

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

TEALING TO KINTORE 400 KV OHL INQUIRY

REPLY by NOTKUP and STRATHMORE ESTATES TO ADDITIONAL ENVIRONMENTAL INFORMATION provided by the APPLICANT

MATTER 1 — AGRICULTURAL OPERATIONS

DPEA Reference: TRL-120-1

ECU Reference: ECU00005225

CONTEXT

The **Procedure Notice of 14 May 2026** (“the May PN”) required Additional Environmental Information on agricultural operations in respect of the proposed Tealing to Kintore 400 kV overhead line.

The **Procedure Notice of 7 July 2026** (here “the July PN”) invited comments from parties under *inter alia* Matter 1 (Agricultural Operations). The deadline for comments is 7 August 2026.

These representations are submitted as Third Party Objectors’ comments by the deadline.

Cross-reference: The July PN links Matter 1 (agricultural operations) to Matter 7 (MAH gas pipelines) insofar as a condition relating to pipeline safety may affect agricultural operations. The objectors’ full position on Matter 7 is set out in their separate submission on that topic.

For clarity, Strathmore Estates’ interest is limited to Pylons Nos UE 168-183.

CHAPTER 1: INTRODUCTION

- 1.1 These representations are submitted on behalf of NOTKUP and Strathmore Estate, (together, here, “the Objectors”) in support of their objections to the proposed development.
- 1.2 **This document constitutes a reply to the Applicant’s Additional Environmental Information: Agricultural Operations Assessment Report**, misdated June “2025” (correctly, 2026) (here, “the Report”).
- 1.3 The overarching submission is in three parts:

- (1) The Report is only partially responsive to the May and July PNs and is not legally or evidentially adequate for the purposes of the EIA Regulations 2017;
 - (2) The Applicant has not demonstrated that the proposed OHL can safely be constructed, energised and operated in the agricultural land and land use context through which it passes; and
 - (3) The Applicant has not demonstrated in the Report that the operational restrictions imposed on agricultural operations by the proposed development would be insignificant.
- 1.4 EA 1989, s.37 consent should not be granted on the basis of the material as submitted.
- 1.5 These representations address each of the five matters identified in the July PN, together with the legal and procedural framework within which the adequacy of the Applicant's response falls to be assessed.

CHAPTER 2: THE EIA REGULATIONS — LEGAL DEFICIENCY

- 2.1 The Electricity Works (EIA) (Scotland) Regulations 2017 (“the 2017 Regs”) require the EIAR to contain (Sch.4, para. 4) effects on population and human health and (Sch.4, para.5(d)) assessment of effects deriving from vulnerability to risks of accidents and disasters. These are mandatory requirements, not discretionary.
- 2.2 The July PN was issued because the Reporters identified that these matters required fuller assessment as part of the overall EIA. It did not merely request clarification of an engineering detail. It required Additional Environmental Information (here “AEI”) because the issue has become recognisably material to the reasoned conclusion which Scottish Ministers must reach under Regulation 19(2) of the 2017 Regs.
- 2.3 The Report does not discharge these obligations. It does not contain a substantive assessment of the effects of the proposed clearance heights on human health (electrocution risk) or agricultural land use. It instead assumes the result by treating third-party compliance with safe systems of work as an agent for eliminating significance. That is circular reasoning, not assessment.
- 2.4 The concept of “inexorable mitigation” or “tertiary mitigation” is not recognised in the 2017 Regs or in IEMA Guidance as a basis for concluding that effects are not significant without assessment. The 2017 Regs require identification of likely significant effects, and then assessment of mitigation. The Applicant has inverted this sequence: it assumes mitigation (by farmers) and then concludes effects are not significant without having assessed what they would be in the absence of that assumption.

CHAPTER 3: THE PROCEDURE NOTICE OF 14 MAY 2026

- 3.1 The May PN required the Applicant to provide AEI for the purposes of the inquiry under the Electricity Act 1989.
- 3.2 The May PN required assessment of the entirety of the proposed OHL in respect of clearance heights, individually and cumulatively, for significant effects on human health and/or land use.
- 3.3 The five specific matters required to be addressed were:
 - The baseline position regarding statutory clearances, guidance clearances, and the relationship between conductor height, sag, and ground clearance under varying thermal and loading conditions;
 - The foreseeable risk of danger to persons engaged in agricultural operations beneath or in proximity to the proposed conductors, having regard to the range of machinery and equipment in ordinary use;
 - The mitigation measures proposed (including any reliance upon operational restrictions, exclusion zones, or alterations to farming practice) and the extent to which those measures constitute adequate mitigation for EIA purposes;
 - The implications for agricultural land use, including any reduction in productive capacity, constraint on irrigation, limitation on crop selection, or interference with established farming operations; and
 - Whether, having regard to the above, there are residual significant effects on human health and/or land use which have not been adequately assessed or mitigated.

CHAPTER 4: SUMMARY OF THE APPLICANT'S RESPONSE

- 4.1 The Report identifies the legal and guidance framework applicable to overhead line clearances, including the Electricity Safety, Quality and Continuity Regulations 2002 ("ESQCR"), ENA Technical Specification 43-8, HSE Guidance Note GS6, the Health and Safety at Work etc., Act 1974, the Management of Health and Safety at Work Regulations 1999, and the Electricity at Work Regulations 1989.
- 4.2 The Report states a minimum clearance of 9 metres and calculates the maximum safe machinery height by subtracting a 3.1 metre passing clearance distance and a 1.2 metre allowance for bounce and uneven ground from the designed conductor height at any given span.
- 4.3 The Report records 298 spans crossing agricultural land (251 arable, 47 non-arable). The clearance statistics are: 100% of spans exceed 9 metres; 73% exceed 10 metres; 47% exceed 11 metres; 37% exceed 11.5 metres; 32% exceed 12 metres.
- 4.4 No site-specific machinery-use information has been obtained. The Report does not record what machinery is in use on the holdings oversailed by the proposed route.

- 4.5 The Report relies on “Tertiary (Inexorable) Mitigation”. It proposes no primary mitigation (design changes to eliminate risk) and no additional secondary mitigation (engineering controls). It concludes that impacts will be “Not Significant” on the basis that farmers, contractors and their employees will comply with safe systems of work.

CHAPTER 5: OVERALL POSITION ON ADEQUACY

- 5.1 It is acknowledged that the Report is more clearly structured than the Applicant’s earlier stated position on agricultural operations.
- 5.2 The core defect is methodological. The Report assumes that risks are not significant because it is assumed that farmers, contractors and their employees will alter their operations to avoid danger. That reverses the burden of compliance. The May PN asked whether the proposed clearance heights themselves give rise to significant effects on human health and/or land use, and what precise mitigation is required. Where mitigation requires changes to agricultural practice, those changes must themselves be assessed as effects. The Report does not do this.
- 5.3 The Report identifies operational restrictions (height limitations on machinery, prohibition on certain activities beneath conductors, requirements for modified working configurations) and then treats them as standard practice. It concludes that land use is unaffected. That conclusion is not adequately reasoned and proceeds upon a logical fallacy: it defines the restriction as the mitigation and then concludes that, because the mitigation exists, the effect is not significant.
- 5.4 The question which the Report was required to answer is: what are the effects on agricultural operations of imposing these restrictions? That question remains unanswered.

CHAPTER 6: QUANTIFIED MACHINERY HEIGHT vs. CLEARANCE ANALYSIS

The following table is derived from the Applicant’s own data (clearance statistics from the Report, Appendix A and the ENA TS 43-8 passing clearance requirements (Table 8: 4.3m for vehicles not of fixed height, comprising 3.1m passing clearance plus 1.2m allowance for bounce or uneven ground). It demonstrates, on the Applicant’s own figures, the scale of the constraint imposed by the proposed development on ordinary agricultural operations.

Machinery Type	Typical Working Height (m)	Min. Clearance Required (m)	% of Spans Below Required	Approx. No. of Affected Spans (of 298)
Combine harvester (grain tank extensions open, auger deployed)	5.5	9.8	Up to 27% (spans below 10m)	80
Forage harvester (discharging)	5.0	9.3	The Report's minimum is 9.0m, so spans between 9.0m and 9.3m fail	To confirm <9.3m spans.
Root/vegetable harvester	8.0 (Galbraith field measurement and de Wulf specification)	12.3	68%	203
Advanced sprayer (on slope)	5.5	9.8 (Fendt Rogator at 10.5m when folded)	27%	80 Booms should not be folded within 11m of pylon line. Not addressed in Report – will result in unsprayed areas.
Telehandler (raised boom)	7.0	11.3 Interpolated.	53–63%	158–188
Tipper (raised body)	6.0	10.3	27–53%	80–158
Rain gun (in operation)	N/A (30m stand-off required)	N/A	N/A	N/A

The table demonstrates that for the most common harvesting operation (combine harvester with grain tank open), approximately 80 spans — over one quarter of the entire route — do not provide sufficient clearance for safe ordinary operation without modification of farming practice.

For root and vegetable harvesters, the position is more severe: approximately two-thirds of all spans are below the required clearance.

The Applicant's conclusion that effects are "Not Significant" is irreconcilable with these figures, which are derived from the Applicant's own data.

The table also demonstrates why the concept of "inexorable mitigation" is inappropriate. These are not marginal operational adjustments left in the hands of affected farmers or their contractors and their employees. They represent systematic constraints on ordinary agricultural practice across the majority of the route.

CHAPTER 7: BASELINE POSITION ON STATUTORY CLEARANCES

(May PN Bullet 1)

- 6.1 The Report addresses statutory clearances in general terms. It identifies the 9 metre minimum ground clearance required by the ESQCR and the ENA TS 43-8 framework for calculating passing clearances. The treatment is adequate as a statement of the legal framework but inadequate as an assessment of effects.
- 6.2 There are three material shortcomings:
- (a) The Report adopts an unreasonably narrow definition of the agricultural baseline. It does not record the actual machinery in use on affected holdings, the actual working configurations employed, or the actual crop types grown. Without a site-specific baseline, the assessment of effects cannot be site-specific.
 - (b) The machinery height “methodology” is deficient. The Report calculates a single maximum safe height for each span but does not identify which operations would exceed that height. It therefore cannot assess the frequency or severity of the constraint imposed.
 - (c) The Report does not address the ENA “*Look Out, Look Up*” guidance, which establishes a safe system of work for persons working near overhead lines. That guidance requires positive identification of line location and maintenance of safe distances. The Report does not assess the practical consequences of compliance with that guidance for agricultural operations conducted multiple times daily across extended periods.

CHAPTER 8: FORESEEABLE RISK OF DANGER

(May PN Bullet 2)

- 7.1 The Report does not adequately assess the foreseeable risk of danger to persons engaged in agricultural operations beneath or in proximity to the proposed conductors.
- 7.2 The Report contains no site-specific information on the machinery and equipment in ordinary use on the affected holdings. It has not surveyed landowners, tenants, or contractors to establish what equipment is used, at what working heights, and with what frequency.
- 7.3 The machinery height assumptions adopted are generic and do not reflect the range of equipment in modern agricultural use. In particular, the Report does not address combine harvesters with grain tank extensions deployed, telehandlers at working height, root and vegetable harvesters, or advanced sprayer booms on sloping ground.
- 7.4 The Report does not adequately address the variance in clearance arising from conductor sag under thermal loading i.e. in hot weather, and under load. Clearance at maximum conductor temperature may be materially less than clearance under normal

conditions. The Report provides minimum clearance figures but does not state whether these represent normal or maximum sag conditions, nor whether they account for the full range of foreseeable thermal loading.

- 7.5 A further risk not addressed in the Report is the Faraday cage effect. Agricultural workers operating metal-bodied machinery beneath a 400 kV overhead line are, in effect, within an electromagnetic field of significant intensity. The machinery in use does not provide the shielding of an enclosed Faraday cage because it is not a sealed conductor — open cabs, extended hydraulic arms, grain tanks with raised lids, and discharge augers all create pathways for induced current. The Report does not assess the risk of electric shock to operators from induced voltages on machinery, nor the cumulative physiological effects of working within an intense electromagnetic field. This is a foreseeable risk that the July PN required to be assessed.

CHAPTER 9: MITIGATION MEASURES

(May PN Bullet 3)

- 8.1 The Report relies entirely on what it terms “Tertiary (Inexorable) Mitigation”. It proposes no primary mitigation (design changes to eliminate the risk at source) and no additional secondary mitigation (engineering controls to reduce risk).
- 8.2 The concept of “inexorable mitigation” is not recognised in the EIA Regulations or IEMA guidance. “Inexorable” means *impossible to stop, relentless, unalterable*. Application of that term to deliberate operational restrictions on farmers is linguistically inept and legally unsound. It is a perversion of language. Where design alteration is possible (increased conductor height), the hierarchy of control requires the developer to eliminate risk at source, not to classify the victim’s forced adaptation as “*inexorable*.”
- 8.3 The reliance on tertiary mitigation is contrary to the established hierarchy of control under both the HSWA 1974 and the Management Regulations 1999. The hierarchy requires: (1) elimination of the hazard; (2) substitution; (3) engineering controls; (4) administrative controls; (5) personal protective equipment. The Applicant’s approach proceeds directly to administrative controls (operational restrictions on farmers) without addressing steps (1) to (3).
- 8.4 The Applicant could design out risk by specifying conductor heights that provide safe clearance for all foreseeable agricultural operations. It has chosen not to do so. The question for the Reporters is: why not? What design, environmental or technical constraint prevents the Applicant from providing clearance heights sufficient for a combine harvester with grain tank open (9.8m), or a root harvester (12.3m)? The Applicant has not answered that question. The clear inference is that no such constraint exists, and the decision is economic.

CHAPTER 10: AGRICULTURAL LAND-USE IMPLICATIONS

(May PN Bullet 4)

- 9.1 The Report does not adequately assess the implications of the proposed development for agricultural land use.
- 9.2 The route crosses prime agricultural land (“PAL”). The operational restrictions identified in the Report — limitations on machinery height, prohibition on certain activities beneath conductors, requirements for modified working configurations — constitute a material interference with the productive use of that land. The Report does not quantify the reduction in productive capacity, the constraint on crop selection, or the limitation on future agricultural development.
- 9.3 The Report does not address irrigation constraints. Modern irrigation equipment (rain guns, centre-pivot systems, linear-move systems) requires clearances and stand-off distances that may be incompatible with the proposed conductor heights. The Report does not identify which holdings use irrigation, what systems are employed, or what constraints would be imposed.
- 9.4 Compensation is not mitigation. The 2017 Regs require assessment of significant effects and identification of mitigation measures to avoid, prevent, reduce or offset those effects. Financial compensation does not avoid, prevent or reduce the effect; at best it offsets the economic consequence. The Report’s reliance on compensation arrangements as a basis for concluding that effects are not significant conflates two distinct concepts.
- 9.5 **The OHL comparability argument.** The Applicant relies on the existence of other overhead lines (79% of landholdings have existing OHL infrastructure). That reliance is unsound for three reasons.

First, existing lines are overwhelmingly lower voltage (132kV, 66kV, 33kV or 11kV) with materially different clearance profiles, conductor sag characteristics, electromagnetic field intensities, and risk profiles. A 400kV line is not comparable.

Second, existing lines may benefit from Regulation 33 derogations under the ESQCR which permit continued operation of lines installed before the current regulations. No such derogations are specified. The proposed development does not benefit from any derogation.

Third, the Applicant has not demonstrated comparability. It has not identified which existing lines oversail which holdings, at what voltage, at what clearance, or under what derogation. The assertion that existing lines ‘prove’ acceptability is therefore evidentially worthless.

CHAPTER 11: RESIDUAL SIGNIFICANT EFFECTS ON HUMAN HEALTH AND LAND USE

(May PN Bullet 5)

- 10.1 The Report concludes that there are no residual significant effects on human health or land use. That conclusion is not sustained by the evidence presented.
- 10.2 The residual significant effects which have not been adequately assessed include: (a) the risk of electrocution to agricultural workers operating machinery at or above the maximum safe height identified in the Report; (b) the risk of electric shock from induced voltages on metal-bodied machinery; (c) the constraint on productive agricultural use arising from height limitations on machinery; (d) the constraint on irrigation arising from stand-off requirements; (e) the constraint on crop selection arising from machinery limitations; and (f) the cumulative effect of all of the above across the 298 agricultural spans.
- 10.3 Until these effects are properly assessed, and proper mitigation identified, the Reporters cannot reach the reasoned conclusion required by Regulation 19(2).

CHAPTER 12: HEALTH AND SAFETY COMPLIANCE

ESQCR 2002

- 11.1 Regulation 3 of the ESQCR imposes a general duty on generators to ensure that their equipment is sufficient for the purposes for which it is used and is so constructed, installed, protected and maintained as to prevent danger, so far as is reasonably practicable. The duty is on the generator, not on the landowner or farmer.
- 11.2 Regulation 17 specifies minimum clearances for overhead lines. The minimum ground clearance for conductors at or above 400kV is 7.3 metres (Schedule 2). The 9 metre figure adopted by the Applicant includes a safety margin above the statutory minimum but remains below the clearance required for many items of agricultural machinery in ordinary working configuration.

Health and Safety at Work etc. Act 1974

- 11.3 Section 3 of the HSWA 1974 imposes a duty on every 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 exposed to risks to their health or safety. The Applicant is the relevant employer. Farmers and agricultural workers are persons not in the Applicant's employment who may be affected by the conduct of the Applicant's undertaking.
- 11.4 The duty under section 3 is not discharged by reliance on third parties' compliance with safe systems of work. The duty requires the Applicant to ensure that its undertaking (the installation and operation of the overhead line) does not expose

others to risk. Where the design of the line creates a risk, the Applicant's duty is to eliminate or reduce that risk through design, not to transfer it to others.

Management of Health and Safety at Work Regulations 1999

- 11.5 Regulation 3 requires every employer to make a suitable and sufficient assessment of the risks to the health and safety of persons not in his employment arising out of or in connection with the conduct of his undertaking. The Applicant has not produced evidence of such an assessment in relation to agricultural operations.

Electricity at Work Regulations 1989

- 11.6 Regulation 14 prohibits work near live conductors unless it is unreasonable to make the conductor dead, suitable precautions are taken, and the work is reasonable in all circumstances. Agricultural operations beneath a 400kV overhead line constitute 'work near live conductors'. The obligation to take suitable precautions falls on both the duty holder (the Applicant) and the person carrying out the work.

CHAPTER 13: FURTHER INFORMATION REQUIRED BEFORE DETERMINATION

- 12.1 The following information is required before the Reporters can be satisfied that the Applicant has adequately responded to the May and July PNs:
- (a) A span-by-span schedule of clearances under maximum sag conditions, identifying for each span the maximum safe machinery height;
 - (b) Site-specific evidence of the machinery and equipment in ordinary use on each affected holding;
 - (c) A schedule identifying each span where the maximum safe machinery height is less than the foreseeable working height of machinery in ordinary agricultural use, together with the precise mitigation proposed for each such span; and
 - (d) An assessment of the land-use, productivity and socio-economic effects of the operational restrictions identified in the Report, including effects on crop selection, irrigation, harvest logistics, and future agricultural development.

CHAPTER 14: REQUESTED OUTCOME AND INQUIRY SESSIONS

- 13.1 The Objectors invite the Reporters to find that the Report does not adequately answer the May PN.
- 13.2 In the alternative, if the matter is to be tested at an inquiry session, the Objectors request that the inquiry include sufficient time for the examination of witnesses on the matters identified in these representations.

13.3 Specific witnesses identified or to be identified:

- (a) An independent agricultural consultant with expertise in modern arable and mixed farming operations in NE Scotland, to give evidence on actual machinery heights, working configurations, and operational consequences of clearance restrictions. Estimated time: 1 day.
- (b) An independent electrical safety specialist with expertise in high-voltage overhead lines and agricultural risk, to give evidence on ESQCR compliance, passing clearances, electromagnetic effects, and induced voltages. Estimated time: ½ to 1 day.
- (c) The Applicant's Principal Designer under CDM 2015, to give evidence on the pre-construction phase risk assessment, the design decisions relating to conductor height, and the extent to which agricultural operations were considered in the design process. Estimated time: half a day.

13.4 Key topics for inquiry session:

- (i) Whether the cable clearance heights as proposed are sufficient for safe ordinary agricultural operations in the chosen locations without modification of practice;
- (ii) Whether the Applicant has actually complied with ESQCR Regulation 3;
- (iii) Whether "tertiary mitigation" constitutes adequate mitigation for EIA purposes;
- (iv) The quantified land-use, productivity and socio-economic effects of the operational restrictions identified in the Report; and
- (v) The interaction between this Matter 1 and the MAH pipeline condition addressed in Matter 7.

13.5 Estimated total inquiry time for these Objectors: 2 ½ to 3 days.

RESERVATION OF POSITION

The Objectors reserve their position as to whether consent can lawfully be granted on the totality of environmental information presently before the inquiry.

PART B: SCHEDULE OF FURTHER INFORMATION OMITTED

The following schedule identifies information which the Applicant's Report omits and which is required for the purposes of the 2017 Regulations and the May and July PNs.

No.	Information Omitted	Legal/Procedural Basis	Materiality
1	ESQCR Regulation 3 risk register for each span	ESQCR 2002 Reg 3; CDM 2015 Reg 9	Required to demonstrate compliance with duty to prevent danger so far as reasonably practicable
2	Span-by-span schedule of clearances under maximum sag conditions	EIA Regs Sch 4 para 5; ESQCR Reg 17	Necessary to identify spans where clearance is insufficient for agricultural operations
3	Site-specific agricultural baseline evidence for each affected holding	EIA Regs Sch 4 para 3 (baseline)	Without baseline, effects cannot be assessed on a site-specific basis
4	Reasoned statement on relationship between ENA TS 43-8 and <i>Look Out Look Up</i> guidance	ENA TS 43-8; HSE GS6	Reconciliation required to establish applicable safe working distances
5	Assessment of machinery in ordinary working configuration (not transport mode)	EIA Regs Sch 4 para 5; ESQCR Reg 3	Machinery at working height presents the foreseeable risk; transport height is irrelevant
6	Schedule of spans where maximum safe height is less than foreseeable working height	EIA Regs Sch 4 para 5	Identifies the specific spans where significant effects arise
7	Precise mitigation schedule for each risk span	EIA Regs Sch 4 para 7	Required to demonstrate that adequate mitigation exists for each identified effect
8	Land-use implications assessment per span	EIA Regs Sch 4 para 5; T&CP(S)A 1997	Required to assess effects on productive capacity of prime agricultural land
9	Irrigation constraint mapping	EIA Regs Sch 4 para 5	Rain guns, centre-pivot and linear-move systems require specific clearances and stand-offs
10	Comparative assessment of alternative OHL designs providing greater clearance	EIA Regs Sch 4 para 2 (alternatives)	Required to demonstrate design is optimal; hierarchy of control requires elimination at source
11	Distinction between compensation and mitigation	EIA Regs Sch 4 para 7	Financial compensation does not avoid, prevent or reduce environmental effects
12	CDM 2015 compliance evidence (Principal Designer risk assessment)	CDM 2015 Regs 9, 11	Pre-construction phase requires consideration of foreseeable risks to non-construction workers
13	Rain gun stand-off distance mapping for all spans	ENA TS 43-8; ESQCR Reg 3	30m stand-off requirement may sterilise significant areas of agricultural land

14	Contractor notification and warning system evidence	HSWA s.3; Management Regs Reg 10	System for warning agricultural contractors of OHL presence not specified
15	Crop rotation constraint assessment	EIA Regs Sch 4 para 5	Height restrictions may preclude certain crops requiring tall harvesting machinery
16	Harvest logistics assessment (time-critical operations)	EIA Regs Sch 4 para 5	Modified operations during time-critical harvest may cause crop loss
17	Socio-economic assessment of affected farm businesses	EIA Regs Sch 4 para 5 (population)	Viability of farm businesses may be affected by operational restrictions
18	Night and time-pressure working risk assessment	HSWA s.3; Management Regs Reg 3	Harvest operations conducted at night or under time pressure increase risk of contact
19	Future machinery evolution assessment	EIA Regs Sch 4 para 5 (40-year operational life)	Machinery is increasing in size; assessment must consider foreseeable future equipment
20	Climate-driven irrigation demand assessment	EIA Regs Sch 4 para 5	Climate change projections indicate increased irrigation requirement in NE Scotland
21	Faraday cage and induced voltage assessment for agricultural machinery	EIA Regs Sch 4 para 8; ESQCR Reg 3	Electromagnetic induction on metal-bodied machinery is a foreseeable risk to operators
22	Cumulative effects assessment with other infrastructure	EIA Regs Sch 4 para 5	Cumulative constraint from multiple lines, pipelines and other infrastructure not assessed
23	Monitoring and enforcement mechanism for operational restrictions	EIA Regs Sch 4 para 7	If mitigation relies on farmer compliance, mechanism for ensuring compliance must be specified
24	Alternative design options assessment (increased tower height, modified geometry)	EIA Regs Sch 4 para 2	Applicant has not demonstrated that design providing greater clearance is not feasible

JDC for NOTKUP & STRATHMORE ESTATES

7 August 2026