

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

**TEALING TO KINTORE UPGRADE PROJECT (TKUP) TRI-120-1
CONSULTATION**

Public Inquiry Written Submission by Karen Nichols

CULTURAL HERITAGE EFFECTS

1 Introduction

I am Karen Nichols and I live near Brechin. I am a graduate of Scottish History that was combined with Town & Regional Planning. My career was as a heritage tour guide giving me expertise in Historic Tourism. I wrote a Climate Change Scoping Study in relation to the built heritage. I also gained practical experience in both desk and field archaeological research. I am making this statement in connection with the Cultural Built Heritage effects of the OHL project.

The starting point for any development in Scotland which impacts on the built cultural heritage is stated very clearly in NP Framework 4 (NPF4). Policy 7 seeks to protect Scotland's historic environment with the statement that "**Development proposals should preserve and enhance historic assets where possible and avoid or mitigate significant adverse impacts on the integrity and settings of assets.**" It is a long and detailed policy so I do not quote extensively from it here. Unfortunately, the above statement does not appear to be at the forefront of SSEN's policies and procedures. The publication of their leaflet, available at SSEN's public consultations, entitled "The challenges of undergrounding at 400kV" demonstrates an established mindset against alternatives to overhead lines (OHL). The action group NOTKUP believes that protective legislation is not being activated.

Chapter 10 of the SSEN application acknowledges the presence of numerous heritage assets in each section of the proposed line. However, there is no analysis of the impacts upon the setting of these assets. There are several assertions that heritage effects are either acceptable or not significant without actually explaining how the author came to that conclusion.

Where is the understanding, the maps or diagrams, of whether the development would detract from the character or views of or from these sites? Where is the evidence that SSEN has altered the route to mitigate effects? For example, the movement of Section B1.1 was due to farmers complaints. It was not to protect the Catherthuns. Indeed, the second confirmed choice for the line will be in direct view of, and from, the hilltops that were occupied by pre-historic people. The Catherthuns are geographically directly eastwards from the Angus Glens. They are a major tourist attraction. I mention these hilltops again within the Cultural Sites section.

Another consideration is that SSEN does not address the cumulative impacts when there is a cluster of historic sites in close proximity. HES at the Hill of Fare Inquiry in 2025 supported the existing legislation and guidelines by saying that "*to determine whether or not an impact is*

significantly adverse, it is crucial to understand what the magnitude of impact is and whether or not the impact is on the key factors of setting and therefore the integrity of setting." This document continues that **"at no point does NPF4 or other national policy state that these factors automatically override the legal protection of nationally important scheduled monuments or the policy protection of the integrity of their settings."**

It seems to me that SSEN rely solely upon the perceived need of national infrastructure as promoted by NESO and the UK government. This is not following the guidelines of NPF4 or Historic Environment Policies (HEPS).

The HES objective is to ensure that decisions about key aspects of our lives consider the effect on historic sites and places and **to show how these too can deliver benefits for society**. HEP2 states that **"decisions affecting the historic environment should ensure that its understanding and enjoyment as well as its benefits are secured for present and future generations."**

This objective for the 8000 Scottish Scheduled Assets is protected by the Ancient Monuments and Archaeological Areas Act 1979. The responsibility for many decisions in this matter is delegated to local authorities. The Senior Environment Officer for Aberdeenshire and Angus has confirmed that SSEN has been in discussion related to the TKUP line. The terms of their discussion is outlined in the correspondence of Appendix A. Although SSEN has 67 pages within Ch10: Cultural Heritage recording legislation, facts, lists and tables there is no sense of the above phrases being considered. There is no commitment. There is no sense that SSEN care.

2 CONCERNS

The major concerns of considering the communications received from SSEN relate to accountability. Some of this is due to the chronology of the process. Most will relate to SSEN producing the literature to gain consent but contractors doing the physical reality.

Acknowledging that mitigation measures apply throughout the development process (17.1.1) Cultural Heritage is tabled under Applied Construction G2 (p5). The fifty five pages of Chapter 17: *Schedule of Mitigation* measures begins with a statement on the first page referring the reader to five other different sources saying mitigation measures are not included here because it is elsewhere. As with other documents each referral leads to multiple other referrals to Figure X, Table Y, Appendix Z. That is not readable. It is not acceptable for even planners and Councillors let alone the lay member of the public. It appears that the format is designed to bamboozle and confuse.

Therefore regardless of the sixty seven pages written by SSEN the successful Contractor is to provide a Management Plan and Written Scheme of Investigation. Then comes the reality. When asked if these documents are available to view SSEN responded that they are **only written after consent is received. Only statutory consultees and not the public will be asked to comment.**

Had that statutory consultee not objected initially then can the public realistically expect protection for the historic environment? This process does not suggest openness, transparency or accountability. The conclusion must be that local authorities, the ECU and DPEA are expected to consent to applications that do not contain control over the whole development, full information,

accountability or enforcement. The relevant correspondence comprises Appendix B.

The HES Managing Change in the Historic Environment Setting, Section 2 sets out a number of factors that contribute to the setting of an asset, including but not limited to:

- current landscape or townscape context
- views to, from and across or beyond the historic asset or place
- key vistas (for instance, a 'frame' of trees, buildings or natural features that give the historic asset or place a context, whether intentional or not)
- the prominence of the historic asset or place in views throughout the surrounding area, bearing in mind that sites need not be visually prominent to have a setting
- aesthetic qualities
- character of the surrounding landscape
- general and specific views including foregrounds and backdrops
- views from within an asset outwards over key elements in the surrounding landscape, such as the view from the principal room of a house, or from a roof terrace
- relationships with other features, both built and natural
- non-visual factors such as historical, artistic, literary, place name, or scenic
- associations, intellectual relationships (e.g. to a theory, plan or design), or
- sensory factors, and
- a '**sense of place**': the overall experience of an asset which may combine some of the above factors.

It is clear that the setting remains integral to any monument's cultural significance, through **contributing to our ability to understand, appreciate and experience the monument**. Mitigation measures should seek to avoid or reduce significant impacts on heritage assets. We **advise that adequate mitigation measures to avoid or reduce impacts should be put in place. By direction of the Reporters prior to consideration of enhancement measures which would not lessen the severity of any impacts and are the least effective form of mitigation.**

The DPEA Reporters need to ask themselves whether the TKUP line satisfy these requirements?

Would the volume and scale of 51m – 74m high pylons with six arms carrying cables of 400,000 Volts shift focus from all that is below for the humans living in the area?

3 CULTURAL SITES

The TKUP line mostly runs parallel to the A90 Aberdeen dual carriageway. At first glance SEN has placed their proposed line in an area that avoids the more well known or historically significant site. Chapter 10 lists the historic sites section by section. Each conclusion is that the pylons will be of medium or no impact. On closer inspection though, the TKUP line will impact on a succession of culturally important sites due to the height and size of the pylons and the visible connecting cables. No site sits alone. To appreciate the importance of a built structure or remains the viewer needs the integrity of its period. The viewpoints and journey to and from the site adds to the

experience. As detailed above protecting the setting, the curtilage and wider landscape is critical to appreciation of the events and culture of Scotland's history.

In 2024 tourism in Scotland raised £11.4 billion from 92 million visitors. (Visit Scotland research). These visitors are attracted by our famed natural environment. Although the applicant may wish to focus upon short term need and legalities human beings still experience using their senses and vision.

An example of major impact are The Brown and White Caterthuns. Two accessible hills dating back 2,500 years sit between Brechin and Edzell with views to the horizon in all directions. They are considered to be the best preserved Iron Age forts in Scotland. Potentially a ceremonial or religious site with pre-historic remains of settlements the two hills are linked both geographically and socially. Both sites are wrapped in layers of ancient civilisations, folklore and superstition involving witches and fairies who created the landscape. This adds to the atmosphere for the visitor who is likely to be alone or with a small group.

As the Caterthuns are unique only to Angus it is imperative that the integrity and curtilage of these two hills is not interrupted. The following quote is from HES Scheduled Monument descriptions.

“ There is potential to study these sites together to better understand their functions within their contemporary local communities and possible chronological development in the area. The monument has the potential to enhance and broaden our understanding of prehistoric society, community as well as ritual and funerary practices. In particular, this monument offers an opportunity and the potential to help inform our understanding of possible interaction and relationship between cursus and various types and phases of barrows.”

HES provides a Statement of National Importance stating that *“The field system is remarkably complete. It and the houses are just below the White Caterthun fort. They are of national importance as including an unusually well preserved system of rectangular prehistoric fields, and because of the proximity of the fields, the well preserved houses and the White Caterthun fort. The houses and fields together are nationally important to the theme of social and economic organisation in the Iron Age. Particularly when taken with Hill of Menmuir they are of national importance to studies of agriculture in E Scotland.”*

It should be noted that the SSEN consultation in Brechin City Hall included a computerised graphic design. When this author asked to illustrate the Catherthuns the design showed the line directly perpendicular to the hills. The designer went to remove a line of standard pylons that were further west. That is manipulation. The existing lines will not be removed. Therefore the cumulative impact of the TKUP line will be visible for several hundred metres at a popular walking site.

The potential to add to our field of knowledge lies with the Roman Gask project that traversed Stirling, Perthshire and potentially Angus. The route goes cold after Glen Esk but was turning eastwards. Research as far as Strathcathro reveals nothing - so far! That doesn't mean it isn't there. Just that funding, time, and academic discussion restricts exploration. An involvement with the exploratory dig near Scone allows this author an understanding of just how hard it is to recognise the clues. The experienced recognised that the soil had a definite column of darker brown due to wood decay. That was the stump of a Roman lookout tower. A similar clue to Pictish life may be more than the designated protected distance from the Caterthuns. Unlike during a

regulated archaeological study will our future knowledge be identified or thousands of years of history ripped out of the ground and disposed in rubble?

4 MILITARY REMAINS

Another example of missed opportunities lies with aircraft remains. Although the Protection of Military Remains Act 1986 does not appear in the SSEN introductory list of relevant legislation there is a detailed section in the updated literature. This is because a local resident informed SSEN of the issue. It is an offence to disturb or cause others to disturb any military remains. This Act places the onus on finder to inform the MOD and if wishing to work with the material must apply to the MOD for a licence to disturb. This is because there may be live ammunition and human remains within the site. At the least such findings add to the field of knowledge and can possibly be tied to a particular aircraft. In this case the licence is often refused.

Although the majority of wreckage is British and German some may be American. In this instance permission to disturb must be gained from the USA. Without a clear indication of access routes, paths, and working areas it is virtually impossible to identify which aircraft remains are likely to be impacted and which could be uncovered. Best knowledge states that there are hundreds of crash sites and by definition many remain undiscovered. Depending on mode of landing it is feasible that aircraft lie buried under the surface. Complete with contents at the time of crash. Due to the wartime restrictions, subsequent time lapses and attitude changes these sites are not surveyed.

Added complications include that MOD records are incomplete, locations were encrypted in code, and the lack of search facilities at the time. The introduction of SSEN's application to install pylons from Fetteresso forest to Emmock at Tealing has raised several issues. Now that SSEN has offered compensation the previous goodwill from farmers for enthusiasts to survey will probably diminish thereby reducing the likelihood of discoveries.

5 HUMAN REMAINS

Of all the historical finds it is most likely that human remains will be readily identified. There are very strict rules regarding the treatment of human remains with thirty seven pages of legislation and guidance (HES Operational Policy Paper 5). Desecration of human remains becomes both a civil and criminal matter. A skeleton is likely to have grave goods that identify the person's status and period of life. Many of the surviving items, most likely metal, could become Treasure Trove. A World Archaeological Congress position statement agreed by the delegates to a meeting held in 1989 in Vermillion, USA on 'Archaeological Ethics and the Treatment of the Dead' agreed that respect must be shown to both the remains, their ancestors, community and families.

6 CONCLUSION

As detailed the EIAR and supplementary documents from SSEN are lists of facts, tables, and assertions with no analysis or unequivocal commitments to adhere to legislation. The relevant legislation covering cultural heritage appears as a list near the beginning, but each legality is barely

referenced in the body of the text. The only Act that is missing is the Marine Act which is a permissible omission but has potential to become relevant. For the reader there is a lack of cohesion between sections, fine detail, timescales, and trigger points for action. The EIAR is sixty seven pages of amalgamated notes. The busy contractor will not be memorising or referring to these documents. The desk research relating to locational issues is lip service without knowledge. This was confirmed by the desk researcher at Forfar who shrugged when saying he couldn't visit everywhere. There is also nothing stating that the principles are forwarded for enforcement to contractors and groundwork operators. As evidence of this claim the public consultation events highlighted that staff were not aware of procedures should anything historical be uncovered. This author asked three different staff at Memus, Forfar and Brechin. The Project Manager present at the Drumlithie event didn't know about the 1986 Aircraft Act nor the presence of aircraft at Fetteresso forest where they intend to build a substation. All were unaware that legislation existed regarding historical finds and referred me to write to the TKUP email. The HES objection to Hill of Fare windfarm is peppered with SSEN failures to express competent action to protect cultural heritage. Nothing within the TKUP application suggests improvements learned by experience.

When a Mitigation Measures report starts with "we will not be mentioning mitigation" and sends the reader to multiple other hyperlinks (assuming every reader is online at the time!) there is the distinct impression of obfuscation. As an example, the initial maps provided for the public and at consultations gave broad corridors with options. According to the Key of the Location Map dated 11 Aug 2025 the locations of towers is indicated. However, even at maximum exposure the small circles are so close together it is barely above guesswork to accurately say which sites will be affected and to what degree. By 15 Aug 2025 clearer maps giving tower locations were available online. However, this required the public to delve deeply and consistently to know this information was available. For particular reasons the interested party must cross reference these maps with, in my case, knowledge of, or maps showing, cultural heritage sites.

As mentioned earlier enforcement relies upon goodwill and professionalism from SSEN and their contractors. Given their pattern of behaviour so far, i.e. claiming that the MOD and NFU have been consulted when they hadn't been, is not hopeful. Despite multiple desk research exercises by SSEN there is no indication that knowledge is transferred to consultation staff or, as highlighted above, to contractors. Due to limited resources it is unlikely that an independent archaeologist will be present at every construction site during digging operations. Therefore the legislation is not enforceable particularly as various bodies are responsible for initiating actions. Ultimately a stretched Police Scotland may not be able to pursue a heritage crime when the evidence is piled high under rubble. There is a very real likelihood that the positive opportunity for discoveries will be lost to the general population. In my experience it is metal detectorists and dog walkers who find the best pieces. They don't use heavy machinery or are time constrained. Are we to rely upon JCB drivers to recognise the foundation stones of a medieval building, a flint head from a spear, or stub of a Roman lookout tower?

The final word on this topic must rest with the police heritage crime department.

*“Heritage crime robs us not just of our history but can impact significantly on communities – not just in monetary value but social costs as any damage caused denies future generations the opportunity to enjoy our rich collection of unique sites. It is the responsibility **of us all** to protect Scotland’s heritage from those who would wish to degrade and harm it.”* (Heritage Crime: The approach in Scotland).

Karen Nichols for NOTKUP

19 April 2026

Appendix A: correspondence from Aberdeenshire Council Senior Historic Environment Officer

2 Feb 2026

Hello

I am hoping you can help me with some information.

I was wondering if your department was approached by SSEN during their pre-application stage for advice and/or guidance for their Kintore to Tealing Overhead line.

I'm not asking for private details, just did they liaise with Aberdeenshire Council specifically on the topic of identifying cultural heritage sites, the marking of protected boundaries, and, in particular, what to do if they uncovered anything remotely historical.

Regards

Karen Nichols

Dear Karen,

I can confirm that yes, the Historic Environment Team were involved as consultees for all aspects of the historic environment considerations during SSEN's pre-application consultations for the Kintore to Tealing Overhead Line. This included responding to all Pre-Application Enquiries, attending meetings as required, and providing data, including location and known extent, on all known historic assets that were within the impact study area for the proposals.

In terms of what SSEN are expected to do if they uncovered anything remotely historical, these would be reported to us via their archaeological contractors during the pre-agreed programmes of archaeological work that are required for this project, and appropriate mitigation would be undertaken to protect, record, excavate etc as required.

I hope that the above reassures you that the historic environment, including all known and potential archaeological sites, have been considered by SSEN, with advice and oversight given to them by both ourselves (including for Archaeology acting on behalf of Angus Council to whom we provide a service to) and Historic Environment Scotland.

Should you have any further questions then please do not hesitate to get in touch,

Kindest regards,

Bruce

Bruce Mann MA MCIfA FSA Scot FRSA

Senior Historic Environment Officer

(Archaeologist)

Aberdeenshire Council Archaeology Service

Historic Environment Team

Planning & Economy, Environment and Infrastructure Services, Aberdeenshire Council

Tel: 01467 534 912

Email: bruce.mann@aberdeenshire.gov.uk

Website: <https://www.aberdeenshire.gov.uk/leisure-sport-and-culture/archaeology/>

Archaeology Service for Aberdeenshire, Moray, Angus, and Aberdeen City Councils

Appendix B: Correspondence to SSEN regarding Contractor Management Plan.

Mon 2 Feb to TKUP

Hello

In terms of the 400kV OHL development can you tell me please what practices and procedures are put in place by SSEN and its contractors when

1. Operating around an historic site
2. Upon discovery of human remains, goods, or possible ancient materials.

Thank you

Karen Nichols

Thurs 12 Feb from TKUP

Hi Karen,

Thanks for your patience whilst I waited for the Project Team to respond to me.

As part of the Section 37 Application for the Overhead Line, there are some documents which are relevant and should answer your questions.

There is a whole chapter on Cultural Heritage as well as mitigations in the event of anything coming up.

I've linked them below;

<https://www.ssen-transmission.co.uk/globalassets/projects/kintore-to-tealing-400kv-ohl-section-37-application/eia-report--volume-2-technical-chapters-chapters-7-to-18/volume-2---chapter-10---cultural-heritage.pdf>

<https://www.ssen-transmission.co.uk/globalassets/projects/kintore-to-tealing-400kv-ohl-section-37-application/eia-report--volume-2-technical-chapters-chapters-7-to-18/volume-2---chapter-17---schedule-of-mitigation.pdf>

I would attach, but due to the size of the files it won't allow me to send them as attachments.

Please let me know if this doesn't provide the answers you require and I will go back to our Environment Team.

22 Feb

Rob

Thank you for the links. I already had Ch10 and have read it carefully. The tables of responsibilities mention that to protect cultural heritage the contractors are to provide a Management Plan and Written Scheme of Maintenance. I am assuming that these documents need to be supplied to SSEN if only for record keeping if not approval.

Would you by any chance be able to supply this document for the contractors involved in the TKUP line?

Many thanks.

23 Feb

Hi Karen,

Thanks for your reply.

These have not been developed yet, but will form part of the conditions discharge work following receipt of consent.

The plans will be developed and then will be reviewed by the relevant Statutory Consultees prior to discharge of the relevant condition.

Kind regards,

Alex

Alexander Stewart | Community Relationship Officer

Appendix C: photographic evidence

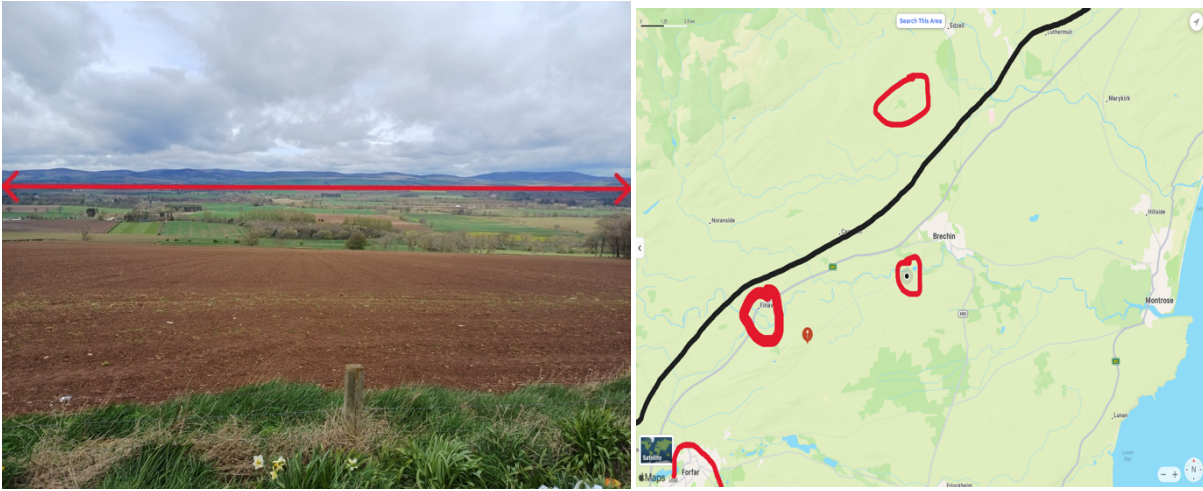


Figure 1: Aberlemno visitor centre looking northwards to TKUP line.



Figure 2: Map showing TKUP line dissecting connected historic sites.

Figure 3: White Caterthun looking westward with TKUP line.

Figure 4: White Caterthun looking eastwards to Montrose Basin and North Sea

Disclaimer: the marked lines in red are approximate due to technological limitations of the author.