

**ELECTRICITY ACT 1989
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
DPEA CODE OF PRACTICE FOR ELECTRICITY ACT INQUIRIES**

TEALING TO KINTORE UPGRADE PROJECT (TKUP) — reference TRL-120-1

WRITTEN RESPONSE on behalf of NOTKUP TO PROCEDURE NOTICE DATED 7 JULY 2026

MATTER 7: MAJOR ACCIDENT HAZARD GAS PIPELINE PART 1

16 August 2026

1 PRELIMINARY NOTE

This document is submitted on behalf of NOTKUP Ltd, the primary objectors' group, in response to the DPEA's Procedure Notice dated 7 July 2026 (Matter 7: Major Accident Hazard Gas Pipelines).

This response draws principally upon the written submissions and oral evidence of Mr Brian Wade ¹ (on behalf of NOTKUP) and Mr Michael Muir Wright,² a professional with over 25 years' experience in managing Major Accident Hazards and reviewing Environmental Impact Assessments. Mr Wade would be a close neighbour of pylons within the TKUP proposal. Mr Wright resides at Monboddoo, in close proximity to the OHL's proposed pipeline crossing. Both authors are professionally qualified.

This response is submitted as NOTKUP's comment upon the Applicant's submission of 24 July 2026, within the deadline set by the Procedure Notice of 7 July 2026 for responses by 14 August 2026. NOTKUP's earlier submission of 22 July 2026 continues to be relied upon in full.

2 Question (i): Would granting s.37 consent infer ALARP acceptance?

These objectors' submission is that granting consent under the Electricity Act 1989, s.37 would not constitute acceptance that risk is as low as reasonably practicable ("ALARP"). EA

¹ Retired. BSc Hons in Geological Sciences, Diploma in Quality Management (Chartered Quality Institute) , International Certificate in Administrative Management (Inst. Administrative Managers). 30+ years in the oil and gas exploration industry, specialising in Logging While Drilling , Petrophysics and data management, especially in hostile HTHP environments. European Radiation Safety Officer. Operational Quality & Reliability Manager for Weatherford Europe before forming his own Quality Management consultancy company. Ex-member of Chartered Quality Institute, Institute of Administrative Managers and Society of Petroleum Engineers.

² 25 year+ HSE professional, responsible for managing Major Accident Hazards (MAH) and reviewing Environmental Impact Assessments. Involved with the construction of several 48" HP MAH Gas transmission pipelines, on behalf of National Grid namely: Aberdeen to Lochside, Bathgate to Newarthill, Felindre to Tirley

consent and Health & Safety approval require distinct assessments, apply different criteria, and arise under separate regulatory regimes.

The ALARP duty arises under the Health and Safety at Work etc., Act 1974 (s. 3), the Management of Health and Safety at Work Regulations 1992, the Pipelines Safety Regulations 1996 (Regulation 23), and the Control of Major Accident Hazards Regulations 2015 (“COMAH”).

Assessment of whether risk is ALARP is a matter for the pipeline operators and the Health and Safety Executive (“HSE”) as competent authority. It is not a matter for the planning authority or for Scottish Ministers in determining an application under s. 37.

However, the planning system is not insulated from health and safety considerations. NPF4 Policy 23(g) expressly requires consideration of associated risks. The word “will” is mandatory: development proposals will consider the potential for associated risks. That is not a discretionary consideration; it is a requirement of national planning policy.

The Electricity Act 1989, s.3C requires Ministers to consult HSE on electricity safety issues. NPF4 Policy 23(i) provides that HSE advice against development should not be overridden without the most careful consideration.

The interaction between Health and Safety and Planning regimes is further reinforced by COMAH Regulation 24, which requires the competent authority to ensure that land-use planning policies take account of the need to maintain appropriate distances between establishments and residential areas, transport routes, and areas of particular sensitivity. This creates a statutory interface between the health and safety and planning regimes that the Applicant cannot avoid.

It is submitted that s.37 consent could not infer ALARP. But in reaching a conclusion on the application, Ministers must satisfy themselves that risks have been properly considered and that the information before them is sufficient for a lawful determination consistent with NPF4 Policy 23. It is plain that approval (consent) without a risk assessment demonstrating ALARP would constitute a direct breach of Policy 23(g).

At present, “Major Accidents and Disasters” and “Population and Human Health” have been scoped out of the Environmental Impact Assessment. That information, were it to hand, is relevant information for decisionmaking. There is no substantive EIA nor MAH pipeline risk assessment in the EIAR.

A reasonable decision-maker could therefore not be satisfied that NPF4 Policy 23(g) is met in those circumstances.

The Applicant’s reliance upon any theoretical distinction between planning and health and safety regimes does not assist. The distinction exists. But it does not follow that Ministers may grant consent in the absence of information necessary to satisfy themselves that development is consistent with mandatory national planning policy.

The absence of a quantified risk assessment is not a *lacuna* that can be filled post-consent. It is information required for the determination itself. Without it, there is no rational basis upon which Ministers could conclude that Policy 23(g) is satisfied.

The EIA Regulations 2017, Schedule 4, paragraph 8 require assessment of the expected significant adverse effects of the development deriving from the vulnerability of the development to risks of major accidents. The scoping out of Major Accidents and Disasters is not consistent with that requirement.

It follows that a clear submission can be made that s. 37 consent in the present circumstances would be both contrary to NPF4 Policy 23(g) and inconsistent with the requirements of the EIA Regulations 2017.

3 Question (ii): Could development be consented but be incapable of being built?

It is accepted in principle that the Planning and Health and Safety regimes operate in parallel. Section 37 consent does not disapply duties under the Health and Safety at Work etc. Act 1974, the Pipelines Safety Regulations 1996, COMAH 2015, or the Construction (Design and Management) Regulations 2015 (“CDM 2015”).

But it would be wholly unsatisfactory and contrary to the proper exercise of Ministers’ functions to grant consent on the basis that risk can be “left to” the health and safety regime.

First: the EIA Regulations 2017, Regulation 4(4) read with Schedule 4, paragraph 8 require assessment of the effects of the development arising from vulnerability to major accidents. A decision taken without that assessment is in breach of the EIA Regulations.

Second: if the design proves incapable of achieving ALARP — whether by reason of crossing angles, proximity, or other factors — consent will have been granted for a development that cannot lawfully be built. The CDM Regulations 2015 require the designer to eliminate foreseeable risks during the pre-construction phase, *including at the design stage*. The Applicant designed and submitted the proposal without evidencing CDM compliance because the hazard analysis has not been completed.

Third: there is a real risk that post-consent mitigation would require material design changes. NGT’s response of 7 April 2026 identifies AC-induced corrosion and electromagnetic interference, and indicates that mitigation may need design changes. It would be irrational to consent this project knowing that its design may require material alteration. That is not a matter that can be left to post-consent regulatory processes. It goes to the very question of whether the consented development is capable of lawful construction.

The position is therefore that while a technical and legislative difference between the regimes exists, they are linked, and it would be improper to grant consent where the fundamental question as to whether the design can achieve ALARP remains unanswered.

4 Question (iii): SGN perpendicular crossing constraint

“According to SGN³, as clarification, there can be some variation of the wording of Deeds of Servitude depending on the era in which it was agreed. Generally the Deed of Servitude prevents crossing of the pipeline without SGN consent. SGN’s consent would then be predicated on the crossing being compliant to their requirements. The requirement for perpendicular crossings is quoted as a general requirement for roads and utilities and is not exclusive to overhead power lines. The primary reason is to prevent interaction and minimise the impact of reduced impact (e.g. a road crossing a significant length of pipeline would hinder access to the pipeline).

In the context of electricity utility crossings such as now proposed, perpendicular crossing also reduces the risk associated with electrical interaction and AC interference. However, in the case of electrical interference the angle of crossings is always assessed in the context of the modelled impact, which is relevant to parallelism in addition to crossings. Naturally, due to constraints, perpendicular crossings will not always be exactly 90° and will fall within an acceptable range dependent on the predicted impact.

The Applicant’s own guidance (“Pathway to 2030 — Tower Crossing Considerations”) states that crossings should be as close to 90 degrees as possible to minimise AC interference.

The proposed route at Monboddoo crosses a NGT operated pipeline at an extremely shallow angle. This is, potentially, in direct contravention of the Deed of Servitude held by NGT and the advice given by them to Aberdeenshire Council in the Hurlie Substation planning application. It is certainly in contravention of industry accepted good practice and also the Applicant’s own guidance.

Mr Mike Muir Wright’s evidence identifies the risk factors: proximity for extended distances, a parallel course, oblique crossings increasing AC corrosion potential, and sudden direction changes in the pipeline alignment.

If consent is granted on the project’s proposed crossing points and the operator’s Deed of Servitude only permits perpendicular crossings, there is an irreconcilable constraint. The Development cannot be built in compliance with the Deed without a material departure from the consented design. NGT were not consulted by the ECU, and the same situation exists with INEOS-FPS and Shell UK.

The alternative D5 route corridor — economically similar and technically feasible — would allow near-90-degree crossings. NGT’s conditional no-objection to the Fetteresso

³ SGN/Wade *pers.comm.* 14 August 2026

(Hurlie) Substation required a 90-degree crossing condition. That requirement presumably applies with equal force to the main overhead line.

It is noted that only 8 of the 17 crossings meet the perpendicular standard. Nine do not. This is not a marginal failure; **it is a majority of crossings.**

The Reporters should be aware of the importance of limits of deviation and how the movement of pylons within the proposed limits can vastly affect the crossing angle.

5 Question (iv): Ignition risk from OHL

The objectors' position is that *ignition risk* has not been properly considered or assessed. The design does not respond to this risk.

Mr Muir Wright's evidence is that during pipeline construction, the public was informed that the risk of explosion was low because the gas/air mixture would be unlikely to reach an ignitable ratio until approximately 50 metres in the air, with no ignition source at that height.

The proposed OHL with pylon heights of 50–70 metres introduces an ignition source at precisely the height where the gas/air mixture reaches its ignitable ratio. This creates a new Major Accident Hazard for the entire operational lifetime of both the OHL and the pipeline.

The original pipeline safety case was predicated on two assumptions: that there was no AC induction corrosion risk, and that there was no ignition source at the relevant height. The OHL materially changes the safety case in respect of both assumptions. Specific developments necessitate an update to the Safety Case if they constitute a fundamental change to the stated basis of risk management.

Under the Gas Safety (Management) Regulations 1996, a revision rendering a safety case materially different must be accepted by HSE before it is made. So far as is known, no such revision has been submitted.

SGN's consultation responses of September and October 2025 appear focused on construction damage. They do not explicitly consider the close proximity implications in the event of a gas leak during the operational phase. The UKOPA Good Practice Guide indicates that the initial hazard distance from an ignited release at Monboddoo would impact 14–17 residential properties. The closest is approximately 150 metres from the pipeline.

The minimum steps required are: a Management of Change process; a MAH risk assessment demonstrating ALARP; emergency modelling; and demonstration of ALARP against other route options. None of these steps appears to have been taken.

6 Question (v): NGT consultation response — mitigation unknown

NGT's response of 7 April 2026 powerfully reinforces the NOTKUP case. At an advanced stage of consenting, it remains unknown whether mitigation is required. NGT confirmed that the AC interference model had not yet been commissioned by SSEN (10 March 2026 correspondence).

The risk of AC-induced corrosion is well established in the technical literature: ISO 18086:2019 and NACE SP21424-2018 both address the phenomenon and the need for assessment.

NGT issued a "High Risk Response Letter" for the Hurlie Substation — a conditional no-objection requiring detailed analysis before construction. If consulted for the OHL crossings, NGT would similarly have issued a High Risk Response.

The *vires* point may be made more forensically precise: can Ministers lawfully consent a design when a statutory consultee (NGT) has expressly indicated that design changes may be necessary? NGT's response of 7 April 2026 states that mitigation "*may include redesign.*" That is not a contingency that can be deferred. It is a statement that the consented design may be incapable of lawful construction. To consent in those circumstances would be to exercise the s.37 power for a purpose it cannot serve: the authorisation of a development whose design is acknowledged as potentially inadequate.

If mitigation requires OHL design changes, consent would then be granted for a design that cannot be built as proposed.

7 Question (vi): Design/environmental/technical constraints; risk assessment

The objectors are not aware of any design, environmental, or technical constraint that would prevent the adoption of perpendicular crossings or undergrounding at pipeline crossings.

The Applicant's own guidance requires near-perpendicular crossings. The D5 alternative is feasible. NGT required 90 degrees for Hurlie. SGN's standard Deed of Servitude requires perpendicular crossings. No adequate explanation has been offered for the failure to adopt perpendicular crossings. The burden lies on the Applicant and has not been discharged.

There is no adequate risk assessment. To repeat, "Major Accidents and Disasters" and "Population and Human Health" were scoped out of the EIA. HSE Pipelines Division, NGT,

UKOPA, and IGEM were not consulted in EIA scoping. No AC interference modelling has been carried out. No quantified risk assessment has been produced.

To repeat, the evidence is that the minimum expected from a competent operator would be: a Management of Change process; a MAH risk assessment; emergency modelling; and an ALARP comparison with alternative routes. None of these has been provided.

The EIA is incomplete and potentially unlawful. The EIA Regulations 2017 require assessment of the significant effects of the development arising from vulnerability to major accidents. Those mandatory requirements have not been met.

HSE consultation zones around MAH pipelines require assessment of development within those zones. A site-specific quantified risk assessment (“QRA”) is self-evidently required. None has been carried out.

The failure to consult HSE Pipelines Division, NGT, UKOPA, and IGEM during the EIA scoping process is a material deficiency. Those bodies hold the technical expertise necessary to inform the assessment. Their exclusion from scoping has resulted in the omission of the very topic that now requires separate Procedure Notice and written submissions.

8 Inchbare/Limits of Deviation Analysis

Between Towers S87 and S93, a distance of approximately 2 kilometres, the alignment runs closely parallel to the Aberdeen–Kirriemuir high-pressure gas transmission main (900mm Grade X52, NGT operated), crossing it twice: between S92–S93 at approximately 40.6 degrees and between S87–S88 at approximately 54.4 degrees. Neither crossing is close to perpendicular.

Seven towers are in close proximity to the pipeline. Three dwellings (Inyanga, Athas House, and Black Fox Barn) are closer to the pipeline than the towers. The pipeline runs between the homes and the OHL. The distances are set out in the table below.

Tower/Dwelling	Proposed Distance	Closest under HLoD
S93	108m	53m
S92	147m	47m
S91	275m	175m
S90	183m	128m
S89	138m	83m
S88	94m	39m

S87	166m	111m
Inyanga	—	< 53m
Athas House	—	< 47m
Black Fox Barn	—	< 39m

Critically, the consent sought permits the crossing between S92 and S93 at any angle between approximately 17 and 64 degrees, and the crossing between S87 and S88 at any angle between approximately 34 and 74 degrees. What is illustrated at 40.6 degrees could lawfully be constructed at approximately 17 degrees without further assessment or consent.

No AC interference modelling has been carried out for the alignment as proposed, still less for the worst-case alignment under Limits of Deviation. There are therefore two deficiencies: first, the assessment has not been carried out at all; second, any assessment using the illustrated alignment would still fail to assess what the consent actually permits.

9 Question (vii): Interaction between ALARP duty and planning system

The question is “How does that legal duty interact with the planning system and consideration of whether the proposed development should be granted section 37 consent and deemed planning permission, noting the foregoing terms of NPF4 policy 23?”

It is respectfully suggested to the Reporters that the scoping out of ‘Major Accidents and Disasters’ from the Application prevents the lawful determination of the application. In order to rectify this omission a formal public hearing or inquiry is required.

Informative references are:

Aligned Objector groups Single Objection Document (SOD)

<https://www.energyconsents.scot/ApplicationDetails.aspx?cr=ECU00005225&T=4>

Representation No. 969. (see Section 8 and Appendix 3)

This document describes in depth the mechanisms of induced voltage corrosion and the issues of corrosion and mechanical damage to the pipelines associated with the proposals and the change in the safety case caused by the introduction of an ignition source.

Normative references are:

The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017

<https://www.legislation.gov.uk/ssi/2017/101/contents>

The Health and Safety at Work etc. Act 1974

<https://www.legislation.gov.uk/ukpga/1974/37/contents>

National Planning Framework 4

<https://www.gov.scot/publications/national-planning-framework-4/>

10 Failure to Comply with the EIA Regulations:

Regulation 4(4) and Schedule 4 (8) of **The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017** require the assessment of

“expected effects deriving from the vulnerability of the development to risks, so far as relevant to the development, of major accidents and disasters.” (emphasis added)

Regulation 4 (2) of the same regulations specifies:

*The environmental impact assessment **must** identify, describe and assess in an appropriate manner, in light of the circumstances relating to the proposed development, the direct and indirect significant effects of the proposed development (including, where the proposed development will have operational effects, such operational effects) on the factors specified in paragraph (3) and the interaction between those factors.*

(3) The factors are—

*population and **human health**;*

Regulation 5 (2) says:

*(2) An EIA report is a report prepared in accordance with this regulation by the developer **which includes (at least)—***

a description of the development comprising information on the site, design, size and other relevant features of the development;

a description of the likely significant effects of the development on the environment;

a description of the features of the development and any measures envisaged in order to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment;

a description of the reasonable alternatives studied by the developer, which are relevant to the development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the development on the environment;

a non-technical summary of the information referred to in sub-paragraphs (a) to (d); and

any other information specified in schedule 4 relevant to the specific characteristics of the development and to the environmental features likely to be affected.

Schedule 4 includes:

4. *A description of the factors specified in regulation 4(3) likely to be significantly affected by the development: population, **human health**, biodiversity (for example fauna and flora), land (for example land take), soil (for example organic matter, erosion, compaction, sealing), water (for example hydro morphological changes, quantity and quality), air, climate (for example greenhouse gas emissions, impacts relevant to adaptation), **material assets**, cultural heritage, including architectural and archaeological aspects, and landscape.*

5. *A description of the likely significant effects of the development on the environment resulting from, inter alia:*

- ***the construction and existence of the development**, including, where relevant, demolition works;*
- *the use of natural resources, in particular land, soil, water and biodiversity, considering as far as possible the sustainable availability of these resources;*
- *the emission of pollutants, noise, vibration, light, heat and radiation, the creation of nuisances, and the disposal and recovery of waste;*
- ***the risks to human health**, cultural heritage or the environment (for example due to accidents or disasters);*
- *the cumulation of effects with other existing and/or approved development, taking into account any existing environmental problems relating to areas of particular environmental importance likely to be affected or the use of natural resources;*
- *the impact of the development on climate (for example the nature and magnitude of greenhouse gas emissions) and the vulnerability of the development to climate change;*
- *the technologies and the substances used.*
- ***The description of the likely significant effects on the factors specified in regulation 4(3) should cover the direct effects and any indirect, secondary, cumulative, transboundary, short-term, medium-term and long-term, permanent and temporary, positive and negative effects of the development.***

The proposed overhead line would introduce a risk of a major accident when crossing, or running close to, high pressure gas pipelines, with the ensuing major accident likely to damage or destroy the OHL/Pylons in the vicinity. However, 'Major Accidents and Disasters' and 'Population and Human Health' have been, inexplicably scoped out of the TKUP EIA, meaning that both the planning authority and Scottish Ministers are not in possession of all relevant information required for a lawful determination.

A limited set of questions from the DPEA to the applicants specifically focused on planning conditions cannot be considered as a substitute for a comprehensive and holistic study of the topic in an Environmental Impact Assessment. A recommendation

to grant consent or the granting of consent without a valid EIAR as defined in the regulations, would be open to legal challenge.

This topic is also addressed in **Planning Circular 1/2017**:-

*78. The EIA Report is one output from the environmental impact assessment process. That process **must** identify and assess, in an appropriate manner, in light of the circumstances relating to the proposed development, the direct and indirect significant effects of the proposed development on a number of factors and the interaction between these factors (Regulation 4(2) and (3)). The factors are:*

population and human health;

biodiversity, and in particular species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC;

land, soil, water, air and climate;

material assets, cultural heritage and the landscape.

*The effects to be identified, described and assessed must include the expected effects deriving **from the vulnerability of the development to risks, so far as relevant to the development, of major accidents and disasters**.....*

.....

*114. Planning authorities should satisfy themselves **in every case** that the submitted EIA report contains the information specified in Regulation 5(2) and, **where relevant, Schedule 4 to the Regulations** (see Annex B). (Annex B of the circular contains a copy of Schedule 4 of the EIA Regulations)*

11 The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017

Regulation 19 requests were submitted to the Energy Consents Unit, requesting that 'Major Accidents and Disasters' and 'Population and Human Health' be scoped into the EIA, but these requests were not acted upon by the ECU.

<https://www.energyconsents.scot/ApplicationDetails.aspx?cr=ECU00005225&T=4>

Representations 008, 978 and 006

Regulation 19 states:

*This regulation applies where the Scottish Ministers are dealing with—
an EIA application; or*

b) an application for multi-stage consent in respect of EIA development.

*In order to ensure the completeness and quality of the EIA report, the Scottish Ministers **must** (having regard in particular to current knowledge and methods of assessment) **seek***

from the developer supplementary information about any matter mentioned in schedule 4 which in the opinion of the Scottish Ministers is directly relevant to reaching a reasoned conclusion on the significant effects of the development on the environment.

The developer must provide that supplementary information and such information is referred to in these Regulations as “supplementary information”.

(4) The Scottish Ministers may in writing require to be produced to them such evidence, in respect of any EIA report or additional information as they may reasonably call for to verify any information it contained in the EIA report or such additional information, as the case may be.

The general public is confused as to why the Scottish Ministers do not consider health and safety issues to be ‘directly relevant to reaching a reasoned conclusion’ and why the Reporters are unwilling to openly discuss the scoping opinion in a public inquiry.

Of course, if nothing changes, the entire s.37 application is invalidated by the failure to include a competent EIA. Planning conditions are only relevant if consent is recommended and granted. If there is clear evidence that Ministers ignored a significant safety risk, failed to consider relevant information, or reached a decision that no reasonable decision-maker could have reached, any consent granted may be susceptible to challenge. It appears extraordinary that The Scottish Canoe Association and Aberdeen Hang-gliding and Paragliding Club were formal consultees, but not three out of the four operators of MAH Pipelines.

12 The Health and Safety Executive:

As the Competent Authority, under the Control of Major Hazard Regulations, 2015, the Health and Safety Executive has statutory responsibility to provide regulatory oversight of high-hazard industries using or storing quantities of dangerous substances that fall into the scope of the regulations. The proposed route submitted by SSEN for the TKUP project places pylons and overhead conductors in very close proximity to high pressure gas pipelines, defined as “Major Accident Hazard Pipelines” under the Pipeline Safety Regulations 1996.

In the event of an accident, having large quantities of flammable, environmentally hazardous or toxic substances on site increases the potential to inflict multiple injuries or fatalities to those working on site or living in the local community and/or cause damage to the environment. The HSE aims to assure the public that onshore major hazard businesses are meeting their responsibilities to control major accidents to people and the environment and to mitigate the consequences in the event of an industrial accident.

Under current legislation decision-makers are required to consult HSE on certain planning proposals around major hazard establishments and major hazard pipelines and **to consider HSE's representations when determining associated applications.**

HSE Land Use Planning Support Team have made the following representation to ECU:

*The proposed development red line site boundary may cross a large number of major accident hazard pipelines. **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, because the development area intersects the route of the major accident hazard pipeline.*

HSE suggests that the EIA should show that if the red line site boundary crosses any major accident hazard pipelines that the operator of the pipelines have been consulted regarding the following issues or that these issues have been considered in the assessment:

*the development restricted area due to the pipeline
ensuring the integrity of the pipeline and protecting the pipeline from development and operational works.*

HSE's advice on the granting of planning permission for relevant development in zones set by HSE considers the issue of such accidents in the vicinity affecting people at the proposed development. That HSE advice can be obtained by the planning authority by using HSE's Land Use Planning Advice web app <https://pa.hsl.gov.uk/>.

HSE Pipelines Division were not, however, included in the list of organisations consulted in the EIA scoping process. There is no evidence in the EIA Report of consultation with all pipeline operators with assets close to the proposed route.

13 United Kingdom Onshore Pipeline Operators Association

UKOPA provides the recognised and authoritative view of UK Pipeline Operators on strategic issues relating to safety management, operations and integrity management of pipelines. It seeks to effectively influence the development and implementation of pipeline-related legislation and standards for the mutual benefit of all stakeholders and promote best practice in the pipeline industry.

UKOPA publish industry guidelines including Pipeline Hazard Distances, AC Corrosion Guidelines, Local Authority Planners information regarding On Shore Pipelines and Associated Installations.

The Reporters should be aware of the existence of:

UKOPA Good Practice Guide 29 Local Authority Planners Information Regarding Pipelines and Installations. Edition 2

<https://ukopa.co.uk/document/local-authority-planners-information-regarding-on-shore-pipelines-and-associated-installations/> Published February 2026 and:

UKOPA Good Practice Guide 50 Electrical Interaction on Pipelines: Collaboration between Developers and Operators. Edition 1 <https://ukopa.co.uk/document/ukopa-gpg-050-electrical-interaction-on-pipelines-collaboration-between-developers-and-operators-edition-1/> also published February 2026.

It is significant that in GPG 50, UKOPA recommend *“Pipeline operators should be included as key stakeholders in projects, allowing them to participate in the consultation process. Communication should be continued throughout the project lifecycle to maintain collaboration”* This is certainly not the case with TKUP with Pipeline Operators having been excluded from the scoping and consultation stages and not approached for comment by ECU/DPEA.

UKOPA were not, however, included in the list of organisations consulted in the scoping process.

14 National Gas Transmission

National Gas Transmission (NGT) operate the five high pressure gas pipelines, originating from the St. Fergus terminal, which pass through the Aberdeenshire/Angus corridor. NGT are responsible for maintaining the safety management system for the pipelines, all of which are still in operation. When the pipelines were installed in the 1970s, the safety case assumed that there would be no risk of AC induction corrosion and in the event of accidental release of natural gas there would be no potential ignition source at a height of where the gas cloud would have a gas/air ratio which is capable of ignition.

Under Regulation 23 of The Pipelines Safety Regulations 1996

*The operator shall, before the design of a major accident hazard pipeline is completed prepare, **and thereafter revise or replace as often as may be appropriate**, a document relating to the pipeline containing, subject to paragraph (2), sufficient particulars to demonstrate that—*

all hazards relating to the pipeline with the potential to cause a major accident have been identified;

the risks arising from those hazards have been evaluated;

*the safety management system is adequate; and
he has established adequate arrangements for audit and for the making of reports thereof.*

NGT were not, however, included in the list of organisations consulted in the EIA scoping process.

15 Scotland Gas Networks

SGN who operate distribution gas pipelines in the vicinity of the proposed pylon route were consulted by ECU. Their response says:

A site meeting must be arranged with us to identify the location of the pipeline and discussions should take place with the developer to discuss which measures would be necessary and could be undertaken in order to safeguard the security of the pipeline. In the meantime, please treat this letter as a formal objection to this planning application until such time as a detailed consultation has taken place.....

..... As this consultation includes high voltage apparatus, the follwoijg (sic) is also applicable: Numerical interference modelling to be undertaken to determine the interference levels on the SGN pipelines from steady state and fault conditions of the electrical infrastructure associated with this development, taking into consideration our pipeline and associated equipment.

And, if required;

Design of appropriate mitigation to ensure that levels of AC and DC interference are within acceptable limits as described by SGN/PM/ECP/2, BS EN ISO 18086:2020 and BS EN 50162:2004, and to ensure safety for SGN personnel, induced voltages on the pipeline and above ground appurtenances are ≤ 15 V steady state and that any fault conditions are assessed to ensure appropriate limits (see BS EN50122-1:2022) are maintained.

There is also a Deed of Servitude for the pipeline within which SGN would only allow perpendicular crossings of any cabling

Please note that the pipeline in the vicinity of the proposed development is a Major Accident Hazard Pipeline in terms of the Pipelines Safety Regulations 1996. Please note the HSE guidance document L82:

A Guide to the Pipelines Safety Regulations 1996, (<http://www.hse.gov.uk/pubns/books/l82.htm>), in particular the guidance on safety regulations 15 and 16 and the emergency plan under Regulation 25. In addition, please note your requirements under HSE Document: PADHI: HSE's Land Use Planning Methodology (<https://www.hse.gov.uk/landuseplanning/padhi.htm>) for any major accident hazard pipeline.

This pipeline is also legally protected by a Deed of Servitude which restricts building and other works within the servitude area (as described in the deed).

The objection was subsequently conditionally withdrawn as follows “ ***I can confirm that the developer has consulted with SGN and have agreed to liaise with SGN throughout the planning process and adhere to all safe working conditions regarding SGN’s High Pressure pipeline. We now therefore agree to withdraw our objection to the planning application. Please note however that should the extent or design of the planning permission be amended, then we may require further consultation with the developer.***”

16 INEOS FPS

INEOS FPS operate a gas liquids and oil pipeline from Cruden Bay in Aberdeenshire, via the St Fergus gas terminal, to Kinneil near Grangemouth.

INEOS FPS have proactively, without consultation, corresponded with ECU and SSEN.

“4. Recommended Next Steps (SSEN Transmission Internal)

Request precise GIS alignment from INEOS FPS Wayleaves (landowner specific plans).

Overlay OHL design GIS with FPS corridor to confirm exact crossing points.

Prepare a formal “Pipeline Interaction Pack” for NGT/INEOS including:

tower coordinates

conductor heights

fault level data

construction methodology

Integrate NGT/INEOS requirements into design freeze documentation and contractor briefings.

Record interaction zones in project risk register with PSR 1996 compliance actions.

Key Message for Ministers / ECU

The FPS pipeline and the Kintore–Tealing OHL occupy overlapping corridors in Aberdeenshire and Angus. The Fetteresso–Breachin section is the critical interaction zone, requiring formal engagement with NGT/INEOS under the Pipelines Safety Regulations 1996

In a proactive unsolicited, submission to ECU, INEOS FPS said:

“INEOS FPS have no objection in principle to this proposed development but would request that in the event this application is granted, the following requirements are included in a Pipeline Management Plan within the conditions of approval:

Prior to any site works (including pre works, ground investigations etc.) within 50m of the pipeline, the Applicant shall consult with INEOS FPS to agree work scopes, construction methods, specifications of pipeline crossing, risk mitigation measures and programme. The extents of the pipeline corridor shall be agreed before any construction activities and be

*clearly demarcated on site by means of temporary fencing and signage, or as agreed with INEOS FPS, for the duration of the construction works. **No works shall take place within the agreed pipeline corridor without prior agreement from INEOS FPS.***

2. Prior to the use of any existing access tracks or access over the pipeline at any other location by heavy vehicles or plant, INEOS FPS shall be consulted to ensure that suitable and sufficient protection measures are agreed and are in place.

*3. **To ensure that any potential interaction/ interference between the pipeline ICCP system and the new cable systems are identified, risk assessed, and where applicable, any schemes of interaction testing / mitigation measures are implemented and installed; The Applicant shall consult with INEOS FPS to demonstrate full compliance with the requirements detailed in the relevant standards.***

INEOS FPS were not included in the list of consultees in the scoping or application process.

17 Shell UK

Shell UK operates a MAH gas liquids pipeline from St. Fergus to Mossmorran in Fife. Shell was not included in the scoping process or as a consultee. On 29th July, 2026, Shell UK proactively contacted the ECU asking why they had not been consulted. No explanation was given but they were asked to respond to the public inquiry within 20 days. Of course, the inquiry only exists because Angus Council objected, otherwise the application could have been consented without Shell UK ever being formally notified of the project.

18 Institution of Gas Engineers and Managers

IGEM acts as a focal point for formulating and standardising codes of practice and technical standards for industry, to provide a neutral forum for the exchange of technical and managerial information, to ensure that the professional standards of individual gas engineers and those associated with the gas industry are maintained, and to encourage good practice through exchange of information. The IGEM industry standard *IGEM/SR/18 Edition 3 - Safe working practices to ensure the integrity of gas pipelines and associated installations* was used as the basis of National Gas Transmission document: *T/SP/SSW/22 Specification for safe working in the vicinity of National Gas Transmission high pressure gas pipelines and associated installations - requirements for third parties.*

IGEM were not, however, included in the list of organisations consulted in the EIA scoping process.

19 Scoping Report

In their application/EIA scoping report, SSEN say “15.2.2 *Whilst the Proposed Route is predominantly rural in nature, it crosses a number of existing gas pipelines, runs in proximity to the A90 trunk road in several locations (Sections B, D and E) and runs close to a number of existing OHLs (see Chapter 4: Land Use and Recreation). There are also a number of operational wind farms located adjacent to the Proposed Route, including Meikle Carewe northwest of Stonehaven in Section E.*”

They do not however mention that the proposed route crosses high-pressure gas pipelines at an acute angle and also runs parallel to, and in close proximity to, gas pipelines in several locations. This is a significant risk profile as highlighted in the following codes and standards:

ISO Standard ISO 18086:2019 <https://www.iso.org/standard/78148.html>

Long-term AC interference on a buried pipeline can cause corrosion due to an exchange of AC current between the exposed metal of the pipeline and the surrounding electrolyte.

This exchange of current depends on an AC voltage of which the amplitude is related to various parameters such as the following:

- configuration of AC power line phase conductors;*
- presence and configuration of the earthing conductor;*
- distance between the AC power line/traction system and the pipeline;*
- current flowing in the AC power line/traction system phase conductors;*
- average coating resistance of the pipeline;*
- thickness of the coating;*
- soil resistivity;*
- presence of earthing systems;*
- voltage of the AC railway system or the AC power line system.*

NACE International Standard Practice (SP21424-2018)

<https://www.globalspec.com/product/detail?productId=1b872318-dd3e-445c-b471-21c3e928698e&comp=5943>

7.5 Mitigation of AC Corrosion through Construction Design: Especially during the engineering design of new pipelines or new AC high voltage power lines, the possibilities of reducing the induced AC voltage should be considered whenever practical.

NEW UK PIPELINE RISK ASSESSMENT CODES – IGEM TD/2 AND PD 8010 PART 3 (UKOPA-09-0060) <https://pdf4pro.com/view/new-uk-pipeline-risk-assessment-codes-216f5c.html>

Major hazard cross country pipelines are laid in 3rd party land with an operational life typically greater than 50 years. During this time, the land adjacent to a pipeline is subject to change, and developments are likely to occur near the pipeline route. This often means there is an increase in residential or working population near the pipeline, and as a result, the pipeline may become non-compliant with code requirements which originally routed the pipeline safely away from populated areas.

To address this situation, land use planning is applied so that the safety of, and risk to developments in the vicinity of major hazard pipelines are assessed at the planning stage.

*The Health & Safety Executive (HSE) are the statutory consultees in this process, and they set risk-based consultation zones around such pipelines, **within which the risks to people and developments must be assessed and taken into account when planning authorities consider new planning applications.** For most cases, standard decision tables are applied by the planning authority from the HSE document PADHI (Planning Advice for Developments near Hazardous Installations), but for borderline or difficult cases, site specific quantified risk assessments (QRAs) are applied to obtain risk levels, and to assess possible mitigation measures to reduce risks” (emphasis added)*

The risk of AC induced corrosion of cathodically protected gas pipelines is not mentioned in the scoping report at all. However, the scoping report was accepted by the ECU in their scoping Opinion.

The risk of mechanical damage to high pressure gas pipelines during the construction and commissioning of pylons and overhead lines is also not adequately addressed in the scoping report or the EIA Report.

The Ghislenghien disaster was a catastrophic natural gas pipeline explosion in Belgium on 30 July 2004, killing 24 people, including 5 firefighters and a police officer, and injuring 13. The root cause for the accident was determined to be damage caused to the pipeline during construction of a nearby factory. https://en.wikipedia.org/wiki/Ghislenghien_disaster

The applicants, very insensitively, say in their scoping report “15.2.4 *It is assessed 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.***” This statement totally ignores the 2020 Carmont fatal train derailment which occurred very close to the proposed route. The statement is highly disrespectful to those involved, not least the families of the three deceased persons.

The applicant has attempted to manipulate the scoping process by removing topics from the EIA scope that are considered difficult and which create uncertainties that require thorough investigation. Respectfully, surely the question must be asked of the Reporters, should public health and safety not be treated as a priority in the planning system?

[illegible]

Correspondence from National Gas Transmission dated 10th March, 2026 says “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, and allow us to explore the potential mitigation options if required.”

Page 20

part of the TKUP project. NGT have also issued a conditional No Objection to the Hurlie application. The conditions specified are:-

National Gas Transmission will not object to the installation provided the following conditions are applied:

*The development shall not be energised until **an Asset Protection Plan covering the electrical impact assessment has been carried out and approved in writing by the Local Planning Authority, in consultation with National Gas Transmission (NGT).***

The Electrical Impact Assessment shall include, but not be limited to:

Details of the proposed installation, proposed earthing system, cable routing and configuration.

A detailed analysis of electrical impact on the existing NGT infrastructure, under both normal and fault conditions, taking into account soil resistivity surround the pipeline, and where appropriate AC harmonics and filtering.

Calculations to demonstrate the separation distances for cables and earthing system will not cause unacceptable levels of AC/DC interference to NGT infrastructure.

Electrical risk assessment which confirms the touch and step potentials under normal and fault conditions remain within acceptable limits.

Mitigation measures where necessary to address any unacceptable identified impacts. This may include installation of additional monitoring equipment or redesign of the earthing arrangement of the installation.

Confirmation from NGT the assessment is satisfactory and complies with all relevant standards and specifications, and that any required mitigation has been agreed.

The development shall thereafter be carried out in full accordance with the approved plan and any protection measures shall be installed and maintained as agreed with NGT, which may be throughout the lifecycle of installation.



National Gas Emergency Number:
0800 111 999*

*Available 24 hours, 7 days/week.
Calls may be recorded and monitored.
www.nationalgas.com

Our Ref: 37576885 National Gas-APP/2024/1951

Tuesday, 10 June 2025

Jordane Maples
National Grid House Gallows Hill
Warwick
WAR
CV34 6DA

Asset Protection
National Gas Transmission
National Grid House
Warwick
CV34 6DA
Email: box.assetprotection@nationalgas.com
Tel: 0800 970 7000

National Gas Transmission – High Risk Response Letter

Dear Sir/ Madam,

An assessment has been carried out with respect to National Gas Transmission plc's apparatus and the proposed work location. Based on the location entered into the system for assessment the area has been found to be within the High Risk zone from National Gas Transmission plc's apparatus and you **MUST NOT PROCEED** without further assessment from Asset Protection.

Before you go ahead with these works, you are required to send your plans and a description for us to review them at box.assetprotection@nationalgas.com. We will contact you within 28 days of receipt.

It is **YOUR** responsibility to take into account whether you are required to or would benefit from referring to the HSE Land Use Planning App (LUP), available from HSE's website. (Please note for some works this is a requirement for them to take place) More information on the LUP is available at <https://www.hse.gov.uk/landuseplanning/>

Please note this response and any attached map(s) are valid for 28 days.

Yours sincerely

Asset Protection Team

As a result of the recent *Raeshaw Farms* opinion ⁴, it would be logical to assume that, as the only source of alternating voltage power to the substation would be from the overhead lines, the two components must be considered as a single project. It has to be assumed that had NGT been consulted as part of this application, they would have similarly issued a 'High Risk Response'. The decision by ECU to exclude critical consultees from both the scoping and consultation process demands explanation.

UKOPA GPG50 States:

4.5.2 Electrical Interference Assessments

Electrical Interference Assessment (EIA) is an early-stage essential. It should be carried out by the operators / designers of the interfering system to provide the pipeline operator with a

⁴ [2026] CSIH 10

report on the risks posed to the pipeline. The nature of the EIA will vary depending on the type of interfering system.

Standards used in the assessment and mitigation of electrical interference must be agreed between all parties prior to being applied.

Initial assessments of pipe/soil potentials should be undertaken before construction starts to establish the existing base line values. Monitoring should be undertaken over a sufficient period to provide reliable data and should include at least one weekend day.

A preliminary EIA should be undertaken based on design assumptions to estimate interaction during normal operation and fault conditions to identify mitigation requirements.””

(emphasis added). Plainly NGT were not in agreement with the “standards used in the assessment of electrical interference” and commissioned their own study.

21 Legislation and National Policy.

The Construction (Design and Management) Regulations 2015

Under the CDM Regulations “*Designers must:*

eliminate foreseeable health and safety risks to anyone affected by the project (if possible) take steps to reduce or control any risks that cannot be eliminated.”

If no credible, peer reviewed, modelling has been performed, it is not possible to quantify the risk of AC induced corrosion, the mitigations that may be required or whether the mitigations and residual risk are acceptable to the Ministers. The highly flawed modelling presented by the applicants has not been accepted by HSE or NGT. As the excavation around gas pipelines for burying existing infrastructure has not even been mentioned, it is impossible for the Reporters to assess whether the foreseeable risks have been eliminated.

22 The Health and Safety at Work etc. Act 1974

The Act requires an employer to ‘*conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, that persons not in his employment who may be affected thereby are not thereby exposed to risks to their health or safety*’.

SSEN, as the operators of the proposed overhead line and substations, and employing staff to maintain and operate the infrastructure, therefore have a responsibility to establish and eliminate risks to the health and safety of the general public. This requirement is emphasised in:-

23 The Management of Health and Safety at Work Regulations 1992

3.—(1) Every employer shall make a suitable and sufficient assessment of—

the risks to the health and safety of his employees to which they are exposed whilst they are at work; and

the risks to the health and safety of persons not in his employment arising out of or in connection with the conduct by him of his undertaking, (emphasis added)

24 Gas Safety (Management) Regulations 1996

Duties on persons conveying gas

3.—(1) No person shall convey gas in a network unless—

he has prepared a safety case containing the particulars specified in Schedule 1 and that safety case has been accepted by the Executive;

Revision of safety cases

4.— (1) A person who has prepared a safety case pursuant to these Regulations shall revise its contents whenever it is appropriate, but nothing in this paragraph shall require him to have the revision accepted by the Executive.

(2) Where a revision proposed to be made under paragraph (1) will render the safety case materially different from the last version accepted by the Executive pursuant to these Regulations, the revision shall not be made unless the Executive has accepted the revision, and for the purposes of this paragraph in determining whether a proposed revision will render the safety case materially different from the version referred to above, regard shall be had to the cumulative effect of that proposed revision and any previous revisions made under paragraph (1) but not subject to this paragraph.(emphasis added)

(3) A person who has prepared a safety case which has been accepted by the Executive pursuant to these Regulations shall make a thorough review of its contents at least every three years.

It is self-evident that the construction of a high voltage overhead line adjacent to and crossing a gas pipeline ‘will render the safety case materially different’. The operator of the pipeline and therefore the party responsible for maintaining the safety case should have been consulted in any planning application affecting that safety case. The applicants have failed to address the effects of their proposals on the safety case for the five Major Accident

Hazard pipelines operated by National Gas Transmission, various distribution gas pipelines operated by Scottish Gas Networks or the hydrocarbon liquids pipelines operated by INEOS FPS and Shell UK Ltd.

Department for Energy Security & Net Zero

National Policy Statement for Electricity Networks Infrastructure (EN-5)

*2.4.3 However, **the Secretary of State should bear in mind that electricity networks infrastructure must in the first instance be safe and secure**, and that the functional design constraints of safety and security may limit an applicant's ability to influence the aesthetic appearance of that infrastructure.*

*2.4.4 While the above principles should govern the design of an electricity networks infrastructure application to the fullest possible extent – including in its avoidance and/or mitigation of potential adverse impacts (particularly those detailed in Sections 2.9 below) – **the functional performance of the infrastructure in respect of security of supply and public and occupational safety must not thereby be threatened.** (emphasis added)*

EN-5 also says:

1.4.3 In Scotland, the Secretary of State will not examine applications for nationally significant generating stations or electricity network infrastructure. However, energy policy is generally a matter reserved to UK Ministers and this NPS may therefore be a relevant

consideration in planning decisions in Wales, Northern Ireland and Scotland, particularly given the increase in Scotland to England onshore and offshore network connections required to meet the government's net zero target.

25 National Planning Framework 4

NPF4 National Spatial Strategy says: *"More people need to be involved in planning their future places so that the built environment is **safe** and welcoming to everyone, including women, disabled people, children and young people and black and ethnic minority groups."*

NPF4 Policy 14 says:

"c) Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported".

NPF4 Policy 23 says:

"Policy Intent:

*To protect people and places from environmental harm, **mitigate risks arising from safety hazards** and encourage, promote and facilitate development that improves health and wellbeing."*

“g) Development proposals within the vicinity of a major accident hazard site or major accident hazard pipeline (because of the presence of toxic, highly reactive, explosive or inflammable substances) 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. (emphasis added)

h) Applications for hazardous substances consent will consider the likely potential impacts on surrounding populations and the environment.

Any advice from Health and Safety Executive, the Office of Nuclear Regulation or the Scottish Environment Protection Agency that planning permission or hazardous substances consent should be refused, or conditions to be attached to a grant of consent, **should not** be overridden by the decision maker without the most careful consideration. (emphasis added)

Aberdeenshire Council Local Development Plan 2023

Policy P4

*P4.1 We will refuse development, even infill development, if there is a risk that it could cause significant pollution, create a significant nuisance (for example through impacts on air quality or noise), or **present an unacceptable danger to the public or the environment.** This includes developments we are told by the Health and Safety Executive or the Competent Authority to be near facilities they have identified as hazardous. **Pipelines**, agricultural buildings, wastewater treatment plants, waste disposal/treatment facilities and heavy industrial uses are all examples of development **that could create a nuisance, pollution or hazard.** In any circumstances where development of this kind is, on balance, considered acceptable by the appropriate authorities, satisfactory steps must be taken to mitigate any residual negative development impacts.*

*P4.2 In determining planning applications for development within the consultation zones for hazardous installations (including oil and gas pipelines), **we will consult with, and take full account of advice from the Health and Safety Executive (HSE), the Competent Authority (in the case of Control of Major Accident Hazardous sites) and the facility’s owners and operators, and will seek to ensure that any risk to public safety is not increased.*** (emphasis added)

There seems to be, therefore, no conflict between NPF4 and Aberdeenshire LDP

Angus Council LDP says:

Pipeline Consultation Zones There are a number of pipelines which pass through the plan area. There are potential hazards which may arise from developing in proximity to them. Within specified distances from these pipelines there is a statutory framework for ensuring that the Health and Safety Executive is consulted on the implications which arise from development proposals which are the subject of planning applications. These pipeline consultation zones are identified on the proposals map, and the following policy will be applied to submitted development proposals within them. The Health and Safety Executive

has produced a 'Planning Advice Web App' to assist developers in preparing planning applications for development proposals.

Policy PV21: Pipeline Consultation Zones Decisions on whether to grant planning permission for development proposals within the pipeline consultation zones shown on the proposals map will be taken in light of the views and advice of the Health and Safety Executive.

There seems to be, therefore, no conflict between NPF4 and Angus Council LDP.

26 Electricity Act 1989

s.3C Health and safety.

*The Secretary of State and the Authority shall consult —
the Health and Safety Executive about all electricity safety issues, and
the Office for Nuclear Regulation about all electricity safety issues relating to nuclear sites
(within the meaning of Part 3 of the Energy Act 2013), which may be relevant to the carrying
out of their respective functions under this Part.*

*The Secretary of State may require the Authority also to consult him about electricity
safety issues of particular descriptions.*

***The Secretary of State and the Authority shall, in carrying out their respective
functions under this Part, take into account any advice given by the Health and
Safety Executive or the Office for Nuclear Regulation about any electricity safety
issue (whether or not in response to consultation under subsection (1)).***

...

*(5) For the purposes of this section an electricity safety issue is anything concerning the
generation, **transmission**, distribution or supply of electricity **which may affect the health
and safety of—***

members of the public; or

persons employed in connection with any of those activities. (emphasis added)

The ECU have received advice from HSE, but there is no evidence of that advice being heeded, the pipeline operators were not consulted by the Scottish Government. It has been down to individual operators; NGT, INEOS FPS and Shell UK Limited, after notification by members of the public, to contact the Scottish Government. No explanation has been provided by ECU.

27 SSEN public consultation

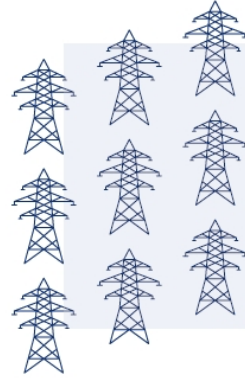
In the SSEN consultation document Tower Crossings Considerations⁵ they acknowledge their awareness of the existence of risk to the safe operation of pipelines if overhead lines run close and parallel to pipelines and how it is important to cross at right angles.

Pipelines and Underground cables

Where we cross pipelines and underground cables we look to do so as close to 90 degree angles as possible whilst also placing towers out-with the assets safeguarded area to minimise any interaction.

This applies mainly to cables and metallic pipelines and the reason for this is where we run in parallel or cross a metallic pipeline at a shallow angle there is a risk of alternating current (AC) interference. This can have an impact on the safe operation of the pipeline or underground cable and needs to be managed to ensure the health and safety of personnel working on the asset as well as the integrity of the asset itself.

An existing utility search has been carried out for each of the projects identifying any below ground assets. Where crossings or paralleling of these are not avoidable further AC interference studies are carried out and mitigations investigated along with the asset owners, where required, to ensure both assets can operate together in the area.



The TKUP design presented in the application however appears to ignore this risk.



⁵ <https://www.ssen-transmission.co.uk/globalassets/projects/2030-projects/2030-project-documents/tower-crossing-considerations.pdf>



The Reporters should ask SSEN why they have ignored a known safety hazard and their own published procedures.

Under The Electricity Safety, Quality and Continuity Regulations 2002

General adequacy of electrical equipment

3.—(1) *Generators, distributors and meter operators shall ensure that their equipment is—sufficient for the purposes for and the circumstances in which it is used; and*
so constructed, installed, protected (both electrically and mechanically), used and maintained ***as to prevent danger***, interference with or interruption of supply, so far as is reasonably practicable.

The applicant's documentation fails to show prior consideration of the requirement to prevent danger in relation to MAH pipelines.

Under The Construction (Design and Management) Regulations 2015

Duties of designers

9.—(1) *A designer must not commence work in relation to a project unless satisfied that the client is aware of the duties owed by the client under these Regulations.*

(2) ***When preparing or modifying a design the designer must take into account the general principles of prevention and any pre-construction information to eliminate, so far as is reasonably practicable, foreseeable risks to the health or safety of any person—***
carrying out or liable to be affected by construction work;
maintaining or cleaning a structure; or
using a structure designed as a workplace.

(3) *If it is not possible to eliminate these risks, the designer must, so far as is reasonably practicable—*

take steps to reduce or, if that is not possible, control the risks through the subsequent design process;

*provide information about those risks to the principal designer; and
ensure appropriate information is included in the **health and safety file**.*

(4) A designer must take all reasonable steps to provide, with the design, sufficient information about the design, construction or maintenance of the structure, to adequately assist the client, other designers and contractors to comply with their duties under these Regulations.(emphasis added)

The applicants have failed to produce the above-mentioned health and safety file.

28 Tealing to Kintore Route

The existing and operational Tealing to Kintore pylon route, which, according to the ASTI decision and ESO recommendation to proceed, should have been demolished and replaced rather than a whole new route being designed by SSEN, predates the five NGT operated, major feeder gas pipelines and the two MAH liquids pipelines operated by Shell and INEOS-FPS.

The applicants have failed to produce any risk assessment comparing the use of the existing route with their proposed route which was designed after the pipelines were laid. The pipelines were laid with the knowledge of the existence of the OHL and avoided any unsafe interactions between the OHL and the pipelines. By choosing not to follow the ESO recommendation to proceed, as described in 2022, SSEN have unnecessarily introduced a new risk environment.

29 Cathodic Protection Systems.

UKOPA GPG50 States:” *The EIA, and any proposed mitigation, must take account of existing CP measures in place on the structures likely to be affected and how limitations may affect the mitigation options available. Consideration should be given to the risks of ‘overprotection’ where excess electrical current can accelerate corrosion, degrade coatings and cause serious integrity issues such as hydrogen embrittlement.*

Acceptance criteria shall be determined by the pipeline operator but should be based on the recommendations of BS EN ISO 15589-1 and BS EN ISO 18086.

Persons undertaking EIAs, CP surveys, testing and designs should be able to demonstrate competence to the relevant levels set out in BS EN ISO 15257.”

There is no mention in the EIA of the pipeline cathodic protection systems in use, indeed there is scant reference to the existence of pipelines at all.

30 Summary

The subjects of ‘Major Accidents and Disasters’ and ‘Population and Human Health’ are critical and mandatory requirements of an environmental impact assessment as defined in Scottish planning legislation. They have, inexplicably, been scoped out of Energy Consents Unit application ECU00005225. Multiple agencies, such as pipeline operators, which would logically have been expected to be consulted, have been excluded from the process.

For the Scottish Ministers to grant consent to this application without consideration of these topics and without full knowledge of pertinent information, but while being aware such information existed, would be in breach of the principle of the UK’s planning system that the right development happens in the right place at the right time, benefitting communities and the economy and the principle of all UK health and safety legislation that risks should be reduced to levels as low as reasonably practicable.

The applicants in their application have failed to demonstrate that their proposal is compliant with the requirements of multiple different UK Acts and statutory instruments, NPF4 and Aberdeenshire Council LDP, or several industry standards and guidelines. These requirements are intended to protect the general public and the applicant’s own employees from harm caused by avoidable risk. To consent a project which cannot demonstrate that risk to human health and property has been reduced to a level as low as reasonably practicable would be to endorse an unlawful development and operation.

The Construction (Design and Management) Regulations 2015 require the developer to eliminate, so far as is reasonably practicable, foreseeable risks to the health or safety of any person in the preconstruction phase, *which includes design of the project*. The applicants have designed their project and submitted it for approval without being able to evidence their compliance with CDM 2015.

The reporters have focused on planning conditions in their questions to the applicant (Matter 7). These questions cannot be considered as a substitute for a comprehensive and holistic study of the topic in an Environmental Impact Assessment. Ministers cannot make a considered decision when an incomplete EIA has been submitted with mandatory topics excluded. The Reporters are respectfully requested to recommend refusal on the basis that the application is not compliant with the intents of NPF4 policy 23 or, at the very least, fully investigate the topic of Major Accident Hazard pipelines by including a formal hearing in the public inquiry.

RESPONSE TO THE APPLICANT’S SUBMISSION OF 24 JULY 2026

31 HSE Consultation Response

The Applicant relies upon HSE's consultation response as indicating that HSE is "content" that consultation with operators would be sufficient.

HSE's "no further comment" is not an endorsement of safety. It is a procedural response given at consultation stage, before a completed risk assessment. It does not constitute acceptance that risk is ALARP.

HSE Pipelines Division was not included in EIA scoping. HSE's general consultation response cannot substitute for specific engagement by the Pipelines Safety Division on a case involving 17 crossings of MAH gas pipelines.

The Applicant's characterisation of the HSE position is therefore misleading. A response that no further comment is necessary at one procedural stage is not the same as a substantive assessment that the proposed development is safe.

32 *Shell Chemicals UK Limited v Scottish Ministers [2026] CSIH 29*

The Applicant relies upon paragraph 40 of that decision.

That case is distinguishable on its facts. In *Shell Chemicals*, the issue was whether the decision-maker had adequately considered risk from an existing establishment. The Court held that Ministers were entitled to rely on the existing regulatory regime as providing adequate protection.

In the present case: (i) it is the *proposed* development that introduces new risk to an existing pipeline, not the reverse; (ii) the existing regulatory regime has not yet been applied — no ALARP assessment, no AC interference modelling, no completed risk study; (iii) the design for which consent is sought may itself require material alteration; (iv) critical scoping decisions excluded MAH from the EIA entirely. *Shell Chemicals* does not authorise consent in circumstances where the regulatory regime has not been engaged and cannot, on the information available, be said to provide the protection the Court assumed it would.

33 "No outstanding objections" narrative

The Applicant states there are "*currently no outstanding objections from any of the pipeline operators or the HSE.*" A no-objection given on incomplete information is not a fully informed endorsement. The distinction is fundamental.

The pipeline operators' positions were given without sight of a quantified risk assessment (none exists), without completed AC interference modelling, without assessment under the Limits of Deviation, and without assessment of ignition risk (which the Applicant concedes has not been specifically assessed). A "no-objection" in those circumstances carries no evidential weight as to the safety of the proposal.

SGN's confirmation about "physical arrangement" was given without sight of a quantified risk assessment. The evidential value of a no-objection is a function of the information upon which it is based.

34 The AC Interference Study

The Applicant has provided only a redacted copy of the AC interference study.

This is a public inquiry. The principle of open justice requires that evidence relied upon by a party must be capable of scrutiny by other parties and by the decision-maker. Reporters cannot scrutinise, nor rely upon redacted evidence. They cannot form a view on the methodology, assumptions, inputs, sensitivity analysis, or conclusions of a document from which material content has been removed.

This is particularly egregious in an inquiry concerning Major Accident Hazards, where the consequences of error include multiple fatalities. If the study is relied upon, it must be produced in full. If it cannot be produced in full, no weight can be placed upon it.

35 The Ignition Risk Concession

The Applicant concedes 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."*

The Applicant appears to advance this as a reason why the OHL does not materially affect risk. That argument is a *non sequitur*.

The OHL introduces both: (i) a new potential cause of loss of containment (AC corrosion of the pipeline coating and substrate or physical construction damage); and (ii) a new ignition source at precisely the height where the gas/air mixture reaches ignitable ratio (approximately 50 metres). Thus the OHL increases both the probability of a release (through AC corrosion or damage) and guarantees ignition of any release that occurs (by providing an arc source at the critical height). The argument that ignition would be catastrophic "anyway" does not address the increase in probability of the initiating event or the certainty of ignition that the OHL introduces.

The Applicant also concedes that *"the risk associated with ignition by the OHL has not been specifically assessed by the Applicant."* That concession alone is dispositive. The risk has been identified but not assessed. NPF4 Policy 23(g) cannot be satisfied.

36 SGN's Confirmation re "Physical Arrangement"

The Applicant states that SGN confirmed the physical arrangement of the OHL has no impact on ignition risk beyond AC corrosion potential. SGN has clarified to NOTKUP that while the risk of ignition would increase in proximity to OHL power lines, an event of loss of containment is the overwhelming contributor to the risk. Integrity management is predicated on preventing loss of containment.

The question is: on what basis was the initial confirmation given to the Applicant? If it was given without sight of a quantified risk assessment (which does not exist), it cannot carry weight as evidence of safety.

A pipeline operator's view of risk is only as reliable as the information upon which it is based.

37 Perpendicular Crossing Statistics

The Applicant states that 8 of 17 crossings are "at, or close to, perpendicular." That means 9 of 17 are not. A majority of crossings do not meet the standard which the Applicant's own guidance, SGN's Deed of Servitude, and NGT's conditional no-objection all require. The Applicant's formulation — emphasising what is achieved rather than what is not — does not alter the position. Nine non-perpendicular crossings of MAH gas pipelines require justification. None has been provided.

(all emphasis has been added)

38 SUGGESTED DISPOSAL

The subjects of "Major Accidents and Disasters" and "Population and Human Health" are critical and mandatory EIA requirements. They were scoped out of the EIA. Multiple agencies logically expected to be consulted — HSE Pipelines Division, NGT, UKOPA, IGEM — were excluded from the scoping process.

For Ministers to consent without consideration of these topics and without full knowledge of pertinent information would breach planning system principles, NPF4 Policy 23, the EIA Regulations 2017, and health and safety legislation.

The Applicant has failed to demonstrate compliance with: the Health and Safety at Work etc. Act 1974; the Pipelines Safety Regulations 1996; the COMAH Regulations 2015; the CDM Regulations 2015; the EIA Regulations 2017; ISO 18086:2019; NACE SP21424-2018; the Gas Safety (Management) Regulations 1996; and the Applicant's own published guidance.

CDM 2015 requires elimination of foreseeable risks in the pre-construction and design phase. Compliance has not been evidenced.

It is respectfully submitted that the seven questions, focused largely on planning conditions, cannot substitute for a holistic study in an EIA context. A Hearing or Inquiry into this matter is required.

The Applicant's submission of 24 July 2026 does not answer the concerns raised. It relies on procedural responses given on incomplete information, redacted evidence incapable of scrutiny, concessions that undermine its own case, and a legal authority distinguishable on its facts. It does not demonstrate that the development can be built safely, that the design is final, or that the EIA is complete.

39 RESERVATION OF POSITION

The objectors reserve their position to supplement this submission/response as may be required. In particular, the objectors reserve any further need to: instruct and rely upon expert evidence; address any conditions proposed by the Applicant or other parties; and make further submissions on the interaction between the planning and health and safety regimes as may be necessitated by further procedure or further submissions by the Applicant.

BW/MMW/JDC

16 August 2026