

STATEMENT OF REASONS

on behalf of

Scottish Hydro Electric Transmission plc

in relation to the

Emmock Substation Compulsory Purchase Order 2026

Electricity Act 1989

Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947

Date: 29 June 2026

1 INTRODUCTION

- 1.1 This is the Statement of Reasons ("**Statement of Reasons**") accompanying the Emmock Substation Compulsory Purchase Order 2026 ("**Order**").
- 1.2 The Order was made on 29 June 2026 by Scottish Hydro Electric Transmission plc (the "**Acquiring Authority**"). The Order is made under provisions of the Electricity Act 1989 ("**the 1989 Act**") and the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 ("**the 1947 Act**").
- 1.3 This Statement of Reasons sets out the need for compulsory acquisition of the rights in land that would be authorised by the Order, including the information which the Scottish Ministers will require when considering whether to confirm the Order. It has been prepared in accordance with the Scottish Government Circular 6/2011 Compulsory Purchase Orders ("**the Circular**").
- 1.4 The Acquiring Authority are the holder of a transmission licence under Section 6 of the 1989 Act for the transmission of electricity in north and central Scotland ("**the Transmission Licence**").
- 1.5 As a holder of a transmission licence, the Acquiring Authority are subject to statutory duties set out in Section 9(2) of the 1989 Act "*to develop and maintain an efficient, co-ordinated and economical system of electricity transmission*" and "*to facilitate competition in the supply and generation of electricity*". In furtherance of these duties, subject to confirmation by the Scottish Ministers, the Acquiring Authority is given the power under Section 10 and Schedule 3, Paragraph 1 of the 1989 Act to acquire the required rights compulsorily. Further details on the enabling legislation are set out in section 4 below.
- 1.6 The Order is required to facilitate the acquisition of rights in land necessary to construct, operate, maintain and if necessary decommission the proposed Emmock substation and its associated and ancillary works including overhead lines connected to the substation, construction compounds, landscaping and biodiversity enhancement works, and means of access to and from the substation ("**Infrastructure**"). The principal type of Infrastructure to be developed and used over areas of land identified in the Order are accesses.
- 1.7 This Statement of Reasons will make reference to the following terms:
- 1.7.1 "**the Project**", which refers to the proposed Emmock substation and its associated and ancillary works described at paragraph 5.13 and Tables 5.1 and 5.2 below;
and
- 1.7.2 "**the Wider Network Upgrades**" means the network upgrades described at paragraph 5.8 below.

- 1.8 The proposed Emmock substation would be located Southwest of Balkemback Farm, Kirkton of Tealing, in the Angus Council local government area, with ancillary parts of the Project situated in the locality. In this Statement of Reasons, the plots of land subject to compulsory acquisition of rights under the Order are referred to as “**Order Land**”. The plots which comprise Order Land are described further at section 6 of this Statement of Reasons (which summarises the formal descriptions in the Schedule to the Order). Order Land over which rights are to be compulsorily acquired is shown outlined in red and coloured blue on the plan that forms part of the Order (“**Order Map**”).
- 1.9 The Order Land is owned by third party landowners and subject to the other interests shown on the Schedule to the Order. The Acquiring Authority has endeavoured to obtain the rights it requires by private agreement with the relevant parties who have an interest in the Order Land. Further details are provided in section 12 below. It has reached agreement with the landowner of the proposed substation site. However, it has to date not been possible to reach such agreement with others for rights, principally of access, required in connection with the proposed substation site.
- 1.10 Therefore, in order to meet its licence obligations, the Acquiring Authority requires to utilise their powers for compulsory acquisition of rights in land upon which the Infrastructure is to be constructed and used, and is accordingly necessary for these purposes.
- 1.11 The Order, if confirmed, would authorise the Acquiring Authority to acquire rights in land necessary to take access to the Infrastructure which is necessary as part of the Acquiring Authority's electricity transmission network and in the public interest, and to upgrade and maintain those accesses. Without the rights described in the Order, the Acquiring Authority could not be confident of having sufficient legal certainty to ensure that the Infrastructure could be constructed, operated or maintained.
- 1.12 Schedule 3, Paragraph 15 to the 1989 Act provides that the procedures set out in the 1947 Act apply, with necessary modifications, to the compulsory purchase by a licence holder of land or rights in land in Scotland as if the licence holder were a local authority within the meaning of the 1947 Act.
- 1.13 The Project requires planning permission under the Town and Country Planning (Scotland) Act 1997 (“**1997 Act**”) and in respect of the overhead lines connecting to the substation consent under Section 37 of the 1989 Act. Planning permissions and other relevant consents are discussed further in section 11 below.
- 1.14 In determining whether the use of compulsory purchase powers is justified, the Acquiring Authority have had regard to Scottish Government guidance contained in the Circular. Compulsory purchase powers should be used only where the public benefit in the proposed scheme clearly outweighs the private rights of the owners. This Statement of Reasons sets out the Acquiring Authority's justification for seeking the compulsory purchase powers within the Order. This Statement of Reasons demonstrates that the public benefit from

enabling the construction and operation of the Project clearly outweighs the interference with the private rights affected. As such, there is a compelling case in the public interest for the compulsory acquisition of the rights in land included within the Order.

2 STRUCTURE OF THIS STATEMENT OF REASONS

2.1 This Statement of Reasons accompanies the making of the Order and seeks to explain and justify the powers of compulsory acquisition sought within the Order. The structure of this Statement of Reasons is as follows:

- 2.1.1 **Section 3** provides information on the Acquiring Authority and its obligations as a transmission licence holder;
- 2.1.2 **Section 4** sets out the statutory basis for the Order and the use of compulsory purchase powers;
- 2.1.3 **Section 5** describes the Project and the Wider Network Upgrades and the need for them;
- 2.1.4 **Section 6** describes the Order Land;
- 2.1.5 **Section 7** describes the main purposes of the Order by reference to Order Land;
- 2.1.6 **Section 8** describes the new rights to be created under the Order;
- 2.1.7 **Section 9** sets out the Acquiring Authority's process to consider site selection and alternatives.
- 2.1.8 **Section 10** sets out the Acquiring Authority's justification for the Order, including its consideration of convention rights;
- 2.1.9 **Section 11** sets out the position in respect of planning and related consents;
- 2.1.10 **Section 12** summarises the steps taken to identify land interests and the engagement to date with landowners and occupiers of the Order Land;
- 2.1.11 **Section 13** discusses funding;
- 2.1.12 **Section 14** considers any barriers to the completion of the Project;
- 2.1.13 **Section 15** identifies any Order Land of unknown ownership;
- 2.1.14 **Section 16** identifies any special considerations affecting the Order Land;

- 2.1.15 **Section 17** discusses whether there have been any views on the Project expressed by Scottish Ministers;
- 2.1.16 **Section 18** provides additional information on publicity and notification of the Order; and
- 2.1.17 **Section 19** summarises the Acquiring Authority's case that the Order should be confirmed.

3 THE ACQUIRING AUTHORITY AND THEIR STATUTORY AND LICENCE OBLIGATIONS

- 3.1 The Acquiring Authority is Scottish Hydro Electric Transmission plc, a company incorporated under the Companies Acts (Company Number SC213461) and having its registered office at Inveralmond House 200 Dunkeld Road, Perth, PH1 3AQ.
- 3.2 The Transmission Licence held by the Acquiring Authority is subject both to Standard Conditions for transmission licences and Special Conditions imposed by the industry regulator, the Office of Gas and Electricity Markets ("**Ofgem**").
- 3.3 The Acquiring Authority own and maintain the high-voltage electricity transmission network (operating from 132kV up to and including 400kV) in north and central Scotland. The Acquiring Authority's transmission network comprises a system of infrastructure which includes overhead lines, underground cables and electricity substations. The network carries electricity from the sources of electricity generation to substations where the voltage is transformed, usually to a higher voltage, for transmission over high voltage electricity lines to substations in the centres of demand. At the latter substations, the voltage is then lowered to voltages suitable for distribution to homes and businesses through a separate electricity distribution network which operates, in Scotland, at below 132kV. The Acquiring Authority manages the network that transmits electricity across its own electricity transmission network to those centres of demand or for onward transmission to the South of Scotland and wider Great Britain.
- 3.4 By section 9(2) of the 1989 Act, as a holder of a licence authorising them to participate in the transmission of electricity, the Acquiring Authority is charged with a duty "*to develop and maintain an efficient, co-ordinated and economical system of electricity transmission and facilitate competition in the supply and generation of electricity*".
- 3.5 Section 9(2) of the 1989 Act therefore imposes a statutory duty on the Acquiring Authority to ensure that there is sufficient electricity transmission infrastructure available to support future energy demand and facilitate new connections of electricity generation developments to the electricity transmission network in north and central Scotland.
- 3.6 In accordance with Schedule 9 of the 1989 Act, in formulating any relevant proposals (which includes installation of electric lines and any other works in connection with

transmission of electricity) the Acquiring Authority must “*have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest*”. In addition, the Acquiring Authority “*shall do what [it] reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects.*”

- 3.7 The Transmission Licence granted to the Acquiring Authority, pursuant to Section 6(1)(b) of the 1989 Act, places an obligation on them (Standard Licence Condition B12) along with other transmission licensees, to have in force the System Operator-Transmission Owners Code (“**the STC**”).
- 3.8 The STC sets out the terms whereby the National Electricity Transmission System (“**NETS**”) is to be planned, developed or operated, and transmission services are to be provided. The terms of the STC also apply to any parties to the STC that own transmission systems that form part of the NETS. Among other things, the STC provides for the provision of transmission services by the Acquiring Authority, the procedures for responding to applications for new connections (or modifications of existing connections) and the planning for and co-ordination of transmission outages (see Standard Licence Condition B12(2)). The objectives pursued under the STC include those contained in Section 9(2) of the 1989 Act and also protection of the security and quality of supply of electricity in Great Britain and safe operation of the NETS (see Standard Licence Condition B12(3)).
- 3.9 Under Standard Licence Condition D2, the Acquiring Authority is obliged to provide transmission services to the Independent System Operator and Planner (“**ISOP**”), including making available those parts of its transmission system intended for the purposes of transmitting electricity. With effect from 1 October 2024 the National Energy System Operator Limited, a private limited company with shares wholly owned by the Secretary of State and commonly known as “**NESO**”, was designated as the ISOP. The Acquiring Authority is remunerated by the ISOP for the provision of transmission services. It does not directly charge customers that use its network for transmission owner services. Special Condition 2.1 restricts the revenue that the Acquiring Authority is allowed to recover from the ISOP for the provision of transmission services. The formula for allowed transmission owner revenue determines the allowed revenue for each year. The Acquiring Authority is not allowed, under the terms of its licence, to recover a higher sum. The revenue restriction term is set by Ofgem. In setting the revenue restriction term, Ofgem considers factors including the interests of current and future electricity customers and the costs of an efficiently run transmission business.
- 3.10 Standard Licence Condition D3 obliges the Acquiring Authority at all times to plan and develop its transmission system in accordance with not only the STC but also the National Electricity Transmission System Security and Quality of Supply Standard (“**NETS SQSS**”). In implementing this obligation, the Acquiring Authority is required to consider the ISOP’s

obligations under its licence to co-ordinate and direct the flow of electricity onto and over the NETS.

- 3.11 The NETS SQSS sets out a coordinated set of criteria and methodologies that the transmission licensees shall use in the planning and operation of the NETS. The standard sets out both planning and operational criteria which determine the need for services provided by the transmission licensee, including transmission equipment. The planning criteria sets out the requirements for the transmission capacity for the NETS and require consideration to be given to ensure the satisfactory operation and maintenance of the NETS.
- 3.12 Section 2 of the NETS SQSS sets out minimum deterministic planning criteria for the connection of generation to the onshore transmission system. Section 3 of the NETS SQSS sets out minimum deterministic planning criteria for the connection of demand groups to the onshore transmission system, whilst Section 4 of the NETS SQSS sets out minimum deterministic planning criteria for the Main Interconnected Transmission System (“**MITS**”) to ensure demand security and allow generation to access the energy market. It is also permissible to design to a higher standard provided it can be economically justified.
- 3.13 Standard Licence Condition D4A places an obligation on the Acquiring Authority to offer, on receipt of an application for connection or for modification to an existing connection, to enter into an agreement with the ISOP. The said agreement is for, *inter alia*, the carrying out of work on the Acquiring Authority’s transmission system required to connect the NETS to any other system for the transmission or distribution of electricity, and the carrying out of works on the Acquiring Authority’s transmission system which is rendered appropriate or necessary by reason of making the connection or modification to an existing connection to the NETS. In terms of their licence obligations, the Acquiring Authority are therefore required to provide connections and wider network upgrades for electricity generation developments to the electricity transmission system. The developers of such electricity generation developments enter into contractual agreements with ISOP to connect into the electricity transmission network. In turn, ISOP enter into contractual agreements with the Acquiring Authority to provide the infrastructure necessary to allow that developer to connect to the transmission network.
- 3.14 In July 2022, National Grid, the then Electricity System Operator (“**ESO**”), published the Pathway to 2030 Holistic Network Design (“**HND**”). The HND sets out the blueprint for the onshore and offshore electricity transmission network infrastructure required to enable the forecasted growth in renewable electricity across Great Britain, including the UK and Scottish Government 2030 offshore wind targets of 50GW and 11GW.
- 3.15 For the north of Scotland, this confirmed the need for significant and strategic increases in the capacity of the onshore electricity transmission infrastructure to deliver 2030 targets and a pathway to net zero, several of which will require accelerated development and delivery to meet 2030 connection dates. The need for these reinforcements was further

underlined within the British Energy Security Strategy. This sets out the UK Government's plans to accelerate homegrown power for greater energy independence. The strategy aims to reduce the UK's dependence on and price exposure to global gas wholesale markets via the deployment of homegrown low carbon electricity generation supported by robust electricity network infrastructure.

- 3.16 Following consultation, in December 2022, Ofgem introduced a new regulatory approval and funding framework for onshore transmission projects required to deliver the Government's 2030 net zero ambitions. These projects are known as the Accelerated Strategic Transmission Investment ("**ASTI**") projects.
- 3.17 In May 2023, Ofgem consulted on the licence modifications required to give effect to its decision on the ASTI decision and, following this, introduced three new special licence conditions and modified three existing special conditions.
- 3.18 New Special Condition 3.41 sets a Price Control Deliverable ("**PCD**") for the delivery of the Wider Network Upgrades by 31st December 2031. It also sets a Licence Obligation ("**LO**") date of 31st December 2032, and failure to deliver the Wider Network Upgrades by this date, subject to any exemptions agreed with Ofgem, would result in breach of the Acquiring Authority's Transmission Licence, leading to potential enforcement action.
- 3.19 Special Condition 4.9 sets out the incentive reward or penalty calculation for the Acquiring Authority's performance in relation to the ASTI output delivery incentive ("**ODI**") Target Date. The ASTI ODI Target Date for the Wider Network Upgrades is 31st December 2031.
- 3.20 As set out above, the Acquiring Authority's statutory and licence obligations specifically enable them to acquire land and rights in the Order Land and to finance, develop, procure, construct, commission and operate assets necessary for their transmission network and to do so in a manner in accordance with their Transmission Licence. They require to do so in a manner in accordance with Section 9(2) of the 1989 Act and in terms of their licence obligations and the timescales within them to ensure that there is sufficient electricity transmission infrastructure available to support future energy demand and facilitate connections of renewables developments to the electricity transmission network in north and central Scotland that necessitate the need for delivery of the ASTI projects to meet the UK and Scottish Government's renewables targets. The Acquiring Authority are therefore enjoined to acquire necessary land and rights to deliver the ASTI projects. The reasons in support of the Acquiring Authority acquiring the specific rights in the Order Land are discussed below.

4 AUTHORITY FOR THE USE OF COMPULSORY POWERS

- 4.1 The Acquiring Authority is promoting the Order in exercise of the powers conferred by section 10 and paragraph 1 of Schedule 3 of the 1989 Act.
- 4.2 Section 10(1) of the 1989 Act provides:

"Subject to subsection (2) below, Schedule 3 to this Act (which provides for the compulsory acquisition of land) and Schedule 4 to this Act (which confers other powers and makes other provision) shall have effect in relation to the holder of a transmission licence; and to the extent that his licence so provides, in relation to an electricity distributor or any other licence holder; and references in those Schedules to a licence holder shall be construed accordingly."

4.3 As noted above Acquiring Authority holds its Transmission Licence under the 1989 Act. Where any provision of either of the Schedules mentioned in subsection (1) above is applied to a licence holder by their licence, sub-section 10(2) provides that it shall have effect *"subject to such restrictions, exceptions and conditions as may be included in the licence for the purpose of qualifying that provision as so applied or any power or right conferred by or under it."* The Acquiring Authority's Transmission Licence does not include any such restrictions, exceptions or conditions.

4.4 Paragraph 1 of Schedule 3 to the 1989 Act provides

"Subject to paragraph 2 below, the Secretary of State may authorise a licence holder to purchase compulsorily any land required for any purpose connected with the carrying on of the activities which he is authorised by his licence to carry on. In this paragraph and paragraph 2 below "land" includes any right over land (other than, in Scotland, a right to abstract, divert and use water); and the power of the Secretary of State under this paragraph includes power to authorise the acquisition of rights over land by creating new rights as well as acquiring existing ones."

4.5 The Project has a purpose connected with the transmission activities authorised by the Acquiring Authority's Transmission Licence. The Order is made by the Acquiring Authority under the appropriate statutory power and is within the scope of the compulsory purchase powers conferred by the 1989 Act.

4.6 In relation to the compulsory purchase procedure to be followed, paragraph 15 of Schedule 3 to the 1989 Act provides that the procedures set out in the 1947 Act apply, with necessary modifications, to the compulsory purchase by a licence holder of land or rights in Scotland as if the licence holder were a local authority within the meaning of the 1947 Act. The procedures of the 1947 Act, with the necessary modifications, have been followed by the Acquiring Authority in making the Order.

5 PROJECT DESCRIPTION AND NEED

5.1 The Order relates to the compulsory acquisition of rights in land required for the Infrastructure which forms the Project. This Section 5 describes the Project and the Wider Network Upgrades of which the Project is an integral part. This section also sets out the need for the Wider Network Upgrades and the Project.

- 5.2 The planning application accompanying the planning application for the Project provides a Statement on Established Need, and should be considered alongside this section. The Statement on Established Need is provided as Appendix 1.

The Need for the Wider Network Upgrades

- 5.3 Renewable energy projects are not only critical for combatting global climate change, but for enabling Scotland (and the wider UK) to realise the wider environmental, societal and economic benefits of a low-carbon economy. The UK Government has in its *Clean Power 2030: Action Plan*, December 2024 (“**Clean Power 2030**”) set out a target that (at p.10) *“[i]n a typical weather year, the 2030 power system will see clean sources produce at least as much power as Great Britain consumes in total over the whole year, and at least 95% of Great Britain’s generation; reducing the carbon intensity of our generation from 171gCO₂e/kWh in 2023 to well below 50gCO₂e/kWh in 2030.”*
- 5.4 Clean Power 2030 also recognises (at p.11) *“...this new capacity must be underpinned by the rapid delivery of 80 network and enabling infrastructure projects, most of which are already at an advanced stage of planning and development”*. This includes the Wider Network Upgrades.
- 5.5 The extensive studies completed to inform the HND (see section 3 above) confirmed the grid infrastructure required including the requirement to reinforce the onshore corridor from Tealing, Angus to Kintore, Aberdeenshire. Notably, as part of those studies the Acquiring Authority had put forward to the ESO an alternative option of a ‘reduced build’ which did not reinforce the existing Kintore to Tealing overhead line (“**OHL**”), and only uprated the one side of the Tealing to Westfield OHL to 400 KV. This alternative, known as TKU2, was not supported by the ESO. This was because it did not provide the onshore network capacity increase necessary to accommodate the significant quantities of onshore and offshore wind expected to connect in the north and Northeast of Scotland by the early 2030s.
- 5.6 The option favoured by the ESO, known as TKUP, is the option that has been taken forward within the Wider Network Upgrades. This requires a 400 kV OHL between Tealing and Kintore substation sites to enable the significant transfer capability needed to take power from onshore and large scale offshore renewable generation which is proposed to connect at onshore locations on the East Coast of Scotland before then being transported to areas of demand.
- 5.7 The Wider Network Upgrades, in particular TKUP, are therefore needed for several reasons: they form part of the Acquiring Authority’s general duty under section 9 of the 1989 Act; they are a key part of implementing recommendations from HND and overall 2030 Network design, including part of the ScotWind enabling Transmission Owner Reinforcement Instructions (TORIs); and they form an important part of meeting the strategic goals of the UK and Scottish Government’s energy and climate change policies

Description of the Wider Network Upgrades

5.8 The Acquiring Authority proposes to establish the Wider Network Upgrades by construction of a new 400 kV OHL running from the proposed new substation at Emmock to Kintore, via another new substation (named Hurlie) at Fetteresso Forest, Aberdeenshire located close to the existing Fiddes substation also in Fetteresso Forest. The Wider Network Upgrades involve a number of related works, including new OHLs, together with realignment, reconductoring, temporary and permanent diversions of existing OHLs. This Statement of Reasons does not attempt to describe every item of work associated with the Wider Network Upgrades, and instead unless the context requires otherwise the Wider Network Upgrades are considered to be the following developments associated with the Project:

5.8.1 **LT486 (Hurlie 400 kV Substation):** A new 400 kV substation to be constructed within Fetteresso Forest, Aberdeenshire.

5.8.2 **LT455 (Tealing to Kintore 400 kV OHL):** A new 400 kV OHL of approximately 106 km, of which approximately 35 km of OHL is between the 400 kV substation currently under construction in Kintore, Aberdeenshire and the proposed Hurlie 400 kV Substation, and approximately 72 km between the proposed Hurlie 400 kV substation and the Project. For consultation and assessment purposes this development is divided into six sections:

- (a) Emmock Substation to Forfar,
- (b) Forfar to Brechin,
- (c) Brechin to Laurencekirk,
- (d) Laurencekirk to Hurlie,
- (e) Hurlie to River Dee, and
- (f) River Dee to Kintore.

These are shown (indicatively) in Figure 5.1 below.

5.8.3 **LT383 (Alyth to Tealing 400 kV OHL Reconductoring):** An upgrade of approximately 14 km of existing 275 kV OHL between Alyth Substation and Tower 685 north-west of Tealing Substation to enable operation at 400 kV.

5.8.4 **LT384 (Tealing to Westfield 400 kV OHL Reconductoring):** An upgrade of approximately 37 km of existing 275 kV OHL between Tower 182 west of Tealing Substation and the licence boundary with the Scottish Power Energy Networks OHL network (located midspan Towers 66 and 65) towards Westfield, Glenrothes to enable operation at 400 kV.

5.8.5 **Emmock and Tealing Tie Ins:** Diversion of short sections of the existing Alyth to Tealing OHL, to enable their connection to the new Emmock Substation.

Figure 5.1



The Need for the Project

5.9 The Project forms a critical component of the Wider Network Upgrades, being one of the two new 400 kV substations required to enable the operation of the Wider Network Upgrades' Tealing to Kintore 400 kV OHL. The Project will tie together the updated 400 kV line from Alyth, the new Kintore to Tealing 400 kV line and the updated/reconducted OHL that runs south to Glenrothes. Additionally, it will connect to the existing 275 kV Tealing Substation to provide additional supply to demand centres in the Southeast of the Acquiring Authority's transmission network as well as providing an additional route south for power to flow from the surrounding 275 kV and 132 kV local networks.

- 5.10 The Project is considered a 'National Development', designated in Scotland's Fourth National Planning Framework, pursuant to section 3A(4)(b) of the 1997 Act. This means that the Scottish Ministers consider there is a need for developments such as the Project. Further, there is a need for the Project as established through its inclusion in projects by the ESO and Ofgem, and relevant UK and Scottish policy on energy and climate (particularly decarbonisation).
- 5.11 The need for the location of the Project at the Order Land was established by the Acquiring Authority's site selection process considered in Section 9 below. Following that process an application for planning permission has been made to Angus Council, which is considered further at Section 11 below, but as noted above the need for the development in planning terms is already established at the national level. The Acquiring Authority considers that in the circumstances the need for the Project at this location has been established.
- 5.12 The remainder of this Section 5 comprises a general description of the Project. Further details are available on the Acquiring Authority's website and the Angus Council planning portal.

Description of the Project

- 5.13 The Infrastructure includes construction and operation of a 22 bay, 400/275 kV Air Insulated Switchgear substation located on a level platform and the formation of associated earthworks, access, drainage, landscaping, and security, including the creation of temporary construction compounds. Further details of the substation are set out in Tables 5.1 and 5.2 below. The key design elements of the Infrastructure are:
- 5.13.1 Cut and fill operations to create a development platform to accommodate the electrical infrastructure.
 - 5.13.2 Creation of a new permanent access road east of the Site from U322 public road, which is connecting to Emmock Road
 - 5.13.3 Construction of a structure over an unnamed watercourse that drains to the Fithie Burn to the south;
 - 5.13.4 Widening of the access track at Emmock Road to allow for passage of HGVs;
 - 5.13.5 The erection and commissioning of electrical equipment;
 - 5.13.6 Erection of a single storey control building approximately 7m in height;
 - 5.13.7 Perimeter fence, potentially up to 4m height;

- 5.13.8 Landscaping, including screening bunds and new planting to deliver landscape and visual mitigation, and biodiversity net gain (BNG) measures (both on and off site);
- 5.13.9 Permanent earthworks and site drainage provisions, including Sustainable Drainage Scheme (SuDS), swales, and a network of interceptors draining into Fithie Burn;
- 5.13.10 Internal accesses and parking spaces within the substation platform area;
- 5.13.11 Temporary site compound lay down area and material storage areas;
- 5.13.12 Temporary site offices and welfare facilities for on-site construction workers; and
- 5.13.13 All other building, engineering and other operations ancillary to or associated with construction and operation of a 400kV Substation.

Table 5.1: Substation Technical Requirements

Substation Technical Requirements	Purpose
Large, levelled platform area, sized approximately 675 m x 285 m	Provide foundation for substation structures and equipment
400 kV Control Building	Houses critical equipment for monitoring, controlling, and protecting electrical systems
3 x Bus Couplers	Couple two busbars to perform maintenance on other associated circuit breakers
2 x Bus Sections	Sectionalize bus system for load breaking
2 x Feeder Bays	Enable connections for the new 400kV OHL to Hurlie/Kintore
2 x Feeder Bays	Connect the upgraded Alyth – Tealing OHL
2 x Feeder Bays	Connect the upgraded Westfield – Tealing OHL
6 x Future Feeder Bays	Connect ScotWind projects
Below ground earthing	Ground electrical equipment for safety

Table 5.2: Substation Equipment

Substation Equipment	
Primary	Purpose
Support structures	Construct, mount, and secure equipment
Gantries x 9	Steel structures to support OHL connections
Switchgear	Disconnectors and circuit breakers to control, protect and isolate electrical equipment to allow work to be done and clear faults downstream
Instrument transformers	Transform voltage or current levels for metering and protection purposes
Surge arrestors	Protect electrical devices in alternating current circuits from voltage spikes with very short duration measured in microseconds, e.g. lightning strikes
Busbars and clamps	Aluminium bars used to transfer the electricity between equipment in the substation
HV Cable	High-voltage cable including a conductor and insulation for electric power transmission at high voltage
SGT x 3	Supergrid transformer to change the voltage from one part of the network to another
275 kV feeder circuits x 3	Provide circuit connection to 275 kV Tealing substation
Tertiary reactors x3	Provide reactive compensation for transmission lines
Shunt reactors x 2	Assist in managing and controlling system voltage levels across the network
Secondary	Purpose
Control building steelwork	Construction
Diesel generator	Provide backup power should the normal supply fail, so that the substation can continue operating until permanent supply is restored
AVR x 2	Automatic voltage regulation to stabilise the substation's auxiliary power supply to allow reliable operation
Protection panels & SCS	Protection and control panels that contain relays to protect the substation equipment and allow remote monitoring and control
LVAC, LVDC panels and cables	Panels and cables for Low Voltage Alternating Current / Low Voltage Direct Current
Multicore cables	Combine multiple power feeds into a single jacketed cable
Batteries	Provide auxiliary power supply

Substation Equipment	
PRRs	Portable relay rooms to locate protection and control equipment within the substation compound

6 THE ORDER LAND

- 6.1 This section contains a brief description of the Order Land. A more detailed description of each plot is set out in the Schedule to the Order.
- 6.2 The Order Land lies in Tealing, Dundee near to the existing 275kV Substation (Easting 338933, Northing 737755).
- 6.3 The Substation Site is approximately 2.5 km to the west of the A90. The Substation site is accessed from both Moatmill Road, which involves use of an unclassified public road as well as private roads or access tracks some of which are the subject of this Order, and Emmock Road (U322) which is an adopted public road.
- 6.4 The Order Land is within the licence area of the Acquiring Authority.
- 6.5 Table 6.1 below sets out in further detail the extent, description, proposed use, current use and other key features of the Order Land.

Table 6.1

Order Land Plot number	Extent of Land Parcel	Explanation for Extent of Land Parcel	Description	Primary Existing Use(s)	Other Key features
1	0.72 ha	Rights are being acquired over this land for access during construction of the substation, in order to minimise inconvenience to other road users in the locality. It is anticipated these rights will be required occasionally throughout the lifetime of the development for maintenance operations.	Access track and verge to Southeast of Tealing substation (Seagreen Phase 1 OFTO Project Limited)	Pedestrian and Vehicular Access	Currently used in connection with traffic for another electricity substation.
2	0.66 ha	Rights are being acquired over this land for access during construction of the substation, in order to minimise inconvenience to other road users in the locality. It is anticipated these rights will be required occasionally throughout the lifetime of the development for maintenance operations.	Access track and verge to Southeast of Tealing substation (Peter James Allison)	Pedestrian and Vehicular Access	Currently used in connection with traffic for another electricity substation. Land held under two separate titles.

3	0.27 ha	Rights are being acquired over this land for access during construction of the substation, in order to minimise inconvenience to other road users in the locality. It is anticipated these rights will be required occasionally throughout the lifetime of the development for maintenance operations.	Access track and verge to Southeast of Tealing substation (Tealing Farms Ltd)	Pedestrian and Vehicular Access	Currently used in connection with traffic for another electricity substation.
4	0.19 ha	Rights are being acquired over this land for access during construction of the substation, in order to minimise inconvenience to other road users in the locality. It is anticipated these rights will be required occasionally throughout the lifetime of the development for maintenance operations.	Access track and verge to Southeast of Tealing substation (David Alexander Barn)	Pedestrian and Vehicular Access	Currently used in connection with traffic for another electricity substation.

7 THE ORDER

- 7.1 The Order is intended to facilitate the installation, construction, use, keeping, operation, maintenance, monitoring, inspection, repair, replacement, renewal, removal, decommissioning, retention, protection and access to and from the Infrastructure. The principal use of the Order Land will be for access to and from Infrastructure of the Project.
- 7.2 The Order is required to ensure that the Project can be delivered within a reasonable timescale. Whilst the Acquiring Authority is in negotiations with landowners and other parties with an interest it does not yet have all necessary legally binding agreements to acquire the necessary permanent rights. Without such permanent rights in land, there is a risk that the Project would not be able to be constructed, or operated in an efficient manner, and the public benefit and the many applicable legal and policy objectives of the Wider Network Upgrades not realised at all or within a reasonable timeframe.
- 7.3 A plot by plot analysis of the Order Land set out in Table 7.1 below summarises the likely main work activities.
- 7.4 The Order comprises land over which new rights are being created. The nature of these rights are considered in section 8 below.
- 7.5 The Mining Code has been applied so that notice must be given to the Acquiring Authority of proposed working of minerals within the prescribed distance. This is in the interests of the safety and security of the Infrastructure.

Table 7.1

Order Land Plot Number	Construction	Operations/Maintenance	Decommissioning
1	This plot is necessary to permit access in order to maintain a one-way system of work during construction. This may involve minor widening/improvement of the existing access track.	Access would be required for occasional maintenance operations.	Access would be necessary over this plot to maintain a one-way system of working during any decommissioning works. Any upgrade and/or widening works that had been carried out would remain in situ unless requested to be removed by the landowner. The track would be reinstated to fit and proper condition to the reasonable satisfaction of the landowner following any decommissioning works.
2	This plot is necessary to permit access in order to maintain a one-way system of work during construction. This may involve minor widening/improvement of the existing access track.	Access would be required for occasional maintenance operations.	Access would be necessary over this plot to maintain a one-way system of working during any decommissioning works. Any upgrade and/or widening works that had been carried out would remain in situ unless requested to be removed by the landowner. The track would be reinstated to fit and proper condition to the reasonable satisfaction of the landowner following any decommissioning works.

Order Land Plot Number	Construction	Operations/Maintenance	Decommissioning
3	This plot is necessary to permit access in order to maintain a one-way system of work during construction. This may involve minor widening/improvement of the existing access track.	Access would be required for occasional maintenance operations.	Access would be necessary over this plot to maintain a one-way system of working during any decommissioning works. Any upgrade and/or widening works that had been carried out would remain in situ unless requested to be removed by the landowner. The track would be reinstated to fit and proper condition to the reasonable satisfaction of the landowner following any decommissioning works.
4	This plot is necessary to permit access in order to maintain a one-way system of work during construction. This may involve minor widening/improvement of the existing access track.	Access would be required for occasional maintenance operations.	Access would be necessary over this plot to maintain a one-way system of working during any decommissioning works. Any upgrade and/or widening works that had been carried out would remain in situ unless requested to be removed by the landowner. The track would be reinstated to fit and proper condition to the reasonable satisfaction of the landowner following any decommissioning works.

8 DESCRIPTION OF NEW RIGHTS BEING CREATED

8.1 In formulating its land requirements for the Project, the Acquiring Authority has identified the extent of land that will be required for the various components. Agreement has been reached with the landowner for the proposed substation platform land.

8.2 In addition to the land required for the proposed substation platform itself, the Acquiring Authority requires certain rights primarily of access over and through certain land parcels, rights to construct, operate and maintain the Infrastructure (including the right to erect temporary compounds and use land as laydown and storage areas) and rights to protect the Infrastructure post construction in each case to facilitate the installation, construction, use, keeping, operation, maintenance, monitoring, inspection, repair, replacement, renewal, removal, decommissioning, retention, protection and access to and from the Infrastructure. The Acquiring Authority is seeking private agreements to acquire the rights. In the absence of private agreements, the Acquiring Authority seeks to acquire these rights under the Order.

8.3 Table 8.1 below sets a plot-by-plot analysis of the Order Land and the rights to be acquired, by reference to the definitions in the Order. Reference should be made to the Order for full details, but a summary is provided here for ease of reference:

8.3.1 "**Protection Rights**" means all necessary servitude rights and real burdens in favour of and for the benefit of the substation site for the Acquiring Authority to prevent any works on or uses of the Order Land which may damage, interfere or injuriously affect the Infrastructure or interfere or hinder in any way the Acquiring Authority's access to and from then Infrastructure and, in particular and without prejudice to the generality of the foregoing:

- a) The right to prevent and remove the whole or any part of any building or other erection or works, tree, shrub or bush or other thing whatsoever on the Order Land; and
- b) The right to prevent or remove any works or uses which alter the surface level, ground cover or composition of the Order Land; and
- c) The right to support.

8.3.2 "**Drainage Rights**" means all necessary servitude rights and real burdens in favour of and for the benefit of the substation site for the Acquiring Authority to install, use, inspect, modify, improve, maintain, adjust, divert, repair, replace, extend, test, cleanse and remove temporary or permanent drainage and manage water flows in existing drains, watercourses and culverts, including by way of damming, diversion or over-pumping, other than any such right capable of acquisition by a licence holder under Schedule 5 to the Electricity Act 1989.

8.3.3 **"Access Rights"** means all necessary servitude rights and real burdens in favour of the substation for pedestrian and vehicular access (including without limitation, heavy goods vehicles, plant, equipment and personnel) for the purposes of taking access to the Infrastructure or parking or providing diverted access or rights of way to third parties including creation of new accesses or improvement/diversion of existing accesses (with diversion of pre existing infrastructure) and the right to carry out such earthworks as are required including but not limited to cut and fill and other engineering operations and landscaping. Access Rights also provide for the construction/use of construction compounds, site offices, welfare or ancillary facilities and to use (and restore) land for stockpiling, laydown, soil or material storage and any similar building, engineering or other operations, as well as incorporating the Drainage Rights and Protection Rights.

Table 8.1

Order Land Plot Number	New Rights to be created
1	Access Rights
2	Access Rights
3	Access Rights
4	Access Rights

9 SITE SELECTION AND ALTERNATIVES

9.1 The Acquiring Authority has carefully considered alternatives to the compulsory acquisition of the rights in land. This Section sets out the Acquiring Authority's site selection process and consideration of alternatives to compulsory acquisition.

Do Nothing Scenario

9.2 As set out in Section 5, the Project is integral to the delivery of the Wider Network Upgrades. In a "Do Nothing" scenario, without delivery of the Project the Wider Network Upgrades could not be efficiently operated. This would adversely impact the required capacity upgrade of the transmission network and the achievement of renewable energy generation targets, as well as having wider impacts on customers and third parties. It would also be contrary to the Acquiring Authority's statutory and licence obligations. The "Do Nothing" scenario is not an acceptable alternative.

Voluntary Acquisition

- 9.3 The Circular advises that, where practicable, an acquiring authority should try to acquire necessary land and rights by means of voluntary acquisition before making a compulsory purchase order. The Acquiring Authority has pursued a strategy of engagement with landowners and has sought to acquire the necessary land and rights through voluntary agreement. Further details of engagement and progress with negotiations are provided in Section 12.
- 9.4 However, the Circular recognises that it may be impossible or impracticable to acquire all interests by agreement within the project timeframe or at a reasonable cost and there is little to be gained in prolonging unproductive negotiations if an acquiring authority is prepared to make a compulsory purchase order. The Circular further recognises that there may be advantages in making a compulsory purchase order in parallel with continuing negotiations to purchase by agreement.
- 9.5 As set out in section 12, the Acquiring Authority has made substantial efforts to obtain the necessary land and rights over the Order Land through private agreement. To date this has not been fully achieved, although substantial progress has been made including agreement for the substation site itself. Having regard to the required Project delivery timetable and the need for certainty, it is necessary and reasonable to pursue compulsory acquisition. The Acquiring Authority will continue to pursue voluntary acquisition in parallel with the compulsory acquisition process.

Site Alternatives

- 9.6 As part of its site selection process for the Project, the Acquiring Authority carried out analysis and optioneering using environmental and technical surveys to determine the optimum design and location for the infrastructure and its associated works, including access rights, some of which are the subject of the Order. The approach to site selection for the infrastructure was informed by the Acquiring Authority's internal guidance on SSEN Transmission's Guidance 'Substation Site Selection Procedures for Voltages at or above 132 kV' guidance document for site selection. The guidance document sets out the approach for identification and selection of substation sites and helps the Acquiring Authority to meet its obligations under Schedule 9 of the Electricity Act 1989 which requires transmission licence holders to:
- 9.6.1 Have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interests.
- 9.6.2 Do what they reasonably can to mitigate any effect that the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites buildings or objects.

9.7 The Acquiring Authority's guidance aims to balance these environmental considerations with economic and technical considerations through the site selection process, which is carried out in stages, being:

9.7.1 **Stage 0** – Pre-site selection (Strategic Options Appraisal);

9.7.2 **Stage 1** - Initial Site Screening;

9.7.3 **Stage 2** - Detailed Site Selection; and

9.8 Stage 0, the Strategic Options Appraisal is the identification of the strategic need, which is described in Sections 3 and 5 above. Once the strategic need for the Wider Network Upgrades had been identified, that informed the required configuration of the substation, which was determined to be 400 kV double busbar. Stage 1 involved a review of potential locations for the Project within a defined Area of Search. The Area of Search was determined by feasible areas for the proposed new 400kV substation to be connected to the existing 275kV Tealing Substation and OHL Network. This was taken to be within a 5 km radius of the existing Tealing Substation. In addition, it was considered relevant that the site:

9.8.1 is on predominantly flat ground (with a gradient of no more than 15%),

9.8.2 is large enough to accommodate a site substation platform of notionally 550 m x 550 m, with additional land for biodiversity net gain (BNG), internal access, and land for construction activities (site compounds, materials storage, equipment laydown). The substation area requirement was subsequently updated to 645 m x 280 m to allow sufficient space for different platform orientations.

9.8.3 is capable of being accessed by technically feasible, economically viable and environmentally acceptable future connection options.

9.8.4 avoids areas of "high amenity value", interpreted as being sites designated for their natural or cultural heritage value at international and national levels.

9.8.5 avoids interaction with existing and future planned infrastructure (other transmission projects, roads, railways, communications, wind farms and pipelines) (in the case of underground pipelines, allowing for a buffer of no less than 100 m from any existing assets).

9.8.6 avoids hazards, neighbouring hazardous land uses, and potential soil contamination or pollution.

9.8.7 is not vulnerable to flood risk (climate adjusted 1:200, as defined by Scottish Environment Protection Agency).

- 9.8.8 avoids residential buildings and other properties, and which is capable of being substantially screened from view by properties in the vicinity and locations which are used by the local community.
- 9.8.9 Is capable of being accessed from local roads allowing for local road improvements.
- 9.9 The results of desk based studies, followed by site reconnaissance from public roads, identified seven sites, of which two had A/B options, for a total of nine candidates for Stage 2.
- 9.10 A comparative analysis of these sites was undertaken focusing on their degree of constraint. From this process two potential sites were considered to be least constrained and suitable for further appraisal at Stage 2. The two remaining sites were known as Site Options 4 (Balkemback Farm) and 7 (land to south of North Mains of Baldovan).
- 9.11 Stage 2 involved more detailed consideration of the environmental, engineering and cost constraints of the two shortlisted sites. A series of criteria was used to structure this process, and desk-based analysis of constraints was supported by site visits to the sites by relevant project team specialists. This process identified Site Option 4 as the preferred site on the grounds of financial, technical and environmental/consenting considerations. This was taken forward in the Appropriate Authority’s public “*Consultation Document – Substation Site Selection (May 2023)*”. It was noted in that document that
- ...there is little to distinguish between Sites 4 and 7, the principal factors being cultural heritage, the works necessary to rationalise existing connections and the associated costs. While Site 7 is marginally preferred in terms of its greater distance from cultural heritage features, the lower costs of Site 4 in rationalising existing connections is a material factor which weighs in favour of Site 4. There are fewer residential properties in close proximity to Site 4 than to Site 7. Moreover, while Site 4 is a little closer to some of the principal cultural heritage assets identified, none is so close that their integrity and essential setting would be adversely impacted by development at Site 4.*
- SSEN Transmission has identified Site option 4, located on land at Balkemback Farm as the Preferred Substation Site. This site accommodates the substation design and size and offers a degree of flexibility with regards to connections to the existing Tealing Substation site.”*
- 9.12 A public consultation event on the preferred location, which included presentation of key project elements, the site selection process and questions for feedback was held on 11 May 2023 at Tealing Village Hall.
- 9.13 Formal Pre-Application Consultation was undertaken for the planning application, which included a consultation event at Tealing Village Hall on 7 March 2024 at which layouts, drainage, landscape, and access designs in early development were presented. This was followed by a second consultation event at Tealing Village Hall on 5 and 6 June 2024 that

presented the feedback from the first event, an update on the Project and invited further comments.

Following identification of the preferred site using the process above the Acquiring Authority undertook additional consideration of its consenting and engineering requirements prior to submission of the planning application referred to in Section 11 below. The Acquiring Authority also engaged with affected parties as detailed in Section 12 below. This culminated in the Acquiring Authority being satisfied that the extent of land (or areas of land where rights are to be created) reasonably necessary to deliver the Project is as outlined in Table 6.1 above.

Acquisition of Rights Only

9.14 The Acquiring Authority's view is that necessary wayleaves under Schedule 4 to the 1989 Act are not exercisable in relation to the Order Land, as the rights sought relate principally to means of access to the substation site and not to the installation of an electric line or plant on the Order Land. However, even had Schedule 4 powers been available, the Acquiring Authority's view is that in this case the use of powers under Schedule 3 was preferable due to a number of factors including:

9.14.1 The need for permanent acquisition of rights in order to safely and securely construct, operate, maintain and (if necessary) decommission the substation and ancillary infrastructure.

9.14.2 That necessary wayleaves would not be registered in the Land Register of Scotland.

9.14.3 Due to the uncertainty over Schedule 4 rights being available in the circumstances, it being more efficient for both the Acquiring Authority and the parties with an interest in the land to proceed under Schedule 3.

9.15 Given the nature of the Project, and its expected lifespan, the Acquiring Authority considers that Schedule 3 powers were in any event reasonable in preference to necessary wayleaves.

10 COMPELLING CASE IN THE PUBLIC INTEREST, HUMAN RIGHTS AND EQUALITIES

10.1 The Acquiring Authority considers the use of its powers to acquire rights in land are necessary in order to perform its statutory duties. The public benefits that are associated with the Project demonstrably outweigh any private loss that would be suffered by any owner or occupier whose land is affected by the proposals.

10.2 The Acquiring Authority has exercised its powers with due regard to the need to do so in a proportionate manner to achieve its aims in the public interest to acquire rights in the land to enable access for the purposes of installing, constructing, using, keeping, operating,

maintaining, monitoring, inspecting, repairing, replacing, renewing, removing, decommissioning, retaining and protecting the Infrastructure. The Infrastructure contributes to the pressing national demand for energy supply and security of the network and the Order Land is accordingly required to facilitate the construction and operation of the Infrastructure. Accordingly, there is a compelling case for the acquisition of rights in land to be taken by way of Order having been unable to date to secure the necessary rights by private agreement.

- 10.3 The European Convention on Human Rights ("ECHR") is incorporated into UK law by the Human Rights Act 1998. Article 1 of the First Protocol to the ECHR states that:

"Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law"

- 10.4 If the powers of compulsory acquisition contained in the Order are confirmed by the Scottish Ministers, the landowners of and others with an interest in the Order Land will be restricted in their use and enjoyment of their property. However, as explained above, the Project is in the public interest, and the Infrastructure is a critical part of the Project and therefore falls within the exception contained within Article 1 of the ECHR.

- 10.5 Article 6 of the ECHR states:

"In the determination of his civil rights and obligations.... everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law".

- 10.6 The compulsory acquisition process provides those potentially affected by any compulsory purchase order to make representations. Additionally, parties affected by the Order have where reasonably possible been consulted and notified prior to the Order being made. It is submitted that on this basis the rights contained within Article 6 of the ECHR are satisfied.

- 10.7 Article 8 of the ECHR states:

"Everyone has the right to respect for his private and family life, his home and his correspondence. There shall be no interference by a public authority with the exercise of this right except such as in accordance with the law and is necessary in a democratic society in the interest of national security, public safety or the economic well-being of the country, for the prevention of disorder of crime, for the protection of health or morals or for the protection of the rights and freedoms of others".

- 10.8 Any interference with this right by the Order is made in accordance with the law, including the 1989 Act and other relevant legislation. It is considered that such interference is necessary in a democratic society in the interest of public safety and the economic well-being of Scotland (and the UK as a whole) given that it will ensure the security of electricity

supply to UK households and businesses and facilitate the generation of renewable energy in furtherance of government policy on climate change and net zero.

- 10.9 The potential infringement of ECHR rights by including compulsory acquisition powers within the Order has been considered against the potential public benefits gained if the rights for the Project are acquired. The Project, of which the Infrastructure forms a key part, will facilitate the generation, transmission and distribution of renewable energy which is of great benefit to Scotland and the rest of the UK in meeting its renewable energy targets. It will provide additional capacity in particular for ScotWind projects, thus helping to ensure the security of electricity supply to UK households and businesses. The Project's contribution to the public interest is recognised by it falling within the category of National Development per NPF4, as discussed further below.
- 10.10 In order for the wider benefit to be achieved, the compulsory acquisition powers sought in the Order must be granted. It is considered that the Order strikes a fair balance between the public interest in the Order being authorised and the potential interference with the individual rights affected.

Equalities

- 10.11 The Acquiring Authority has also given due regard to and complied with its duties under the Equality Act 2010 including the Public Sector Equality Duty (“**PSED**”) in considering whether to promote the Order. It has implemented mitigation measures designed to minimise potential impacts and promote positive social and equality outcomes. It is satisfied that no significant adverse effects have been identified on groups with protected characteristics as a result of the preparation and making of the Order.

11 PLANNING AND RELATED CONSENTS

- 11.1 The Acquiring Authority has a statutory obligation to make a number of notifications and seek formal consents for works of construction from the regulatory authorities in certain circumstances.
- 11.2 The Acquiring Authority has applied under the 1997 Act for planning permission to construct the Project. The Project lies within the local authority area of Angus Council, and the application has been made to Angus Council as planning authority. The planning application reference number allocated by Angus Council to the Project is 24/00699/FULN, and the application was validated on 2 December 2024. The Project falls within the category of ‘National Development’ under the 1997 Act.
- 11.3 As part of the planning application an Environmental Impact Assessment Report (“**EIA Report**”) and Planning Statement was submitted. Copies of the EIA Report and Planning Statement are on the Acquiring Authority’s website and on the planning authority’s website. These contain a detailed appraisal of the effects of the Project. Overall, it is considered

that any likely significant effects on the environment are outweighed by the planning and energy policy benefits of the Project.

- 11.4 The recommendation of Angus Council's planning officers was to grant planning permission for the Project. Following a special meeting of Angus Council in December 2025, on 5 January 2026 Angus Council refused planning permission for the Project. The Acquiring Authority submitted an appeal against that refusal to the Scottish Ministers' Directorate of Planning and Environmental Appeals on 30 January 2026 ("**Planning Appeal**"). The Planning Appeal included a Supplementary Planning Statement. In March 2026 the Planning Appeal was recalled by Scottish Ministers for their determination. The Acquiring Authority considers there is a reasonable prospect that planning permission will be granted following the Planning Appeal. This section summarises the planning and consenting justifications for the Project, in the context of the Wider Network Upgrades.
- 11.5 Statutory consultees have provided comments as part of the planning application. NatureScot do not object on the basis of mitigation measures set out in the EIA Report. NatureScot additionally advises that in their view an Appropriate Assessment under the Habitats Regulations is not required. Historic Environment Scotland, HSE and the MoD do not object. SEPA, Transport Scotland and the local authority roads department do not object, subject to appropriate planning conditions.
- 11.6 A large number of objections have been received from members of the public and community councils, including Tealing Community Council as statutory consultee for the community council area in which the Project is proposed. Campaign groups such as Stop Tealing Industrialisation Group, Angus Pylon Action Group, Save our Mearns and Deeside Against Pylons Action Group have also objected.
- 11.7 The Acquiring Authority considers that the Project is in accordance with the development plan. In addition, there are strong energy and climate policy grounds that are material considerations in favour of the grant of planning permission.
- 11.8 In terms of Section 24 of the 1997 Act the development plan comprises: (a) National Planning Framework 4 ("NPF4"); and (b) Angus Council Local Development Plan (2016) ("ALDP") and associated Supplementary Guidance.
- 11.9 NPF4 was adopted on 13 February 2023 and ALDP was adopted on 23 September 2016.
- 11.10 On page 55 the ALDP provides that "Opportunities exist across Angus to generate energy from renewable and low carbon sources contributing to a reduction in the output of greenhouse gases; sustainable economic growth; and a largely decarbonised society."
- 11.11 Page 55 of the ALDP then states that the ALDP can contribute to these aims through policies which promote and facilitate:

- *“a range sustainable energy development proposals of an appropriate scale and type in*
- *the right location;*
- *energy efficiency measures in all new build including siting, microclimate, accessibility,*
- *on-site energy generation which can reduce both greenhouse gas emissions and demand for energy;*
- *heat exchange between producers and users of heat; and*
- *sustainable development which focuses on existing centres, reduces the need to travel and promotes all modes of transport.”*

11.12 The scheme is therefore supported in policy and in principle by the ALDP.

11.13 NPF4 designates certain development that contributes to 'Strategic Renewable Electricity Generation and Transmission Infrastructure' as national development no.3. The introduction to national development no.3 includes the following text:

"A large and rapid increase in electricity generation from renewable sources will be essential for Scotland to meet its net zero emissions targets. Certain types of renewable electricity generation will also be required, which will include energy storage technology and capacity, to provide the vital services, including flexible response, that a zero carbon network will require. Generation is for domestic consumption as well as for export to the UK and beyond, with new capacity helping to decarbonise heat, transport and industrial energy demand. This has the potential to support jobs and business investment, with wider economic benefits.

The electricity transmission grid will need substantial reinforcement including the addition of new infrastructure to connect and transmit the output from new on and offshore capacity to consumers in Scotland, the rest of the UK and beyond. Delivery of this national development will be informed by market, policy and regulatory developments and decisions."

11.14 The need for the development is identified as follows:

- *“Additional electricity generation from renewables and electricity transmission capacity of scale is fundamental to achieving a net zero economy and supports improved network resilience in rural and island areas. Island transmission connections in particular can facilitate capturing the significant renewable energy potential in those areas as well as delivering significant social and economic benefits.”*

11.15 Having confirmed that the designation applies to all Scotland, the type of development to be designated national development is then defined as follows:

- *"Designation and classes of development*

A development contributing to 'Strategic Renewable Electricity Generation and Transmission' in the location described, within one or more of the Classes of Development described below and that is of a scale or type that would otherwise have been classified as 'major' by 'The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009', is designated a national development:

a) On and off shore electricity generation, including electricity storage, from renewables exceeding 50 megawatts capacity;

b) New and/or replacement upgraded on and offshore high voltage electricity transmission lines, cables and interconnectors of 132kv or more; and

c) New and/or upgraded infrastructure directly supporting high voltage electricity lines, cables and interconnectors including converter stations, switching stations and substations."

11.16 The Project will fall within c) above. NPF4 therefore designates the Project as national development. The need for the Project in planning terms is established through that designation. Other relevant NPF4 policies and principles support the Project.

11.17 The Project is therefore in accordance with ALDP and NPF4 read together as the development plan.

11.18 The British Energy Security Strategy focuses on reducing Scotland's and the wider UK's dependency on hydrocarbons and has important security of supply, electricity cost and fuel poverty avoidance benefits. Its foreword states:

"Accelerating the transition away from oil and gas then depends critically on how quickly we can roll out new renewables.... The growing proportion of our electricity coming from renewables reduces our exposure to volatile fossil fuel markets. ... But now we need to be bolder in removing the red tape that holds back new clean energy developments and exploit the potential of all renewable technologies."

11.19 It is the Acquiring Authority's position that the Project would provide a valuable contribution to energy supply security, both locally and internationally. The British Energy Security Strategy emphasises the urgency of delivering renewable and sustainable energy for reasons of national security. Improving grid infrastructure will support the Strategy's aims of security of supply. The Project is therefore in the national interest in energy policy terms.

It will form an important part of grid decarbonisation, and therefore the path towards net zero targets.

- 11.20 In summary, the Acquiring Authority are satisfied that there is a reasonable prospect that planning permission for the Project will be obtained.

Additional Consents and Permissions

- 11.21 The Project is one component of the Wider Network Upgrades described in Section 5 above. In order to construct and operate the Wider Network Upgrades the Acquiring Authority will require to obtain the following permissions and/or consents:-

11.21.1 **LT486 (Hurlie 400kV Substation)**: An application for planning permission under the 1997 Act was submitted to Aberdeenshire Council on 29th November 2024, allocated reference number APP/2024/1951. On 30 January 2026 Aberdeenshire Council resolved to refuse permission. The Acquiring Authority has appealed against the refusal. If permission is granted construction works are anticipated to commence around Q1 2027 & complete around Q4 2030.

11.21.2 **LT455 (Tealing to Kintore 400kV OHL)**: An application for Section 37 Consent under the 1989 Act and deemed planning permission under the 1997 Act was submitted to Scottish Ministers on or around 29 August 2025. If consent is granted construction works are anticipated to commence around February 2027 & complete around Q4 2030.

11.21.3 **LT383 (Alyth to Tealing 400kV OHL Reconductoring)**: An application for Section 37 Consent under the 1989 Act and deemed planning permission under the 1997 Act was submitted to Scottish Ministers on 18th November 2024. Consent was granted on 10 October 2025. Construction works have commenced and are anticipated to complete around Q3 2029.

11.21.4 **LT384 (Tealing to Westfield 400kV OHL Reconductoring)**: An application for Section 37 Consent under the 1989 Act and deemed planning permission under the 1997 Act was submitted to Scottish Ministers on 18th November 2024. Consent was granted on 27 October 2025. Construction works have commenced and are anticipated to complete around Q3 2029.

11.21.5 **Emmock and Tealing Tie-Ins**: An application for Section 37 Consent under the 1989 Act and deemed planning permission under the 1997 Act is was submitted to Scottish Ministers on 16 October 2025. If consent is granted, construction works are anticipated to commence around Q3 2028 and complete around Q4 2030.

- 11.22 A range of other statutory consents may be necessary to deliver the Project, such as consents from Angus Council as roads authority for improvements to the public road, or

licences to deal with any protected species encountered during construction. Such consents are considered an ordinary part of infrastructure projects. The Acquiring Authority or its contractors will apply for these as required.

- 11.23 While the Project forms part of the Wider Network Upgrades which require a number of related consents and permissions to ensure delivery, the Acquiring Authority considers that there is a reasonable prospect all of these will be obtained within a reasonable timescale, and that promotion of the Order now is in accordance with the Circular.

12 ENGAGEMENT WITH INTERESTED PARTIES

- 12.1 The Acquiring Authority has sought, and continues to seek, acquisition of the land and rights it required for the Project, by negotiation and agreement wherever possible, and the making of the Order does not prejudice the rights of those with an interest to settle such negotiations by agreement.
- 12.2 The owners of the land are set out in full in the Order and briefly within Table 6.1 above.
- 12.3 The Acquiring Authority consider that significant progress has been made in voluntary negotiations. This has, in particular, resulted in voluntary agreement with the relevant landowner for land needed for the substation platform and access thereto from the public road. While negotiations with that landowner continue in relation to one aspect (drainage) at this time it is not considered proportionate to exercise compulsory powers over their land in view of the substantive progress already made. While engagement has been positive with the remaining landowners, a lack of substantive progress means delay in promotion of the CPO over their interests risks delaying the Project unnecessarily were the voluntary negotiations not to result in a successful conclusion.
- 12.4 Subject to planning permission and the rights in land being obtained the Acquiring Authority intends commence development in Q3 2026, with a view to energisation by Q4 2030.
- 12.5 Consequently, in order to comply with its statutory and licence obligations, the Acquiring Authority requires to acquire rights in the land identified on the Order Map within a reasonable timeframe.
- 12.6 Table 12.1 below summarises the engagement made to date in respect of each plot of land forming part of the Order Land and summarises the reason for including the plot in the Order

Table 12.1

PLOT NO.	SUMMARY OF ENGAGEMENT
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1	<p>Seagreen Phase 1 OFTO Project Limited (“Seagreen”)</p> <p>Discussions with Seagreen began in April 2025. Discussions have focused on the fact that SSEN are requesting a variation of existing rights over the same area where SSEN already hold rights of access (to the existing Tealing substation). Therefore, SSEN’s request does not require Seagreen to grant rights over a wider area of land.</p> <p>In May 2025 Seagreen were sent a set of Heads of Terms and an accompanying plan. Further meetings have taken place since October 2025, and the matter was passed to Seagreen’s solicitors in January 2026 with a view to legal agreement. Although further discussions have taken place no legally binding agreement has been concluded.</p> <p>While the Acquiring Authority require to make this Order to ensure delivery of the Project within a reasonable timescale, they remain committed to conclusion of a legal agreement on a voluntary basis with Seagreen (and all other parties) while the CPO process is ongoing if practicable.</p>
2	<p>Mr Peter Allison</p> <p>Discussions with the landowner Mr Peter Allison began in December 2024 following confirmation of the access route required for construction and occasional maintenance of the substation and identification of Mr Allison’s interest therein. Mr Allison has engaged positively with the Acquiring Authority since then. This has included in person meetings in April/May 2025 with one of the Acquiring Authority’s land managers Mr James Holland, and agreement on non binding Heads of Terms in July 2025, subject to conclusion of a legal agreement. Since then there has been some progress towards a legal agreement but certain matters remain outstanding. Mr Allison has stated his wish to avoid CPO proceedings. The Acquiring Authority have been cognisant of that request. While the Acquiring Authority require to make this Order in order to ensure delivery of the Project within a reasonable timescale, they remain committed to conclusion of a legal agreement on a voluntary basis with Mr Allison (and all other parties) while the CPO process is ongoing if practicable.</p>

3	<p>Tealing Farms Ltd</p> <p>Tealing Farms Ltd is a company owned by Mr Peter Allison, and negotiations are as summarised for Plot 2 above.</p>
4	<p>The late Mr David Barn</p> <p>Discussions with the landowner Mr Barn began in January 2025, following confirmation of the access route required for construction and occasional maintenance of the substation and identification of Mr Barn's interest therein. This included in person meetings between the landowner and the Acquiring Authority's Mr James Holland, followed by communications between Mr Holland and the landowner's appointed representative Martin Currie, farm manager. Engagement was positive, but due to issues beyond the parties' control there was a delay in progress between May and late July 2025. Following the delay the landowner indicated they were committed to progress towards non-binding Heads of Terms. Since then there was limited progress and it is now understood that Mr Barn is deceased. The late Mr Barn's Executors have been identified. While the Acquiring Authority require to make this Order in order to ensure delivery of the Project within a reasonable timescale, they remain committed to conclusion of a legal agreement on a voluntary basis with the late Mr Barn's personal representatives and successors (and all other parties) while the CPO process is ongoing if practicable.</p>

12.7 As summarised above, the Acquiring Authority considers that it has meaningfully engaged with the main parties with interests in the Order Land. It is not practicable for the Acquiring Authority to engage with all parties who have or may have rights short of ownership in the Order Land. Delaying promotion of the Order while negotiations continue would now create a real and substantial risk of delay to the Project. The Acquiring Authority therefore consider, having regard among other things to paragraphs 7 and 8 of the Circular, that there is a strong justification for promotion of the Order at this time in order to ensure the rights necessary for the Infrastructure are obtained within a reasonable timeframe with respect to the overall Project timeframe.

13 FUNDING

- 13.1 Reinforcement of the Acquiring Authority's electricity transmission system is essential to harvest the additional renewable generation in its area, and is an essential part of the onshore and offshore electricity transmission network infrastructure required to enable the forecasted growth in renewable electricity across Great Britain, including the UK and Scottish Government 2030 offshore wind targets of 50GW and 11GW. It is also essential to ensure the Acquiring Authority remains compliant with the statutory and licence obligations as the transmission licence holder in the north of Scotland.
- 13.2 The Acquiring Authority is a regulated business and their investment plans and returns are based on the regulatory agreements with Ofgem. The Project will be funded by electricity consumers through Ofgem's ASTI Framework. ASTI was introduced in 2022 by Ofgem to enable accelerated growth of the GB transmission network, to enable the UK Government's 2030 offshore wind target of 50GW. Ofgem, after reviewing the HND publication by NGENSO, agreed to provide regulatory approval for the ASTI schemes as set out within its decision document.
- 13.3 The ASTI framework provides Pre-Construction Funding (PCF) and Early Construction Funding (ECF) allowances to the Acquiring Authority, as set out within its license. Special Condition 3.40 sets out the arrangements for PCF and sets a Price Control Deliverable for the submission of all material planning consent applications for the scheme by the 31 March 2026.
- 13.4 Special Condition 3.41 sets out the arrangements for accessing ECF allowances, including for the submission of applications to Ofgem for allowances for the scheme. Following submission of all material planning consents, the Acquiring Authority may apply for an ASTI Project Assessment Decision which will set the overall budget for the scheme and the efficient costs to be recovered from electricity consumers.
- 13.5 As of the time this Order is being promoted within the Wider Network Upgrades, not all planning consents have not been submitted, and therefore no Project Assessment application has been submitted to Ofgem. Development and design funding is therefore being provided through PCF and ECF allowances.
- 13.6 The Scottish Ministers recognise in the Circular (particularly at paragraphs 32 – 33) that funding for full delivery of a scheme may not be certain at the point a compulsory purchase order is made. In this case, in light of the ASTI Framework's ambition to enable 2030 targets, Scottish Ministers can be satisfied that there is a reasonable prospect funding for the Project (including land/rights acquisitions) will be obtained within the statutory three year period following confirmation. In any event, the Acquiring Authority is confident that pending full confirmation any shortfall in funding can be met from the Acquiring Authority's own funds; the most recent accounts for the Acquiring Authority as of 31 March 2025 noted it had a cash or cash equivalent balance of £7.4m and an undrawn committed banking facility of £1.2bn.

14 BARRIERS TO COMPLETING THE SCHEME

- 14.1 Planning permission for the Project has been refused with a Planning Appeal which has not yet been determined. Section 37 Consents and planning permissions for the Wider Network Upgrades have not been granted, nor all applied for at the time this Order has been made, as discussed in section 11 above. Collectively the grant of these development consents is necessary to construct and operate the Wider Network Upgrades, and is therefore a potential barrier to the Project.
- 14.2 Having regard to the strong policy justification for the Project and Wider Network Upgrades, the Acquiring Authority consider that there is a reasonable prospect that planning permissions, Section 37 consents and all other necessary consents will be obtained within a reasonable timescale. Having regard to the terms of the Circular, the Acquiring Authority consider the making of the Order prior to permission being obtained to be necessary to deliver the Project within a reasonable timeframe, and justified in policy terms. In order to deliver such a large and complex scheme it is inevitable that some aspects will need to be delivered at different timescales. The Acquiring Authority therefore consider that bringing forward this Order now is justified in policy terms.
- 14.3 Part of the access route for construction purposes involves an access track owned by Seagreen Phase 1 OFTO Project Limited, to the south of the Acquiring Authority's existing Tealing Substation. Access rights are needed over that track. As a holder of a licence under the 1989 Act, Seagreen Phase 1 OFTO Project Limited are subject both to special statutory protections and duties. The former are considered in section 16 below. The latter includes the duties under s.9 of the 1989 Act to develop and maintain an efficient, co-ordinated and economical system of electricity transmission and to facilitate competition in the supply and generation of electricity. The Acquiring Authority's view is that Seagreen Phase 1 OFTO Project Limited may be expected to grant the necessary rights in fulfilment of that duty. However, the Order has included land in which they have an interest in order to ensure that the Acquiring Authority will obtain the relevant rights within a reasonable timeframe.
- 14.4 Part of the access route for construction purposes also involves the public roads known as Emmock Road and Moatmill Road. Consents will be sought from the roads authority for any necessary improvements to that public road in the interests of safety and convenience of road users in due course. The Acquiring Authority consider that Scottish Ministers may be satisfied there is a reasonable likelihood the relevant consents will be obtained within a reasonable timeframe.
- 14.5 Accordingly, the Acquiring Authority do not consider there are any barriers to the project that mean Scottish Ministers should not confirm the Order.

15 UNKNOWN LANDOWNERS

- 15.1 The Acquiring Authority believes that it has identified all landowners of and third parties with an interest in the Order Land. The Acquiring Authority has reached this conclusion through searching and reviewing the Land Register of Scotland, Register of Sasines and site visits and discussions with landowners. It has employed land referencers to identify and solicitors to consider affected titles.
- 15.2 The Acquiring Authority is therefore satisfied that it has made reasonable inquiry into the identity of parties with an interest in the land.

16 SPECIAL CONSIDERATIONS

- 16.1 As referred to in section 14 above Seagreen Phase 1 OFTO Project Limited are another 1989 Act licence holder, who own land that forms part of the intended access route, being Plot 1 of the Order Land. The Acquiring Authority currently have a servitude right to use that land for access to and from the existing Tealing Substation. The existing rights would not permit the Acquiring Authority to take access across the Order Land to the proposed Emmock substation. Additional rights in favour of the Emmock substation land are therefore to be created. In view of the existing access taken by the Acquiring Authority, and the modest additional use that will result from the creation of the new rights, Scottish Ministers can therefore be satisfied the Order will not cause serious detriment to Seagreen Phase 1 OFTO Project Limited's interests.
- 16.2 As land acquired by a statutory undertaker Plot 1 is defined as special category land by section 1(2) of the 1947 Act. Such land would usually be entitled to additional protection under Paragraph 10 of the First Schedule to the 1947 Act. However, paragraph 15(2) of Schedule 3 to the 1989 Act states "*Paragraph 10 of the First Schedule to [the 1947] Act (statutory undertakers' land excluded from compulsory purchase) shall not apply where the land or rights in question belong to another licence holder.*" In this case, while the land is special category land, it is not subject to the special procedure set out in Part III of the First Schedule to the 1947 Act.
- 16.3 Instead the 1989 Act provides at paragraph 2(1) of Schedule 3 that "*No order shall be made under paragraph 1 above authorising the compulsory purchase of land belonging to another licence holder except with the consent of the [Gas and Electricity Market Authority].*" Paragraph 2(2) states "*The [Gas and Electricity Market Authority] shall not give [their] consent under this paragraph if- (a) the land is being used by the licence holder to whom it belongs for the purposes of an installation necessary for the carrying on of the activities which he is authorised by his licence to carry on; or (b) it appears to the [Gas and Electricity Market Authority] that the land will be so used and that the use will commence, or any necessary planning permission or consent under section 36 or 37 of this Act will be applied for, within the period of five years beginning with the date of the application for [their] consent.*"

- 16.4 Therefore, Ministers must be satisfied that the Order should be made but the 1989 Act envisages that the question of detriment as between licence holders, where their land or rights in land are to be purchased, is considered by the Gas and Electricity Market Authority. In this case the Acquiring Authority seek to create a new right in Seagreen Phase 1 OFTO Project Limited's land. There is no serious detriment to Seagreen Phase 1 OFTO Project Limited's interests, as the route is already used by the Acquiring Authority for other purposes. The prohibition of consent under paragraph 2(2) is not engaged because the land is being used as an access and not as an installation. The Acquiring Authority considers there is a reasonable prospect the Gas and Electricity Market Authority would give its consent to the Order.
- 16.5 Plots 2, 3 and 4 are subject to servitude rights and real burdens in favour of Seagreen Phase 1 OFTO Project Limited in connection with access to and from their substation. It is not proposed that these interests will be acquired or extinguished and therefore the Acquiring Authority considers that the Order can be confirmed without the consent of GEMA in respect of Plots 2, 3 and 4. In the Acquiring Authority's view because the acquisition of Seagreen Phase 1 OFTO Project Limited's interests in these Plots is not sought they do not qualify as special category land, but they have been named as such in the Order on a precautionary basis, so that the attention of Seagreen Phase 1 OFTO Project Limited is drawn to the Order.
- 16.6 Plot 4 has a standard security in favour Seagreen Wind Energy Limited, Seagreen Alpha Wind Energy Limited and Seagreen Wind Bravo Limited, who are generation licence holders under the 1989 Act. It is not proposed that this interest will be acquired or extinguished and therefore the Acquiring Authority considers that the Order can be confirmed without the consent of GEMA.
- 16.7 Plot 4 may have an interest in favour of Scottish Ministers, which is a potential access right. This would be Crown Land. It is not proposed that this interest will be acquired or extinguished and therefore the Acquiring Authority considers that the Order can be confirmed without the consent of Scottish Ministers being required (as a party with an interest).
- 16.8 There are no other special considerations known to affect the land. The possibility of some infrastructure owned by statutory undertakers within or adjacent to Order Land cannot be entirely excluded, since for example they may not be registered or recorded. However no specific rights have been identified and in any event, the Order provides that Statutory Undertakers rights are not to be affected in the making of the Order. The Scottish Ministers can be satisfied that their interests are adequately protected.

17 MINISTERIAL STATEMENT

- 17.1 No ministerial statements have been made specifically in respect of the Project. However, the Project and Wider Network Upgrades fall within the definition of National Development

described within National Planning Framework 4 (NPF4), which was adopted by the Scottish Parliament and came into force on 13 February 2023.

- 17.2 NPF4 contains a statement of need by the Scottish Ministers for strategic electricity generation and transmission infrastructure. Accordingly, the Scottish Ministers have stated (and the Scottish Parliament has passed a resolution approving) that there is a need for infrastructure such as the Project.

18 DOCUMENTS

- 18.1 The Acquiring Authority will deposit a copy of the Order, the Order Map and this Statement of Reasons at Forfar Library. These documents will be available for inspection free of charge during normal opening hours.
- 18.2 The Acquiring Authority will also carry out the necessary statutory notification and advertisement of the making of the Order. Individual notices will be served and newspaper adverts will be published in the Courier.
- 18.3 The statutory notices advise that any objections to the Order must be made in writing stating the title of the Order and the grounds of objection and addressed to The Scottish Ministers c/o the Energy Consents Unit, 5 Atlantic Quay, 150 Broomielaw, Glasgow, G2 8LU or by email to Econsents_Admin@gov.scot by 31 July 2026.
- 18.4 As noted in Section 1, the following documents will have been provided to the Scottish Ministers to accompany the Acquiring Authority's request for confirmation:
- 18.4.1 Two certified copies of the signed and dated Order;
 - 18.4.2 Two sets of the Order Map (included within the copies of the Order);
 - 18.4.3 Two copies of this Statement of Reasons;
 - 18.4.4 Certified copies of the notices of making the Order;
 - 18.4.5 Certified copies of both newspaper advertisements of the making of the Order and information about the publication dates;
 - 18.4.6 General Certificate in support of the Order submission;
 - 18.4.7 Protected Assets and Special Category Land Certificate.

19 CONCLUSIONS

- 19.1 This Statement of Reasons has provided sufficient information to demonstrate that the confirmation of compulsory acquisition powers sought within the Order (namely the compulsory purchase of new rights in the Order Land):

- 19.1.1 Is necessary for the delivery of the Project including for the purposes of installing, constructing, using, keeping, operating, maintaining, monitoring, inspecting, repairing, replacing, renewing, removing, decommissioning, retaining and protecting the Infrastructure and for access to and from the Infrastructure.
- 19.1.2 Involves only interference with rights for a legitimate purpose and is proportionate.
- 19.1.3 Is consistent with (and not in breach of) the European Convention on Human Rights.

19.2 This Statement of Reasons has also:

- 19.2.1 Introduced the Acquiring Authority and explained the powers under which it made and requests the confirmation of the Order;
- 19.2.2 Explained that reasonable alternatives to compulsory purchase of new rights were fully explored;
- 19.2.3 Confirmed that commercial negotiations have been sought but have been unsuccessful;
- 19.2.4 Detailed the Project of which the Infrastructure forms part, explaining that the Project was authorised under the legislation referred to, and that the permanent rights in the Order are required for purposes connected to, and authorised by, the Acquiring Authority's licence;
- 19.2.5 Explained the compulsory rights sought and how these relate to the Order Land;
- 19.2.6 Offered assurances that where appropriate land will be returned to previous form to mitigate effects of the Order once works have been carried out.

19.3 It is therefore requested that the Order be confirmed as made.

APPENDIX 1: STATEMENT OF ESTABLISHED NEED