

Electricity Act 1989
Town and Country Planning (Scotland) Act 1997
Code of Practice for Electricity Act Inquiries (DPEA)
Kendoon to Tongland Reinforcement OHL Public Examination

DPEA reference TLR-170-4 re Application ref. ECU00002128

Kendoon to Tongland 132 kV Reinforcement Project known as the “KTR Project”

CLOSING SUBMISSION for GALLOWAY WITHOUT PYLONS, following a Public Examination

held at Castle Douglas and Kirkcudbright on dates in October, November 2022, and in February and March 2023.

1 INTRODUCTION

This is the Closing Submission presented by **Galloway Without Pylons (GWP)** to a public local inquiry convened by Scottish Ministers under the Electricity Act 1989 Sch 8, into five applications made under the Electricity Act 1989 (EA), s. 37 (EA37), together bearing the DPEA references TRL-170-1 to 170-5 (the Applications).

2 APPLICATIONS

The Applications are five connected applications made by Scottish Power Energy Networks (SPEN), for a 32.5km 132kv overhead electricity line, to be strung on steel lattice towers, with associated development, running between Kendoon and Tongland substations, in Dumfries & Galloway Council Area (DGC) (together “the Proposal”). The Proposal is known as the KTR project.

3 PUBLIC INQUIRY

Following consultation, an objection to the Proposal was registered by DGC, in whose local authority area it is intended that the Proposal be constructed. In those circumstances, the EA requires by Schedule 8 that a public inquiry be held. Any consent issued under EAs.37 imports a deemed planning permission, by virtue of the Town and Country Planning (Scotland) Act 1997 (TCPA97), s. 57.

DGC has duties to regulate that Permission and, potentially, any other conditions imposed by Ministers if the Applications are granted. Accordingly, the Electricity Act 1989 and the Scottish Planning Acts, with associated guidance and policy, regulate the decision.

4 DUMFRIES AND GALLOWAY COUNCIL

DGC did not appear at the Examination. GWP submits that that was regrettable. The Council ought to have found a way to attend in a case of such importance to so many people. The absence of their evidence has hindered the process. It is submitted that this was a significant failure in DGC's its obligation to its population, particularly anomalous because the Council was not present to support its own objection to the Proposal. So far as they have become known or partly known, the Council's views have become irrelevant on account of DGC's absence, as they remain entirely untested.

Documents lodged on 9 May 2023 do not say that the final position of the Council has been placed before any Committee. What then is its status?

It is regrettable that a voluntary, poorly resourced Objectors' Group has had to carry the immense burden and cost of examining the Proposal, critiquing the evidence and examining the Applicant's witnesses.

DGC has blamed a lack of resources in the current economic climate. GWP respectfully suggests that in order to avoid in future the gross imbalance and inequality which this Examination has demonstrated, a way must be found for Councils to be required to participate in such Examinations for the benefit of their public.

5 GALLOWAY WITHOUT PYLONS

GWP is an unincorporated broadly based third party objector group, convened by means of informal popular support in 2017-18 for the sole purpose of participation in the consenting and Examination processes for the Proposal. It has participated in these processes since it was founded. The group's purpose is to critically examine that part of the five applications referenced as TRL-170-4; that is, the section of the Overhead Line (OHL) proposed to run on steel lattice towers from Glenlee to Tongland.

GWP has recorded about 600 supporters. It has no external funding or other interest, other than in the Proposal. 950 representations objecting to the Glenlee to Tongland section were lodged with the DPEA.

We live in well informed times. This case has been characterised by a skilful and carefully planned presentation from the Applicant's skilled professional team, and by a cross section of well informed members of the public, each with his or her committed business or personal interest in the locality. They are the host community, upon whose interests the Proposal will impact if it is built. The evidence suggests that their locality is very important to them.

It is to the severity of the many predicted impacts that much of GWP's evidence and assessment has been directed. This Proposal, on examination, has been seen to be vigorously and informatively opposed by a large segment of the affected population. Nevertheless, GWP does not claim any exclusivity of representation. Opposition to the Proposal has been wide ranging in the affected area.

6 STATEMENT OF CASE

The case for GWP has been presented to the Examination according to the chosen topic headings set out in the Examination's agendas, save that GWP did not lead evidence in either the LVIA or the Forestry Inquiry Sessions. At the request of the Reporters, a Statement of Case or Summary of GWP's case in the Examination against the Proposal was submitted on 12 April. GWP adheres to that Statement of Case, and adopts it here for the sake of brevity.

7 EVIDENCE

REPRESENTATION, STATEMENTS, REPORTS and WRITTEN STATEMENTS

Initial submissions were made by GWP in their own formal Representation dated 15 January 2021. The initial arguments advanced, although later developed in Inquiry and Hearing Sessions, have remained consistent with those submissions throughout the Examination process.

GWP continues to rely on that formal Representation.

Evidence is before the Examination in a number of forms.

Hearing Statements were submitted by GWP as follows

GWP HS-1 LDP and other guidance

GWP HS-2 Socio-economic impacts and tourism

GWP HS-3 Statutory context and National Energy Policy and National Planning Policy

GWP HS-4 Strategic Route Selection and Design

GWP HS-5 Traffic and Transport

GWP HS-7 NPF 4 and OWPS, Energy Strategy and Biodiversity, and

GWP HS-8 GWP's reply to the Applicant's response to Procedure Notice 4 dated 14.4.23

Inquiry Reports were prepared and submitted on behalf of GWP as follows

GWP IR-1 EIA Methodology

GWP IR-2 Strategic Alternatives including undergrounding and comparison of benefits and harms.

GWP IR-3 Technical and economic justification for the Proposal.

GWP IR-3a Supplementary Inquiry Statement on Technical and Economic Justification for the Proposal.

Written Statements, supplemented by some oral evidence were lodged by 34 contributors to an Evening Session. Their names and subjects were submitted in a list lodged in advance, to be found at Appendix 1.

Spoken, mainly technical Witness evidence was taken from Dr Chris Ford, BA, MBA, MSc, MRTPI a Chartered Town Planner, holding a doctorate in the 'Spatial dimension of energy systems and energy policy'.

GWP was **represented** by Senior Counsel.

GWP has lodged the following **documents** in support of its case

GWP 1 ESO Electricity Ten Year Statement
 GWP 2 ESO Final TNUoS Tariffs for 2021/2022
 GWP 3 ESO Regional Breakdown of FES 2022
 GWP 4 Power Production and Transmission in the Countryside: Preserving Amenities *Hinton and Holford*
 GWP 5 ESO National Grid Final TNUoS tariffs for 2016/17
 GWP 6 ESO Net Zero Market Reform Phase 3 May 2022
 GWP 7 OFGEM Modelling approach and assumptions May 2022
 GWP 8 BEIS Review of Electricity Market Arrangements Closing date October 2022
 GWP 9 OFGEM R110-2 Sector specific methodology – Core Document
 GWP 10 Scottish Enterprise – Scottish Offshore Wind Market ‘A sea of opportunity’
 GWP 11 SPEN Electricity Ten Year Statement – 2021 Appx B
 GWP 12 SPEN Embedded Capacity Register June 2022
 GWP 13 Background to Need Case in D & G 2015
 GWP 14 SP Manweb The N.Wales Wind Farms Connection Project: Strategic Options Report March 2015
 GWP 15 The Holford Rules
 GWP 16 Photographs of Laurieston
 GWP 17 ESO Thermal Constraint Outturn 2021-2022
 GWP 18 ESO Thermal Constraint Outturn 2022-2023
 GWP 19 OFGEM Eastern HVDC; Conditional Decision: Final Needs Case
 GWP 20 BEIS Treasury Government Press Release on Energy Prices Bill 11 Oct 2022
 GWP 21 Ch 1 EIA Devol Moor to Erskine
 GWP 22 OFGEM Decision on the initial findings of our Electricity Transmission Network Planning Review
 GWP 23 DESNZ – Review of Electricity Market Arrangements
 GWP 24 CCC – Progress in reducing emissions in Scotland 2220 Report to Parliament
 GWP 25 House of Commons Scottish Affairs Committee 17 June 2021

8 STATUTORY FRAMEWORK AND NATIONAL ENERGY and PLANNING POLICIES: LDP COMPLIANCE

It is obvious that all infrastructural proposals must follow rules. Electrical Power Transmission is “development” and is no exception. Authorised by Statute, regulated and shaped by ever changing policy developments and limited or constrained by environmental rules and considerations, the “rules matrix” ought to have produced a coherent and logical Proposal. Regrettably it does not seem to have done so. It should not have been so hard to distil clear common sense

conclusions from the competing interests which should have been brought into consideration.

GWP HS-1 is GWP's evidence on the Local Development Plan and related guidance; GWP HS-3 is GWP's Hearing Statement on the Statutory Framework and related policy topics; GWP HS-6 and 7 are GWP's later evidence on NPF 4 and related policy issues, and should be read with GWP's Response to Procedure Notice 4.

GWP does not repeat those here for the sake of brevity, but relies on them in this submission.

The Proposal is to be situated in an area of high landscape and scenic value which is highly sensitive, including the Regional Scenic Area. The LDP's Policy OP1 requires OHL development to respect the landscape and scenic areas. The D& G Landscape Assessment proposes this should be done by undergrounding. That is a view widely echoed in the evidence. GWP proposes that moderation of effects on the landscape and on scenic areas can be achieved by deploying OHLs on poles at modest height rather heavy transmission lines on 35m high pylons. That is not an alternative that has been evaluated, but it was defensively dismissed by the applicant in oral evidence.

GWP submits that the Proposal does not comply with the EA Schedule 9(3) criteria, which are "have regard to" the desirability of preservation of natural beauty, flora, fauna etc, and to do what "it reasonably can" to mitigate any effect which the Proposal would have on the natural beauty of the countryside or upon flora, fauna, etc. These criteria are general but not prescriptive planning guidance. It is self evident that the impacts of a line on poles or even two parallel lines on poles have not been evaluated for their landscape effects, and would impose to a far lesser extent on the natural beauty and landscape.

Reading between the Act's criteria and the recently adopted NPF 4 make it clear that NPF4's strong support for national developments of Transmission Infrastructure are all tempered by the Framework's renewed focus on the conservation of valuable landscapes and natural beauty. Transmission Infrastructure is labelled generally as a National Development, and therefore to be prioritised, but that is only an effective priority if other priorities of similar importance are not impugned. It must be self evident that if power lines are not

needed, and there is no clear evidence of production capacity to make use of them, then they do not deserve to be treated as a priority item for consent.

NPF 4 does not imply a consent; it sets standards and identifies possibilities, some stronger than others. The Proposal attracts no support from NPF 4's generally 'prioritising' approach, and Policy 3 Biodiversity, Policy 4 Natural Places and Policy 11 Energy together set the bar high in a situation, as here, where the landscape is itself protected by designation; where recreation tourism has been shown to be the a major focus of an otherwise fragile economy, and additional renewable generation is – to put it no higher - unlikely. Adding emphasis is the express requirement to tackle the nature crisis by enhancing biodiversity. The balance tips away from the KTR project when it is easy to see how difficult the applicant has found it to justify the Proposal. NPF 4's cautious parameters, read as a whole, are now statutory requirements and in this case they cannot be fulfilled.

GWP made separate written submissions (GS HS-7 and HS-8) on the impact of NPF 4 and the crystallisation of the draft Scottish Energy Strategy and Just Transition Plan, the updated Onshore Wind Policy 2022 and the draft Scottish Biodiversity Strategy to 2045. Those are adopted here.

Turning to current guidance and rules, with respect to Transmission Infrastructure NPF4 also states that "*delivery of this national development (i.e. Transmission Infrastructure)will be informed by market, policy and regulatory developments and decisions*" (p.104).

It is suggested that '*Informed by*' means that such matters are to be weighed in the balance in the decision-making process. This means that: '*the market*'; '*policy*'; and '*regulatory developments and decisions*' all have to be considered in this decision. In the body of evidence, at least until the applicant's reply to GWP's Response to PN 4 sent late on Friday 5 May, GWP alone has provided a view of market conditions. These have unfortunately been met with inappropriate personal derision from the Applicants. GWP HS-7 and Documents GWP 22-25, have not been discussed in oral session.

GWP HS-7 para 1.16 is part of a submission *in response* to the Applicant's submission on NPF 4 and the OWPS and related material, etc. Is it being suggested by the Applicant that an informed witness's reply to the Applicant's

Response, being a Reply which brings the Examination right up-to-date, is somehow illegitimate? That appears to be the direction of the criticism of paras 1.16, 2.3 and 3.2 of HS-7. Naturally, GWP does not agree and invites the Reporter and Scottish Ministers to conclude likewise.

It is impossible to see the Applicant's pseudo-criticism of GWP's witness's evidence as anything other than a misfire within this Examination process. Dr Ford's qualifications have not been challenged at any time in the Examination. His evidence has been robust and fully backed with relevant documents. The Examination has been carefully designed by the Reporters to enable them to make informed recommendations to Scottish Ministers, and GWP has helped to equip them to do this.

9 TECHNICAL JUSTIFICATION FOR THE PROPOSAL

10 ECONOMIC JUSTIFICATION FOR THE PROPOSAL

GWP relies on the Inquiry reports GWP IR-3 and IR-3a, and Dr Ford's Precognition.

GWP's submissions on these two topics may be taken together here. The Inquiry Reports (IR-3 and 3a), with the aid of simple diagrams and the explanation in paragraph 6-18 explains the Objectors' position. IR-3a responds to the Applicant's welcome updated information and concludes The simple but plain conclusion from the wider context for the KTR Project is that "there is no foreseeable need for more generation of wind energy from south-west Scotland, beyond the existing capacity already connected and supply energy without constraint to the transmission system. There is therefore no need to provide for increased generating capacity at Tongland and no need for increased transmission capacity between Glenlee and Tongland. Or indeed beyond Glenlee."

Dr Ford's Precognition picks up Dr Kadar's response.

The technical justification for increasing line capacity for the Tongland Branch is, in the submission of GWP, in serious doubt. The Applicant's submission of 5 May 2023 relies on the need to secure supplies to 13000 customers and the removal of end of life assets. However, Dr Kadar's Precognition at para 2.13 expresses the justification differently, namely that the two key drivers are "*the*

replacement of ageing assets in the area and the provision of much needed transmission capacity to allow connection of renewable generation.” These are not the same thing. If anything, the Applicant’s stance on ‘need’ for the Proposal is supportive of GWP’s position.

The removal of the Tongland to Dumfries circuit is outwith the defined ambit of the Project. There is no detailed evidence as to its condition nor as to the costs (both actual and implied) of leaving it in place. The assumption is made that it needs to be replaced now because of its age, but the Applicant has shown no evidence that any assessment been made of the cost of leaving it in place for another, 5, 10, 15 years? None has been made.

Although the removal is assumed to be a benefit flowing from the Proposal, it has not been part of the Proposal. The cost of removing that line is not known because it has not been assessed, economically or environmentally. The Applicant has simply assumed that because Tongland to Dumfries is a greater overland distance than the distance from Glenlee to Tongland, that greater benefit will flow from the removal of the longer line, and the Glenlee to Tongland replacement will be less expensive. But - the OHL from Glenlee to Tongland runs through the RSA, as discussed, yet almost all of the route from Tongland to Dumfries not only avoids the RSA but also avoids other sensitivities such as Ancient and semi-natural woodland. These are benefits which have a value, but that value is unknown and not been in any way environmentally assessed. The EIAR does not consider this issue.

Further, the existing Glenlee to Tongland line is a single circuit. There has been no consideration of replacing it with a single circuit, but only of replacing it with a double circuit OHL on lattice towers. The Applicant is wedded to that solution, since this segment flows from the earlier DGSR proposal (which looked at substantially larger scale proposals across the whole of Dumfries and Galloway). There has been no fresh re-assessment of other potential solutions. The proposal is therefore premised on the need (sic) for a double circuit to “allow connection of renewable generation” in an area which is manifestly unsuitable for additional renewable installations, and which has already suffered one refusal (at Mochrum Fell).

The Applicant has not clarified its approach, nor has it responded to the suggestion (Ford: Precognition, page 5) that the 35km wider coastal belt of

Galloway is intrinsically unsuitable for modern renewable generation. There are no outstanding windfarm applications there, while north of Glenlee more than 2GW of connections are awaiting decisions and/or connections.

Finally, there is no analysis of the effect of OFGEM's derogation upstream and north of Glenlee. The derogation permits long-term operation of the OHL in non-compliance with SQSS and in such a way that all generation in SW Scotland (served by KTR) will remain constrained. Those circumstances by themselves suggest that Dr Ford is correct.

11 EIA METHODOLOGY AND CONSULTATION

GWP IR-1 is GWP's Inquiry Report on this topic. It is accompanied by Dr Ford's precognition of 10 October 2022. The case made for GWP is that the "project" is not fully described; and that not all reasonable alternatives were considered.

On the first matter, the removal of the Tongland to Dumfries circuit is not part of the Proposal - the "project" submitted for EIA. The Applicant cannot draw benefit from something they assert may happen if it is not part of the Proposal. And it is not. The Applicants did not consider a new connection to Tongland via Dumfries as an option. GWP made the case that that omission from the EIA Report meant, in effect, that "the project" had been incompletely defined, and that a key component of the "project" overall had been sliced out of the EIA. Ms Kate Wigley, for the Applicant, disagreed (Prec, para 7.3) but she did not explain why it had been excluded.

Secondly, GWP's witness considered carriage of the OHL on poles (as having a lesser overall impact), which the Applicants had not. The possibility of using poles was subsequently rejected by the Applicant's witnesses in oral evidence.

On reconsideration, GWP is respectfully unable to concur with Ms Wigley and continues to maintain that there are fundamental shortcomings in the EIA process, as carried out. If the EIA is judged to be incomplete, which it clearly is, that may draw any favourable decision into controversy and make it liable to challenge.

12 CONSIDERATION OF STRATEGIC ALTERNATIVES TO THE PROPOSAL, INCLUDING UNDERGROUNDING

GWP'S Inquiry Report (GWP IR-2) and Dr Ford identified and were critical of SPEN's consideration of alternatives – that is, alternative means of carrying power. Consideration of strategic alternatives by the applicants is considered to have been limited, save for undergrounding. GWP has recognised the additional cost of undergrounding, but does not understand why the section of the line following the existing route cannot be placed underground, or why mixed options of UG/OHL could not be considered. For example, the existing line could have been followed, with partial undergrounding of that part of the line that includes Loch Ken Ken and River Dee Ramsar site, and the SSSI. The Applicant argues that the extra cost is £96m, but what is the real cost? These following factors must be considered in a realistic CBA to determine the “real cost” of the project.

- Initial investment costs of both OHL and UGC
- Operation and maintenance savings resulting from an UGC
- Reliability value of the UGC compared to the OHL
- Aesthetic value to residents and visitors of UGC compared with OHL
- Safety issues related to both UGC and OHL
- Value of lost tourism revenue with the OHL during the construction phase.
- Value of lost tourism revenue after completion during the lifetime of the project

Undoubtedly the cost of undergrounding is greater. Without professional support GWP's evidence has shown that the Applicant has been wedded to an OHL on lattice steel towers from the outset of the wider Dumfries and Galloway study. It is a matter of admission that (save for the Undergrounding Report) other alternatives were not reviewed since the choice of an OHL to be carried on towers was made.

13 STRATEGIC ROUTE SELECTION and DESIGN STRATEGY

HS-4 is GWP's Hearing Statement on this topic.

Ostensibly driven by “overarching” technical and economic considerations, the Applicant's strategic route selection depends on ‘technical feasibility and economic viability’. These terms are linked to the Applicant's requirement for

the replacement of life expired towers, cables and conductors on the existing OHL. 'Viability' in this context has not been explained in the Applicant's evidence.

The Routing Corridor identification was evidently undertaken as part of the wider DGSR project to develop a new high-voltage electricity transmission network from Auchencross to Hawker. That was rejected by OFGEM. Regrettably, there has been no reassessment of local circuits, and earlier choices have been confirmed.

GWP submits that its Hearing Statement raises important questions for consideration by the Reporters and Ministers

GWP raised legitimate questions about compliance with the Holford Rules. The Applicant has not ignored the consequences of traversing the Galloway Hills RSA and Solway Coast RSA, which are singularly important in this case, and underpinned the Council's objection. But it justifies the traverse of the RSA by the exclusion of alternatives, not by an analysis of effects on the integrity of the designated area. The GHRSA and the Galloway Forest Park are the most important *natural* tourist and recreational destinations in SW Scotland by some measure.

Mr Bell's Hearing Statement does not seek to assess the self-evident tension in policy guidance in the Applicant having chosen to traverse the RSA. That task is left (Bell, Hearing Statement para 4.4.4) to Mr Walker, the Landscape Architect.

In Chapter 8 of the Inquiry Report Mr Walker presents his assessment of the impact on the RSAs, identifying 'locational need' (8.13) and the historical evolution of the GHRSA; the absence of a prescriptive ban on development within locally designated landscape (8.33 *ff*); pre-existing routes for OHLs; a windfarm decision (8.34); the small percentage of the RSA to be taken by development (8.55); tree screening; (8.58); and even the contribution of the Galloway Hydroelectric schemes to industrial and cultural heritage (8.92). The removal of the R route is highlighted as a countervailing benefit (EIAR page 7-92, para 7.279). It seems there that it is the removal of the R route that leads to the conclusion that the integrity of the RSA will not be compromised.

In what can hardly be described as a ringing endorsement Mr Walker finally concludes that “the form and scale of the infrastructure would *not be incongruous* with the landscapes of the RSA” (8.93). The double negative seems deliberate. The landscape is said to be “capable of accommodating the form and scale of infrastructure proposed” yet the author has found it “...difficult to...appraise if the scenic quality of the RSAs would be compromised by the landscape and visual effects predicted...”

Inconsistently, however, the Proposal “would (not) significantly adversely affect the factors taken into account in (the designation.”. It is submitted that the 60 pages of wireframes in Mr Walker’s examination do not support that proposition. Mr Walker is obviously professional and skilled as a landscape architect, but GWP struggles to an extent with his linguistic contortions. He is clearly striving to support the chosen line, but if his evidence is read carefully, he does so without enthusiasm.

It is submitted that the 60 pages of wireframes in Mr Walker’s RVAA evidence (Appx C) do not support his conclusion. If the reasons for the wider landscape designation have not been articulated by the Council, would one not expect to see the Applicant’s witness actually assess the value of the landscape for the Examination.

It is axiomatic that the number and size of towers and the presence of the OHL are bound to impose upon the landscape to a highly significant extent. The questions for the Reporters and Ministers will not be whether the intrusions on the landscape can be accommodated. Of course they can. Anything can be built. It will be whether the merits of the landscape designation and the highly significant and intrinsic value of the GHRSA and the Solway Coast RSA should be overcome by the supposed need for the Proposal. GWP say it cannot and should not.

14 FORESTRY IMPACTS

GWP did not present any independent forestry evidence. GWP defers to the evidence of Mr Doug Howieson, the FLS Conservator for SW Scotland and his colleagues.

15 ORNITHOLOGY

In a brief Statement, Ms Nancy Harrison highlighted the importance of the Nightjar assemblage in the location of the proposal. RSPB, whose work is strongly endorsed by local people, has estimated 95% of the Scottish population is resident in the RSA. That evidence is obviously important, and unless the Reporter is satisfied that the population will not be damaged, it is simply unthinkable that the routing of the Proposal would take in any location where this elusive and rare species is to be found.

16 SOCIO-ECONOMICS, TOURISM AND RECREATION

Mr Paul Swift's hearing statement and the evidence of those attending the Evening Session covers aspects of the local economy. They defy easy summary. Each is important, but particular mention is made of the success of Galloway Cycling Holidays (Esther Tacke), which has attracted a World Championship Gravel Cycling Competition to the Galloway Forest Park. 151 representations from outside the area said they would not return if the OHL is built as proposed, or would at least not return during the construction phase. IF there is no empirical link between visibility of the OHL and impact on visitor satisfaction, why is the removal of the R route line of any value at all? The disparity in height should be noticed; 20 m on the R route, but 35m on the Proposal.

GWP does not detect that the widespread local opposition by those with an interest in tourism and recreation has been seriously contradicted in the applicant's evidence or questions. In short, there appears to be no denial that local impacts will be significant and intense. The principal concern of those directly affected by this proposal is the impact on many forms of visitor accommodation, recreation and attraction. The Reporters' and Ministers' attention is particularly drawn to the minutiae and careful worked-out detail of the contributions from participants in the Evening Session.

The significance of the tourism economy to this part of Dumfries & Galloway cannot be overstated. In an area of known economic fragility, the many and varied impacts of large-scale infrastructure construction stretching over many years cannot but have an adverse effect. The Examination has a collection of powerful evidence from individuals attending the Evening Session, and this includes business owners and the Galloway and Kirkcudbright Fishing Club.

17 TRAFFIC AND TRANSPORT ISSUES

The impacts of large scale traffic movements over many years with rural life is so well understood as to require no further explanation. Credible local witnesses explained it in even more excruciating detail. The draft conditions will be useless for Laurieston because there is nobody nearer than Dumfries to enforce them and DGC do not have the resources. The particular circumstances of Laurieston and the surrounding area deserve repeated emphasis. A bespoke “Laurieston Condition” is needed, but so far has not been forthcoming in draft from the Applicant and is (mysteriously) resisted in correspondence.

Dr Louise Cumbley, Mr Paul Swift and the Evening Session witnesses all made these points in their own ways. The implications for residential amenity, road safety, children, road facing businesses and homes, and the rural green environment will be simply devastating. It is well documented that contractors neither care or take care, but regard the roads as their own until they have an accident or a better alternative is provided. This is not acceptable. It is not for the Community, in opposition, to draft Planning Conditions. The Community has fully understood the dangerous issues involved and the safety measures which may be adopted - it is for the Applicants (and the Council, if they apply themselves) to prepare and manage Conditions which can be made to work.

A better way to take the materials, people and equipment to site must be found. The C13 is so obviously unsuitable that it simply cannot be used. Junction controls, white lining, parking provision, speed limits, single filing, the health and safety of children, heavy and light traffic management and monitoring, and repeated compulsory education of contractors (the list is not closed) are all necessary and must be prescribed if the Proposal is to receive consent.

18 OTHER CONDITIONS

GWP took part in the Conditions session. Aside from mild editing, it has no confidence in either the Applicant or the Council to ensure that they work to protect rural and village life. Breaches of planning and/or EA conditions are a notoriously weak and ineffective protection against contractors working to a time scale. Dumfries (where the Council is located) is 30 miles from the site.

19 SUPPLEMENTARY MATTER - 5 MAY 2023

On 5 May the Applicants replied (in a 'Further Written Submission') to GWP's Hearing Statement of 14 March 2023, itself in reply to the Applicant's Response to PN 4. Thanks to the generosity of the DPEA over time limits for submissions it is possible now to tender a brief response to this tendentious document. The precise authorship of the document is attributed only in part. But it is clearly submitted on behalf of the Applicants. We ignore all the pejorative language in part 1, which does not advance the case in any respect. No case is not made any stronger, or indeed weaker, by the use of insults.

In his contribution, Dr Ford simply pointed out the wider policy implications of the three identified paragraphs (1.16, 2.3 and the penultimate sentence above 3.3) to which the Applicants had taken exception. He backed his professional, expert opinion, with documents from the public domain. These matters were not available during the inquiry. Far from this being 'new evidence' it simply elucidates and explains his earlier contribution and brings the Reporters and Ministers up to date. What is striking is that the Applicant's do not engage on these policy questions, apart from simply refuting what Dr Ford has said and denying their relevance.

On the matter of Part 2 (of the 5 May Further Written Submission), and accepting Mr Kadar's authorship (para 1.7), with the utmost respect his assertions of 'compelling need' do not take us forward. The Tongland to Dumfries circuit is not a matter which this inquiry has to consider (see §11 above). Assumptions cannot be made about it. If we recognise that, then the need for replacement of a single circuit takes on a different context. Life expiry has not been proved; Mr Kadar said it has been tested against industry standards, but we do not see evidence of that. It cannot be that Mr Kadar has not recognised that the Dumfries to Tongland connection is not part of the Proposal. He certainly implies that it is, or should be. But it is not. That is why the Inquiry heard evidence about the adequacy of the EIA.

REMA is now part of the context of Transmission consenting, as is Charging; it is with respect perhaps disingenuous to say that the Reporters should not know about these developments or consider them in context.

GWP agrees (of course) that these issues have already been discussed in evidence; it does not agree that the matters and documents brought forward in

support of what is being said by Dr Ford (all from the public domain) are “new evidence”, or that they are irrelevant since these matters have already been the subject of evidence in the Technical and Economic Justification sessions. It is tempting to speculate as to why the Applicants are so sensitive about this well worn material. GWP refrains from doing so.

19 CONCLUSIONS

GWP is grateful to the Reporters for a uniformly positive inquiry experience. It is appropriate to record particular thanks to Ms Maclean of the Applicant’s solicitors, for her assistance with document management.

Regrettably the Proposal is poorly thought out, and only partially assessed, and breaks so many rules that in the submission of GWP, having re-examined all of the evidence, it must be refused. There can be no merit in consenting a Proposal which is not needed, which is not fully assessed, and which is economically and technically unjustifiable.

The Proposal does not meet the EA criteria nor the Planning criteria (particularly those found in NPF 4); is it potentially dangerous, certainly disruptive to a way of life, and damaging to well established and growing business interests in a fragile rural economy. It brings no local or national benefit whatsoever. It will not assist any national effort, ambition or target other than to provide new lines, which could be provided more cheaply and less intrusively.

Of prime importance, the Proposal is environmentally damaging in a host of ways, laying waste to part of a landscape which is the Region’s biggest draw and safest harbour for flora, fauna and green recreation, much loved and cherished by those who live there. Public acceptance of the supposed need for this Proposal has been NIL. Nobody has spoken up for it other than the Applicants themselves and their consultants. Let SPEN show what benefits are to be derived from the Proposal. Can they actually do so? GWP has looked hard for those benefits at a time when a clear focus on renewable generation is a topline political priority and might be supportable. The facts, as carefully established at this Examination show that the reasons for making the application have no merit.

Refusal of a s. 37 Application which has been a long time in the making is a significant event. It would be a blow to a large scale Utility. Nevertheless, that is the outcome which this Examination has shown to be the logical and correct answer.

The Reporters are respectfully requested to recommend refusal to Ministers.

JOHN CAMPBELL KC
for *Galloway Without Pylons*
9 May 2023

APPENDIX 1

Evening Session contributors

ORGANISATIONS/OFFICIAL

- 1 Finlay Carson, MSP Lack of creativity and innovation
- 2 Shirley Thomson Views of Balmaghie Community Council
- 3 Lois Aitkenhead Views of The Royal Burgh of New Galloway and Kells Parish CC
- 4 Alastair Kerr Impact on the Galloway International Dark Sky Park
- 5 John Thomson Impact on the Galloway & South Ayrshire Biosphere
- 6 J'Anne Robertson, Health impact of pylons; Chair Ringford & Tongland CC

LOCAL INTERESTS

- 7 Stuart Littlewood Impact on New Galloway
- 8 Esther Tacke Galloway Cycling Holidays Cycling Issues
- 9 Evelyn Landay Impact of the KTR Project on the Glenkens
- 10 Richard Kirsch Impact on my business. Horse drawn carriage tours
- 11 Dugald Forbes Equestrian issues.
- 12 Phil McMenemy KTR effects on local businesses.
- 13 Louise Cumbley Children's play park dangers in Laurieston
- 14 Donald Henry Impact on artists
- 15 Prof Dr. Paul Clarke SPEN's flawed & inadequate EIA
- 16 James Ingall Glenkens Eco System
- 17 David Hawker SPEN's flawed ecology data
- 18 Dr Phil Downs Impact on the Gatehouse & Kirkcudbright Angling Association
- 19 Matt Booth Views from an incomer to the Glenkens.
- 20 Linsey Swift Impact on the C13 road from Laurieston to Gatehouse of Fleet
- 21 David Walden Preserving the environment in England compared with Scotland.
- 22 Dr James Murdoch Visual impacts of pylons on the environment.
- 23 Stephen McLean Impacts on walking

UNDERGROUNDING

- 24 Beverley, Lady Vaux of Harrowden Undergrounding in Gatehouse of Fleet.
- 25 Gavin Chapman Benefits of Undergrounding

SUMMING UP

- 26 Paul Swift Short statement from Galloway Without Pylons

WRITTEN STATEMENTS

- 27 John Von Spreckelson. (Statement Only) SPEN's attitude towards the local community over the entire process.
- 28 Adrian Waterworth (Statement Only) An outsiders view of the Project
- 29 Angus Fordyce. (Statement Only) Impact on Rural Galloway

- 30 Green Party Representative (Statement Only) Views of the local Green Party
- 31 Dougie Campbell. (Statement Only) Climate change and zero carbon issues.
- 32 Galloway National Park Association. (Statement Only) Statement from the Galloway National Park Association
- 33 Maggie Driscoll. (Statement Only) Thoughts from a Laurieston resident
- 34 Chris Walker (Statement only) Impact on tourism in the Glenkens