Electricity Act 1989
Town & Country Planning (Scotland) Act 1997
DPEA Code of Practice

Tealing to Kintore OHL proposal TRL-120-1

CHS Statement: Planning considerations – omitting the *caveats* - by John Campbell

I appear on behalf of NOTKUP.

Our submission is simple, but fundamental.

This Application is built upon the repeated citation of policy — but not upon the disciplined application of policy to the actual places and people affected by this proposal.

That distinction matters.

The Planning Statement by David Bell Planning quotes from the Electricity Act, Sch 9; from NPF4; from the local development plans; and cites duty upon duty relating to landscape, heritage, biodiversity and amenity — but far too often it just stops there. A quotation is not a professional opinion, and frankly, it is not enough.

What is missing is the essential bridge between policy wording and real-world consequence.

Schedule 9 imposes a serious statutory duty. It requires the Applicant to do what can reasonably be done to preserve natural beauty, protect heritage assets, and mitigate impacts.

But where is the evidence of that exercise having been carried out in the design and planning of the OHL?

Where is the transparent balancing assessment for individual communities, individual heritage assets, individual landscapes?

Where do we see:

- the harm identified,
- the alternatives tested,
- the mitigation considered,
- and the reasoning explaining why the chosen option was supposedly the least harmful reasonable solution?

We do not see it because it's just not there.

Instead, we are repeatedly asked to accept broad conclusions without the underlying analysis.

Again and again, the Applicant relies upon the phrase that impacts are “localised” and therefore “acceptable”.

But harmful impacts do not become acceptable simply because they are given a label which is so painfully and obviously at odds with reality, or which is geographically concentrated onto particular communities.

If anything, concentrated impacts demand greater scrutiny — not less. Liz Bowman’s Report makes this clear.

That is especially true in sensitive locations:

- around the Dee Valley,
- within designated landscapes,
- near important heritage settings,
- and in communities facing severe visual and amenity change for generations.

The Applicant also asks Ministers to place reliance upon mitigation and biodiversity enhancement measures that remain incomplete, unresolved, or deferred until after consent.

That is not robust policy compliance. It is an invitation to approve first and define later.

A “promise” of future mitigation is not the same thing as demonstrated mitigation.

The same weakness appears in relation to undergrounding alternatives.

The Applicant largely dismisses undergrounding using broad national assertions about cost and engineering difficulty.

But that is not the proper planning question before this Inquiry. The real question is whether less harmful alternatives were properly examined in the places where harm is greatest.

The Planning Statement does not provide a transparent comparison of:

- environmental effects,
- heritage impacts,
- landscape damage,
- social consequences,
- and reasonable alternative solutions at the most sensitive sections of the route.

Without that analysis, the Inquiry is being asked to accept conclusions rather than examine evidence.

There is also a profound issue concerning the Limits of Deviation.

The proposal seeks substantial flexibility in tower siting and height, yet there is no publicly accountable constraints framework showing where that flexibility must stop in order to protect communities, landscapes, woodland, or heritage settings.

In effect, the Application seeks broad discretion now, while postponing detailed accountability until later.

That approach is incompatible with the seriousness of the statutory duties engaged here.

Ultimately, this case is not about whether national energy infrastructure is important.

It plainly is.

Nor is this case about resisting all development.

It is about whether this particular proposal has demonstrated, with evidence and transparency, that it has genuinely minimised harm where harm is foreseeable, severe, and long-lasting. In our submission, it has not.

The recurring problem throughout Mr Bell's Planning Statement is that policy is cited as rhetoric rather than applied as discipline.

The result is a document heavy on assertion but light on demonstrable reasoning.

Scottish Ministers are being asked to conclude compliance with Schedule 9 and NPF4 without the necessary evidential foundation.

That would be unsafe.

Accordingly, NOTKUP submits that consent should not be granted unless the Applicant first provides:

- transparent receptor-specific balancing exercises,
- meaningful alternatives analysis,
- enforceable biodiversity commitments,
- and binding mitigation controls tied to the locations where impacts will actually be experienced.

Without those safeguards, the statutory and policy tests before this Inquiry have simply not been met.

John Campbell

11 May 2026