Stout is unchallenged and drawn from more than half a century of specialist experience. It shows that military aircraft remains, which may include ordnance and the remains of aircrew, are likely to be present within and close to the route; that the Applicant's assessment of them has been inadequate; and that the necessary engagement with the MOD has not taken place.

14-30 The Inquiry is invited to find that the environmental assessment fails adequately to address this issue. If consent is nevertheless recommended, NOTKUP submits that it should be subject to conditions requiring, before any works begin, a site-specific investigation by suitably qualified specialists, early consultation with the MOD and JCCC, and any necessary licences under the 1986 Act to be obtained at as early a stage as possible.

14-31 Finally, NOTKUP and Mr Stout ask the Inquiry to remember that many young men gave their lives at some of these sites, so that we may enjoy the freedom we have today. This subject must be approached with reverence and care.

15 CONCLUSIONS

This submission, written for the people and communities most closely affected, has examined the proposal from every relevant angle: law, need, alternatives, agriculture, landscape, heritage, safety, transport, socio-economics, health and the treatment of military remains. The same conclusion emerges each time.

The Applicant has relied on policy support and regulatory endorsement in place of showing, for this route and this technology, that the statutory and policy tests have been or are confidently predicted to actually be met.

- **Statutory compliance has not been shown.** Compliance with Schedule 9 is a precondition to lawful consent, and it has been asserted rather than demonstrated.

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- **The need case is weaker than claimed.** The project brought before the Inquiry differs materially from the one the system operator and Ofgem assessed. Need for this scheme is not established. The key forecasts have not held up.
- **Alternatives were not lawfully assessed.** The technology was fixed on cost before any assessment. Lower-impact options were never compared openly. That failure is fundamental and cannot be cured by conditions.
- **The environmental information is incomplete.** Population and human health, agricultural operations, and major accidents and disasters, were wrongly scoped out. The Applicant admits that the ignition risk at the pipeline crossings has not been assessed. Agricultural safety relies on farmers changing the ways in which they work, rather than on safe design and the application of CDM Regs in accordance with established rules.
- **The landscape and visual impacts are highly significant and adverse.** In many locations these impacts are overwhelming and cannot be mitigated.
- **The Residential Visual Amenity Threshold** has been exceeded in at least 35 instances along the length of the proposed line. That is unacceptably onerous and cannot be said to be offset by public benefit.
- **The harm to SAMs is serious and largely unmitigated.** On the Applicant's own case, the effects on eight Scheduled Monuments cannot be mitigated. The loss of ancient woodland conflicts with the absolute wording of NPF4 Policy 6(b). The effects on homes have been understated.
- **The benefits are overstated.** The socio-economic case counts gross rather than net benefits, and the costs fall on the host communities. The community evidence is consistent and was largely unchallenged.
- **RECOMMENDATION.** The Reporters are respectfully invited to recommend that section 37 consent and deemed planning permission be refused. If they are not minded to do so, NOTKUP asks for two things:
- no recommendation to grant until supplementary information has been obtained under regulation 19 and a formal hearing on major accident hazards has been held;
- any consent to be subject to the conditions proposed on heritage, traffic, socio-economics, agricultural clearances and military remains.

- **Health should not be scoped out lightly.** The IEMA guidance on scoping human health in EIA warns against scoping it out and relying on other chapters to cover it.

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- **Major accident risks should be assessed before consent.** Where a scheme interacts with major accident hazard pipelines, the risk should be assessed at the consent stage, not left to another regulator later.

- **Health and safety law applies at the design stage.** Mandatory duties under the Health and Safety at Work etc. Act 1974 and CDM 2015 in particular, and the Hierarchy of Control, apply when a scheme is designed. Those duties have been inexplicably ignored without any reason being given.

- **Military remains are protected across the UK.** The Protection of Military Remains Act 1986 applies throughout the United Kingdom. This fact should be acknowledged.

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JOHN CAMPBELL and NOTKUP contributors

for NOTKUP

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