

STATEMENT OF REASONS

on behalf of

Scottish Hydro Electric Transmission plc

in relation to the

Hurlie 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 Hurlie 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 land and 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 is under 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 land and 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 land and rights in land necessary to construct, operate, maintain and if necessary decommission the proposed Hurlie substation and its associated and ancillary works including overhead lines connected to the substation, construction compounds, landscaping and other works, and routes of access to and from the substation ("**Infrastructure**") over areas of land identified in the Order.
- 1.7 This statement will make reference to the following terms:
 - 1.7.1 "**the Project**", which refers to the proposed Hurlie substation and its associated and ancillary works described at paragraph 5.14 and Tables 5.1 and 5.2 below; and
 - 1.7.2 "**the Wider Network Upgrades**" means the Tealing to Kintore 400kV Overhead Line network upgrades, which are described further in paragraph 5.8 below.

- 1.8 The proposed substation would be located west of Stonehaven in Aberdeenshire, in Fetteresso Forest, approximately 575 m north east of the existing Fetteresso 275 kV Substation, with ancillary development of the Project in the locality. In this Statement the plots of land subject to compulsory purchase or 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 the Statement of Reasons. Order Land which is to be purchased is shown outlined in red and coloured pink on the plan that forms part of the Order (“**Order Map**”). Order Land over which rights are to be compulsorily acquired is shown outlined in red and coloured blue on the 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 land and 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. However, it has to date, not been possible to reach such agreement.
- 1.10 Therefore, in order to meet its licence obligations, the Acquiring Authority requires to utilise their powers for compulsory acquisition of land and rights in land upon which the Infrastructure is to be constructed and is accordingly needed for these purposes.
- 1.11 The Order, if confirmed, would authorise the Acquiring Authority to acquire land and rights in land necessary to install, construct, use, keep, operate, maintain, monitor, inspect, replace, renew, repair, decommission and retain, to protect and take access to the Infrastructure which is necessary as part of the Acquiring Authority's electricity transmission network and in the public interest. Without the land and rights described in the Order, the Acquiring Authority could not be confident of having sufficient legal certainty to ensure that the proposed Hurlie substation 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 construction of 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 has 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 sets out the Acquiring Authority's justification for seeking the compulsory purchase powers within the

Order. This Statement 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 land and 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 the statement 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 ITS 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 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. 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. These 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 being pursued under the STC include those contained in Section 9(2) of the 1989 Act and also the 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. 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 network.
- 3.14 In July 2022, National Grid, the then Electricity System Operator (“**ESO**”), published the Pathway to 2030 Holistic Network Design (“**HND**”), setting 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 increase 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 transmission assets and to do so in a manner in accordance with their 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 and 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 land and rights in this 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 The Acquiring Authority is the holder of its Transmission Licence under Section 6(1)(b) of the 1989 Act. Where any provision of either of the Schedules mentioned in subsection (1) above is applied to a licence holder by his 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 have, with the necessary modifications, 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 land and 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 for the Project provides a Needs Case Statement, which should be considered alongside this section. The Needs Case Statement 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 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 a proposed new substation at Emmock to Kintore, via the proposed new Hurlie substation at Fetteresso Forest – i.e. the Project. 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 **LT382 (Emmock 400 kV Substation):** A new 400 kV substation to be constructed to the southwest of Balkemback Farm, Kirkton of Tealing, Angus.

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 Project, and approximately 72 km between the Project and the proposed Emmock 400 kV substation. 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.

- 5.9 Although not part of the TKUP project the Acquiring Authority are also pursuing **LT270 (Fetteresso 400kV substation extension)**: An upgrade of the existing substation in Fetteresso Forest to enable operation at 400 kV. This neighbours Order Land.

Figure 5.1



The Need for the Project

- 5.10 The Project forms a critical component of the Wider Network Upgrades, being one of the two new 400 kV substations required to enable the efficient operation of the Tealing to Kintore 400 kV OHL.
- 5.11 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).

- 5.12 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 Aberdeenshire 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.
- 5.13 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 Aberdeenshire Council planning portal.

Description of the Project

- 5.14 The Infrastructure includes construction and operation of a new 400 kV Air Insulated Switchgear substation located on a level platform and the formation of associated earthworks, access, drainage, landscaping, security, and the creation of a temporary construction compound and set-down, equipment and material storage areas. Further details of the substation are set out in Tables 5.1 and 5.2 below. The key design elements of the Infrastructure are:
- 5.14.1 Management felling and construction felling;
 - 5.14.2 Cut and fill operations to create a development platform to accommodate the electrical infrastructure;
 - 5.14.3 The formation of new permanent access tracks, improvement of existing roads/access tracks and creation of temporary accesses;
 - 5.14.4 The erection and commissioning of electrical equipment;
 - 5.14.5 The erection of a single storey switchgear building;
 - 5.14.6 The erection of two single storey synchronous condenser buildings (up to 15 m above platform level);
 - 5.14.7 The erection of a solar plant plot;
 - 5.14.8 The erection of a single storey control building;

- 5.14.9 New landscape planting to deliver landscape and visual mitigation, and habitat loss mitigation;
- 5.14.10 Creation of a Sustainable Drainage System (SuDS) to the northeast of the platform, draining into the Burn of Baulks and the Burn of Day;
- 5.14.11 Internal accesses and vehicle parking within the substation platform area;
- 5.14.12 Perimeter fence
- 5.14.13 Operational lighting for use during maintenance only when necessary;
- 5.14.14 Temporary site compound lay down area, material storage areas, and internal access tracks;
- 5.14.15 Temporary parking, site offices and welfare facilities for on-site construction workers; and
- 5.14.16 Temporary construction lighting; and
- 5.14.17 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 685 m x 300 m	Provide foundation for substation structures and equipment
400 kV Control Building	Houses critical equipment for monitoring, controlling, and protecting electrical systems
Switchgear Building	Houses disconnectors and circuit breakers that control, protect and isolate electrical equipment
2 x Synchronous Condenser Buildings	House condensers that manage and control system voltage levels across the network
Solar Plant Plot	A photovoltaic system consisting of one or more panels, an inverter that converts DC electricity to alternating current (AC) electricity, and sometimes other components such as controllers, meters, and trackers
3 x Bus Couplers	Couple two busbars to perform maintenance on other associated circuit breakers
4 x Bus Sections	Sectionalize bus system for load breaking
2 x Feeder Bays	To connect Kintore (OHL Connection)

2 x Feeder Bays	To connect Emmock (OHL Connection)
12 x Future Feeder Bays	Connections for future customer connections including windfarms, HVDC etc.
Below ground earthing	Ground electrical equipment for safety

Table 5.2: Substation Equipment

Substation Equipment	Purpose
Primary	
2 x 400 kV Synchronous Condenser	Assists in managing and controlling system voltage levels across the network
2 x 400 kV Synchronous Compensation Transformers	400kV transformers to change the voltage from one part of the network to another
Support structures	Construct, mount, and secure equipment
4 x Gantries	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
Secondary	
Control building steelwork	Construction
Diesel generator x 1	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
PRRs	Portable relay rooms to locate protection and control equipment within the substation compound
HVAC	Heating, ventilation, and air conditioning

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 or neighbouring Fetteresso Forest, approximately 5 km west of Stonehaven, in Aberdeenshire (National Grid Reference Northing 786658, Easting 379203).
- 6.3 The principal access to the Order Land is from the A957 (Slug Road) which links Stonehaven and Crathes via an existing forestry access track shared by SSEN Transmission and FLS. Additional access routes include the unclassified Auchenblae Road to the south of the Site.
- 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
001	11.59 ha	A soil storage area required for construction of the principal substation and ancillary infrastructure. It is not anticipated this land will be required during operations, and so the rights will expire 8 years after entry is taken.	Land within Fetteresso Forest (The Scottish Ministers)	Forestry Use	Required for construction and reinstatement period only.
002	54.83 ha	The principal substation and ancillary infrastructure (including provision for future works) such as access roads, landscaping and drainage will be located on this land.	Land within Fetteresso Forest (The Scottish Ministers)	Forestry Use	
003	21.91 ha	Rights are being acquired over this land for a construction compound, access, laydown, storage and similar operations during construction of the substation. It is not anticipated this land will be required during	Land within Fetteresso Forest (The Scottish Ministers)	Forestry Use	Required for construction and reinstatement period only.

		operations, and so the rights will expire 8 years after entry is taken.			
004	0.23 ha	Rights are being acquired over this land for use as a security gatehouse, vehicle marshalling and laydown area during construction and reinstatement. It is not anticipated this land will be required during operations, and so the rights will expire 8 years after entry is taken.	Land within Fetteresso Forest (The Scottish Ministers)	Forestry Use	
005	0.55 ha	Rights are being acquired over this land for use as a security gatehouse, vehicle marshalling and laydown area during construction and reinstatement. It is not anticipated this land will be required during operations, and so the rights will expire 8 years after entry is taken.	Land within Fetteresso Forest (The Scottish Ministers)	Forestry Use	
101	0.22 ha	Rights are being acquired over this land for access to and from the substation site. This route will form the principal access route, and will be used by heavy vehicles and construction and operations personnel.	Public Road (Richard Holman-Baird)	Public road	Although a public road, rights are sought over its extent in order to ensure that in the event the road were stopped up access would be maintained, this being the only suitable route to the substation site for abnormal loads.

					A lease exists over this land in favour of a renewables developer for access.
201	2.46 ha	Rights are being acquired over this land for access to and from the substation site. This route will form the principal access route, and will be used by heavy vehicles and construction and operations personnel.	Land within Fetteresso Forest (The Scottish Ministers)	Forestry Access Track	
202	2.02 ha	Rights are being acquired over this land for access to and from the substation site. This route will form the principal access route, and will be used by heavy vehicles and construction and operations personnel.	Land within Fetteresso Forest (The Scottish Ministers)	Forestry Access Track	
203	3.11 ha	Rights are being acquired over this land for access to and from the substation site. This route will form the principal access route, and will be used by heavy vehicles and construction and operations personnel.	Land within Fetteresso Forest (The Scottish Ministers)	Forestry Access Track	
204	2.06 ha	Rights are being acquired over this land for access to and from the substation site. This route will form the principal access route, and will be	Land within Fetteresso Forest (The Scottish Ministers)	Forestry Access Track	

		used by heavy vehicles and construction and operations personnel.			
205	0.43 ha	Rights are being acquired over this land for access to and from the substation site. This route will form the principal access route, and will be used by heavy vehicles and construction and operations personnel.	Land within Fetteresso Forest (The Scottish Ministers)	Forestry Access Track	
301	0.41 ha	Rights are being acquired over this land for access to and from the substation site. This route will form the secondary access track to the substation.	Land within Fetteresso Forest (The Scottish Ministers)	Forestry Access Track / Forestry Use	
302	0.64 ha	Rights are being acquired over this land for access to and from the substation site. This route will form the secondary access track to the substation.	Land within Fetteresso Forest (The Scottish Ministers)	Forestry Access Track / Forestry Use	
401	0.73 ha	Rights are being acquired over this land for accommodation works, to improve the existing forestry access track to ensure the landowner can continue to fully access the eastern section of the forest.	Land within Fetteresso Forest (The Scottish Ministers)	Forestry Access Track / Forestry Use	

402	1.07 ha	Rights are being acquired over this land for accommodation works, to improve the existing forestry access track to ensure the landowner can continue to fully access the eastern section of the forest.	Land within Fetteresso Forest (The Scottish Ministers)	Forestry Access Track / Forestry Use	
501	0.73 ha	Rights are being acquired over this land for access between the principal substation works area and the soil storage area. It is not anticipated this land will be required during operations, and so the rights will expire 8 years after entry is taken.	Land within Fetteresso Forest (The Scottish Ministers)	Forestry Access Track	
502	0.67 ha	Rights are being acquired over this land for access between the principal substation works area and the soil storage area. Access may also be taken over this land to a drainage outfall.	Land within Fetteresso Forest (The Scottish Ministers)	Forestry Access Track	
503	0.25 ha	Rights are being acquired over this land for access between the principal substation works area and the soil storage area. Access may also be taken over this land to a drainage outfall.	Land within Fetteresso Forest (The Scottish Ministers)	Forestry Access Track	
601	0.03 ha	Rights are being acquired over this land for a drainage outfall from the substation site; access will also need maintained.	Land within Fetteresso Forest	Access track verge	

			(The Scottish Ministers)		
701	0.22 ha	Rights are being acquired over this land for access to and from the substation site. This route will form a secondary access route, to be used by smaller vehicles and construction and operations personnel.	Land within Fetteresso Forest	Forestry Access Track	
801	0.02 ha	Rights are being acquired over this land for access to and from the substation site. This route will form a secondary access route, to be used by smaller vehicles and construction and operations personnel.	Public Road/Access Track (East Coast Arable Systems Limited)	Access track/ road/ verge	Although this may form part of a public road, rights are sought over its extent due to uncertainty about the width of the public road at this location, and to ensure the route can be maintained in the event it were stopped up.
802	0.02 ha	Rights are being acquired over this land for access to and from the substation site. This route will form a secondary access route, to be used by smaller vehicles and construction and operations personnel.	Public Road/Access Track (East Coast Arable Systems Limited)	Access track/ road/ verge	Although this may form part of a public road, rights are sought over its extent due to uncertainty about the width of the public road at this location, and to ensure the route can be maintained in the event it were stopped up.
803	0.009 ha	Rights are being acquired over this land for access to and from the substation site. This route	Public Road/Access Track	Access track/	Although this may form part of a public road, rights are sought over its

		will form a secondary access route, to be used by smaller vehicles and construction and operations personnel.	(East Coast Arable Systems Limited)	road/ verge	extent due to uncertainty about the width of the public road at this location, and to ensure the route can be maintained in the event it were stopped up.
804	0.003 ha	Rights are being acquired over this land for access to and from the substation site. This route will form a secondary access route, to be used by smaller vehicles and construction and operations personnel.	Public Road/Access Track (East Coast Arable Systems Limited)	Access track/ road/ verge	Although this may form part of a public road, rights are sought over its extent due to uncertainty about the width of the public road at this location, and to ensure the route can be maintained in the event it were stopped up.
805	0.02 ha	Rights are being acquired over this land for access to and from the substation site. This route will form a secondary access route, to be used by smaller vehicles and construction and operations personnel.	Public Road/Access Track (East Coast Arable Systems Limited)	Access track/ road/ verge	Although this may form part of a public road, rights are sought over its extent due to uncertainty about the width of the public road at this location, and to ensure the route can be maintained in the event it were stopped up.

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.
- 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 land or permanent rights. Without such land or 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 includes land to be acquired and land over which new rights are being created. The latter rights are considered in section 8 below.
- 7.5 The Acquiring Authority proposes to acquire the minerals in those areas of land purchased. This is because, while there are no exploitation proposals the Acquiring Authority are aware of, it would not be acceptable to risk the safety and security of electricity supply by the undermining of the Infrastructure and in particular the substation platform. Accordingly, the minerals under acquired land are to be purchased. In addition, the Mining Code has been applied so that to the extent that minerals are not purchased, 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
001	A soil storage area required for construction of the principal substation and ancillary infrastructure. This will involve tree/vegetation clearance and creation of access routes. Following completion of construction this plot would be reinstated.	It is not anticipated this right will be required during operations, and so the rights will expire 8 years after entry is taken.	In the event that the substation is decommissioned in the future, the works would be generally similar to those of construction activities. The most appropriate method of decommissioning and the handling and disposal of material will be in line with environmental best practice and the relevant legislation and guidance prevailing at the time. An application for compulsory rights would be sought at the time, if a voluntary agreement could not be reached.
002	Construction of a 400 kV substation. This will involve cut and fill earthworks to create a level platform of approximate dimensions 685 m x 300 m along a north-west orientation in the centre of the site, to accommodate electrical infrastructure and provide space in the event future equipment is needed. The substation site would be surrounded by a perimeter	This plot will form the principal substation platform and ancillary infrastructure will be used for operating, inspecting, testing, future works, maintaining, protecting, repairing, replacing, renewing and removing all necessary apparatus for the operation of the substation. This includes regular operational staff access.	In the event that the substation is decommissioned in the future, the works would be generally similar to those of construction activities. The most appropriate method of decommissioning and the handling and disposal of material will be in line with environmental best practice and the relevant legislation and guidance prevailing at the time.

Order Land Plot Number	Construction	Operations/Maintenance	Decommissioning
	fence. Landscape planting would take place to screen the infrastructure and provide biodiversity enhancement. Access tracks would be created or upgraded. Drainage, including two SuDS ponds would be installed. Buildings, including two synchronous condenser buildings which would be the tallest buildings on site at a maximum of 15 m above the platform, would be erected.		
003	A construction compound, access tracks, laydown, storage and similar operations area. This is required to support construction of the substation and ancillary infrastructure. This will involve tree/vegetation clearance and upgrading/creation of access routes.	It is not anticipated this right will be required during operations, and so the rights will expire 8 years after entry is taken.	In the event that the substation is decommissioned in the future, the works would be generally similar to those of construction activities. The most appropriate method of decommissioning and the handling and disposal of material will be in line with environmental best practice and the relevant legislation and guidance prevailing at the time. An application for compulsory rights would be sought

Order Land Plot Number	Construction	Operations/Maintenance	Decommissioning
	Following completion of construction this plot would be reinstated.		at the time, if a voluntary agreement could not be reached.

Order Land Plot Number	Construction	Operations/Maintenance	Decommissioning
004	Rights are being acquired over this land, for access and parking, to act as a vehicle parking area for construction personnel.	It is not anticipated this right will be required during operations, and so the rights will expire 8 years after entry is taken.	In the event that the substation is decommissioned in the future, the works would be generally similar to those of construction activities. The most appropriate method of decommissioning and the handling and disposal of material will be in line with environmental best practice and the relevant legislation and guidance prevailing at the time. An application for compulsory rights would be sought at the time, if a voluntary agreement could not be reached.

Order Land Plot Number	Construction	Operations/Maintenance	Decommissioning
005	Rights are being acquired over this land for access and parking, to act as a vehicle parking area for construction personnel.	It is not anticipated this right will be required during operations, and so the rights will expire 8 years after entry is taken.	In the event that the substation is decommissioned in the future, the works would be generally similar to those of construction activities. The most appropriate method of decommissioning and the handling and disposal of material will be in line with environmental best practice and the relevant legislation and guidance prevailing at the time. An application for compulsory rights would be sought at the time, if a voluntary agreement could not be reached.

Order Land Plot Number	Construction	Operations/Maintenance	Decommissioning
101	Rights are being acquired over this land as a primary access route to and from the substation during construction and operations (and any decommissioning). This will involve the upgrading and realignment of existing roads and access tracks, as well as formation of new access tracks and tree/vegetation clearance. A bellmouth will be improved/created at the junction with the Slug Road.	This route will be used for access to and from the substation during the operational period. Periodic maintenance and clearance will be required.	In the event that the substation is decommissioned in the future, the works would be generally similar to those of construction activities. The most appropriate method of decommissioning and the handling and disposal of material will be in line with environmental best practice and the relevant legislation and guidance prevailing at the time, but it can reasonably be expected that this access route would be used for such activities.
201 - 205	Rights are being acquired over this land as a primary access route to and from the substation during construction and operations (and any decommissioning). This will involve the upgrading and realignment of existing roads and access tracks, as well as formation of new access tracks and tree/vegetation clearance.	This route will be used for access to and from the substation during the operational period. Periodic maintenance and clearance will be required.	In the event that the substation is decommissioned in the future, the works would be generally similar to those of construction activities. The most appropriate method of decommissioning and the handling and disposal of material will in line with environmental best practice and the relevant legislation and guidance prevailing at the time, but

Order Land Plot Number	Construction	Operations/Maintenance	Decommissioning
			it can reasonably be expected that this access route would be used for such activities.
301 - 302	Rights are being acquired over this land as a secondary access route to and from the substation during construction and operations (and any decommissioning). This will involve the upgrading and realignment of existing roads and access tracks, as well as formation of new access tracks and tree/vegetation clearance.	This route will be used for access to and from the substation during the operational period. Periodic maintenance and clearance will be required.	In the event that the substation is decommissioned in the future, the works would be generally similar to those of construction activities. The most appropriate method of decommissioning and the handling and disposal of material will be in line with environmental best practice and the relevant legislation and guidance prevailing at the time, but it can reasonably be expected that this access route would be used for such activities.
401 - 402	Rights are being acquired over this land, to upgrade and improve the existing forestry access track to ensure the landowner can continue to fully access the eastern section of the forest during and post-completion of the construction works.	It is not anticipated this right will be required during operations, and so the rights will expire 8 years after entry is taken.	It is likely that the upgraded track will be left in situ.

Order Land Plot Number	Construction	Operations/Maintenance	Decommissioning
501	Rights are being acquired over this land for access between the principal substation works area and the soil storage area (plot 001). This will involve the use and upgrading of existing access tracks.	It is not anticipated this right will be required during operations, and so the rights will expire 8 years after entry is taken.	It is likely that the upgraded track will be left in situ.
502 - 503	Rights are being acquired over this land for access between the principal substation works area and the soil storage area (plot 001), and to create, operate and maintain a drainage outfall (plot 901). This will involve the use and upgrading of existing access tracks	The drainage outfall at plot 901 will be required during operations, and so the access rights over these plots to requires to be maintained. There is also drainage within the substation site (plot 002) which may require occasional access to these plots for inspection/maintenance.	In the event that the substation is decommissioned in the future, the works would be generally similar to those of construction activities. The most appropriate method of decommissioning and the handling and disposal of material will be in line with environmental best practice and the relevant legislation and guidance prevailing at the time, but it can reasonably be expected that this access route would be used for such activities.
601	Rights are being acquired over this land to take access to install, operate and maintain a drainage outfall.	This drainage outfall, and access to/from it for maintenance will be required during operations.	In the event that the substation is decommissioned in the future, the works would be generally similar to those of construction activities. The most appropriate method of decommissioning and the

Order Land Plot Number	Construction	Operations/Maintenance	Decommissioning
			handling and disposal of material will in be line with environmental best practice, but it can reasonably be expected that this outfall would be used for such activities.
701	Rights are being acquired over this land as a secondary access route to and from the substation during construction and operations (and any decommissioning). This will involve the upgrading and realignment of existing roads and access tracks, as well as formation of new access tracks and tree/vegetation clearance.	This route will be used for access to and from the substation during the operational period. Periodic maintenance and clearance will be required.	In the event that the substation is decommissioned in the future, the works would be generally similar to those of construction activities. The most appropriate method of decommissioning and the handling and disposal of material will be in line with environmental best practice and the relevant legislation and guidance prevailing at the time, but it can reasonably be expected that this access route would be used for such activities.
801 - 805	Rights are being acquired over this land as a secondary access route to and from the substation during construction and operations (and any decommissioning). This will involve the upgrading and	This route will be used for access to and from the substation during the operational period. Periodic maintenance and clearance will be required.	In the event that the substation is decommissioned in the future, the works would be generally similar to those of construction activities. The most appropriate method of decommissioning and the handling and disposal of material will in line with

Order Land Plot Number	Construction	Operations/Maintenance	Decommissioning
	realignment of existing roads and access tracks, as well as formation of new access tracks and tree/vegetation clearance.		environmental best practice and the relevant legislation and guidance prevailing at the time, but it can reasonably be expected that this access route would be used for such activities.

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.

8.2 In addition to the land required for the proposed substation 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 out 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.

8.3.4 **"Construction Rights"** are Access Rights but which are not needed for the full lifespan of the development. They will expire after a period eight years from the date of entry.

Table 8.1

Order Land Plot Number	New Rights to be created
001, 003 - 005	Construction Rights
101	Access Rights
201 - 205	Access Rights
301 - 302	Access Rights
401 - 402	Construction Rights
501	Construction Rights
502 - 503	Access Rights
601	Access Rights
701	Access Rights
801 - 805	Access Rights

9 SITE SELECTION AND ALTERNATIVES

- 9.1 The Acquiring Authority has carefully considered alternatives to the compulsory acquisition of the land and 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 achieved, although substantial progress has been made. Having regard to the required Project delivery timetable, 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; and
 - 9.7.3 **Stage 2** - Detailed Site Selection.
- 9.8 A detailed explanation of the reasonable alternatives studied by the Acquiring Authority is set out in Chapter 4 of the Environmental Impact Assessment Report accompanying the planning application (see Section 11 below). The following is a summary of the main issues set out therein.
- 9.9 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. Areas of Search are typically close to connection points. In Project's case the Area of Search was defined as the area within a 5 km radius of the Fiddes grid connection point, but excluding a 1 km strip along the coast defined by the A92. In addition, it was considered relevant that the site:
 - 9.9.1 is on predominantly flat ground (with a gradient of no more than 15%),
 - 9.9.2 is large enough to accommodate a site substation platform of notionally 550 m x 550 m, with additional land for biodiversity enhancement (BNG), internal access, and land for construction activities (site compounds, materials storage, equipment

laydown). The substation area requirement was subsequently updated to 685 m x 300 m to allow sufficient space for different platform orientations.

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

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

9.9.5 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).

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

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

9.9.8 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.

9.9.9 is capable of access from local roads (subject to road improvements).

9.10 Eight sites were initially identified at Stage 1, which increased to fourteen once iterations of the original sites were considered following site visits. A workshop held by the Acquiring Authority’s staff discounted eleven of those sites due to issues such as the proximity of underground infrastructure, such as oil and gas pipelines, site elevation, visibility, and topography.

9.11 The remaining three sites proceeded to Stage 2. These were mainly arable farmland located adjacent to Upper Pitforthie Farm, north of Nether Craighill or north of Gobbs Farm. Site 5B, north of Nether Craighill was identified as the preferred site on the balance of environmental, engineering and cost considerations. However, consultation feedback (including the area’s association with the work of Lewis Grassie Gibbon) resulted in the Acquiring Authority deciding to re-run its Stage 1 Area of Search with an extended 10 km radius from the existing Fiddes Substation.

9.12 The extended Area of Search resulted an additional twenty-three candidate sites. Fourteen of these were discounted following an initial appraisal of site size, proximity to properties, presence of existing infrastructure and connection opportunities to existing and new OHL infrastructure. Further appraisals based on environmental, engineering and costs considerations narrowed the candidate sites leaving two to be taken forward to Stage 2:

Banff Hill and Fetteresso Forest. These were comparatively assessed against the two leading sites (5B and 8B) from the original Stage 2 process.

- 9.13 A range of environmental, engineering and cost considerations were then considered. The Acquiring Authority's view was that, as between the sites analysed, the site at Fetteresso Forest was:

9.13.1 Optimal in environmental terms.

9.13.2 Better than Sites 5B and 8B in terms of the network route and amenity to local settlements and properties, and broadly similar to Banff Hill.

9.13.3 Sub-optimal compared to the other candidates in civil engineering terms.

9.13.4 Sub-optimal in cost terms compared to Sites 5B and 8B, and on balance likely more costly than Banff Hill.

- 9.14 Having carefully considered the factors, and following the extended consideration process summarised above, the Acquiring Authority considered that the environmental benefits of the Fetteresso Forest site were of greater weight than the additional cost and technical constraints. The Acquiring Authority therefore selected the site now taken forward as the Project.

- 9.15 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 below.

Acquisition of Rights Only

- 9.16 In preparing the Order the Acquiring Authority has had regard to Scottish Government Circular 6/2011 on compulsory purchase orders and has sought to use the most specific powers available to it under the 1989 Act to obtain the rights it requires. The Acquiring Authority considered all powers available to it to acquire rights to enable delivery of the Project. This has included the use of necessary wayleaves under Schedule 4 of the 1989 Act in conjunction with its acquisition powers under Schedule 3.
- 9.17 The Order provides for the acquisition of ownership of Plot 002 of the Order Land. The Acquiring Authority recognises that this involves a higher degree of interference with private property rights than the acquisition of rights in land. However, ownership of Plot 002

is required to ensure the certain, efficient and safe construction, operation, maintenance and decommissioning of the new Hurlie substation. In particular:

- 9.17.1 The Substation comprises strategic electricity transmission network infrastructure, with an estimated lifetime of at least 40 years before decommissioning. It is necessary to secure exclusive possession of the land to permit the necessary earthworks, construction and maintenance activities, discharge anticipated planning conditions, prevent other construction activities or land uses incompatible with the safe and efficient operation of Substation, and ensure the safety of the Substation equipment, works compound and the general public;
 - 9.17.2 The presence of the Substation and works compound will prevent or severely restrict the potential for any alternative land uses on Plot 002 for a period of decades; and
 - 9.17.3 In the absence of acquisition of ownership, the current landowner could retain rights over, and some occupier's liability in relation to, the Order Land.
- 9.18 In these circumstances, the Acquiring Authority considers that it is necessary and proportionate to acquire ownership of Plot 002, with the current landowner being entitled to compensation for the loss of ownership.
- 9.19 The Acquiring Authority's view is that where there was a choice, the use of powers under Schedule 3 was preferable to use of necessary wayleaves under Schedule 4 due to a number of factors including:
- 9.19.1 The need for permanent and exclusive possession of large areas of land and rights in land in order to safely and securely construct, operate, maintain and (if necessary) decommission the substation and ancillary infrastructure.
 - 9.19.2 That necessary wayleaves would not be registered in the Land Register of Scotland.
 - 9.19.3 In the Acquiring Authority's view of the land and rights necessary for this specific Project, it being more efficient for both the Acquiring Authority and the parties with an interest in the land to proceed in one process rather than partly under Schedule 3 and partly under Schedule 4. In particular, some parties do not have an electric line or plant on their land but their land is required for access, meaning necessary wayleaves under Schedule 4 to the 1989 Act would not be available for those plots of land. Additionally, in view of the special considerations relative to land held by the Scottish Ministers, Schedule 3 was more appropriate.
- 9.20 Given the nature of the Project, and its expected lifespan, the Acquiring Authority considers that Schedule 3 powers were 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 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 land and 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 land and rights in land to be taken by way of Order having been unable to date to secure the necessary land and 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 lose or 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 land and rights for the Project are acquired. The Project, of which the Infrastructure forms a critical 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 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 Aberdeenshire Council, and the application has been made to Aberdeenshire Council as planning authority. The planning application reference number allocated by Aberdeenshire Council to the Project is APP/2024/1951. 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. This section summarises the planning and consenting justifications for the Project, in the context of the Wider Project.
- 11.4 The recommendation of Aberdeenshire Council's planning officers was to grant planning permission for the Project. Following a meeting of Aberdeenshire Council on 30 January 2026 the Council resolved to refused planning permission for the Project. In February 2026 the Acquiring Authority submitted an appeal against that refusal to the Scottish Ministers' Directorate of Planning and Environmental Appeals under reference PPA-110-2474 ("**Planning Appeal**"). 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.
- 11.5 Statutory consultees provided comments as part of the planning application. Aberdeenshire Council's internal consultees did not object. NatureScot were satisfied that there were no likely significant effects to any European Sites, and that if mitigation set out in the EIA Report was carried out there would be no adverse effects on protected species. Aberdeen City Council and Scottish Water did not object. Scottish Forestry have not commented, citing a lack of detail on loss of woodland and subsequent compensatory planting requirements. SEPA, Transport Scotland and the local authority roads department do not object subject to standard planning conditions being imposed. National Gas Transmission did not object, subject to a condition requiring an Electrical Impact Assessment on nearby gas infrastructure, and any identified impacts being suitably mitigated. Historic Environment Scotland did not object subject to a suspensive condition for a scheduled monument protection plan (see also section 16 below).
- 11.6 A large number of objections were received from members of the public and community councils, including Crathes, Drumoak & Durrus Community Council, Stonehaven and District Community Council, Mearns Community Council, Arbuthnott Community Council and a petition agreeing with the objection of a campaign group Save Our Mearns which attracted over 1100 signatures. Campaign groups such as Angus Pylon Action Group, Deeside Against Pylons Action Group and STOP Tealing Industrialisation also objected.

Several representations have also been made against the Project in the Planning Appeal by members of the public and community councils.

- 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. The Planning Statement submitted as part of the planning application considers these in detail. The following is therefore a brief summary only.
- 11.8 In terms of Section 24 of the 1997 Act the development plan comprises: (a) National Planning Framework 4 (“NPF4”); and (b) Aberdeenshire Local Development Plan 2023 (“ALDP”) and associated supplementary guidance.
- 11.9 NPF4 was adopted on 13 February 2023 and ALDP was adopted on 13 January 2023. As NPF4 was adopted later, if any ALDP policies are incompatible with NPF4, it is the NPF4 policy which is to prevail (s.24(3) of the 1997 Act).
- 11.10 Relevant ALDP policies include:
- 11.10.1 **Policy R2 - Development Proposals Elsewhere in the Countryside** - places the siting and design of the proposed development as a primary consideration in the decision-making process alongside compliance with other relevant policies.
- 11.10.2 **Policy E2 – Landscape** – This policy states the planning authority will refuse development that causes unacceptable impacts as a result of its scale, location or design on key characteristics, natural landscape elements, features or the composition or quality of the landscape character (as defined in the Landscape Character Assessments produced by NatureScot) whether impacts are alone or cumulative with other recent developments. The policy outlines that a Landscape and Visual Impact Assessment (LVIA) may be required to assess the effects of change on a landscape as a result of a development proposal. The Acquiring Authority has addressed this through its EIA Report, which includes a LVIA.
- 11.10.3 **Policy E3 – Forestry & Woodland** Policy E3 presents a presumption against the removal of safe and healthy trees, non-commercial woodland and hedgerow, measured against the Scottish Government’s policy on Control of Woodland Removal. It is noted that Policy E3 conflicts to an extent with NPF4 Policy 6 (Forestry, Woodland & Trees), which supports woodland removal where they “*will achieve significant and clearly defined additional public benefits*”, which the Acquiring Authority considers includes the Project.
- 11.10.4 **Policy PR1 – Protecting Important Resources** – This policy seeks to protect important environmental resources associated with air quality, the water environment, important mineral deposits, prime agricultural land, peat and other carbon rich soils, open space, and important trees and woodland. There is a strong

presumption in favour of retaining woodland on development sites. In order to determine whether there are significant public benefits that would outweigh any loss or damage to trees and woodlands, developers are required to submit a Tree Survey to the British Standard 5837 for Trees. Where removal is considered appropriate, damage to existing trees must be minimised and compensatory planting will be required. It is noted that Policy PR1 conflicts to an extent with NPF4 Policy 6 (Forestry, Woodland & Trees), which does not require a specific Tree Survey.

11.10.5 Policy C2 – Renewable Energy - The policy supports solar, wind, biomass and hydro-electricity projects, as well as energy storage projects, which are located and designed appropriately. It is noted that NPF4 Policy 11 (Energy) includes grid transmission infrastructure within the ambit of renewable energy development.

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

11.12 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."

11.13 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."*

11.14 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."

11.15 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, including in particular Policy 11 (Energy).

11.16 NPF4 Policy 11 a) states that *"Development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported. These include: ... ii. enabling works, such as grid transmission and distribution infrastructure ..."*

11.17 NPF 4 Policy 11 c) states that *"Development proposals will only be supported where they maximise net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities."* The Acquiring Authority has demonstrated its compliance with this policy in its Socio-Economic Assessment submitted as part of the planning application.

11.18 NPF 4 Policy 11 e) requires the Acquiring Authority to demonstrate how the impacts of the Project have been addressed, recognising that some impacts are to be expected. In considering the impacts, significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets. Policy 11 e) also notes that *"Grid capacity should not constrain renewable energy development."*

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

11.20 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.”

11.21 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.

11.22 In summary, the Acquiring Authority are satisfied that there is a reasonable prospect that planning permission for the Project will be granted following the Planning Appeal.

Additional Consents and Permissions

11.23 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:-

11.23.1 **LT382 (Emmock 400kV Substation):** An application for planning permission under the 1997 Act was submitted to Angus Council on 18th November 2024, allocated reference number 24/00699/FULN. It was refused by Angus Council on 5 January 2026. On 30 January 2026 an appeal was submitted to the Directorate of Planning and Environmental Appeals seeking permission to be granted. That appeal has also been recalled.

11.23.2 **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 and complete around Q4 2030.

11.23.3 **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.

11.23.4 **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.

11.24 A range of other statutory consents may be necessary to deliver the Project, such as consents from Aberdeenshire 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.

11.25 While the Project forms part of a Wider Network Upgrades that 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 the Order is promoted at the appropriate time 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 in and over the Order Land, by negotiation and agreement wherever possible, and the making of the Order does not prejudice the rights of the landowner 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 although significant progress has been made in voluntary negotiations, delay in promotion of the CPO risks delaying the Project unnecessarily were the voluntary negotiations not to result in a successful conclusion.

12.4 Subject to planning permission being obtained the Acquiring Authority intends to 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
001 – 005, 201 – 205, 301 - 302, 401 – 402, 501 – 503, 601, 701	Scottish Ministers (Forestry & Land Scotland (FLS)) Engagement with FLS began in 2023. For much of 2023 the focus of engagement was relating to early project survey work for which access was granted on a consensual basis and recorded via completed FLS access request forms. The first video conference meeting took place in August 2023. The first in person meeting took place in December 2023. The vast majority of emails and communications thereafter related to administrative matters including but not limited to sharing plans of access, requesting surveys, provision of shapefiles, sharing of details relating to the proposed development's planning application. In 2024 a valuation was sent to the Acquiring Authority from Scottish Woodlands. This valuation report was shared with FLS and at a meeting on the 3rd of September 2024 a increased purchase boundary was discussed with FLS. FLS concerns at this time related to the isolation of an area of Forestry at Hill of Swanley. The Acquiring Authority confirmed with FLS that due to Ofgem rules, they would be unable to purchase this area – hence the proposed reduced purchase area. In the first quarter of 2025 the Acquiring Authority continued to meet with and press FLS for progress towards a land deal. Heads of terms were sent to FLS in May 2025, together with an updated planning red line boundary and associated shape files. Regular Teams meetings and discussions continued between FLS and the Acquiring Authority throughout Q2 and Q3 of 2025. In August 2025 FLS stated that they were appointing Strutt & Parker to act on their behalf in the progression of a Heads of Terms offer that had previously been submitted by the Acquiring Authority to FLS. Weekly calls commenced between Strutt and Parker and the Acquiring Authority commencing on 19th November 2025 and terminating on 22nd December 2025. The proposed purchase area and commercial terms were agreed between the Acquiring Authority and Strutt and Parker on behalf of FLS on 22nd December 2025. The Acquiring Authority and FLS had a call to discuss the lease and purchase Heads of Terms progress in February 2026.

	In April 2026, FLS returned signed heads of terms for an Option to purchase and Servitude. However, as of the date of the making of the Order legally binding terms have not been concluded.
101	R Holman – Baird / Rickarton Farms First contact with the landowner was made in February 2025 via an in-person meeting. At this meeting the landowner indicated that they would be willing to engage with the Acquiring Authority and work towards a mutually agreeable voluntary deal for rights of access. The landowners' appointed Savills as agents, who confirmed they were instructed in April 2025. Following engagement throughout 2025 commercial terms were agreed with the agent in January 2026. In February 2026 it was understood that Heads of Terms were agreed in principle. In March 2026 further terms were added. As of the date of making the Order Heads of Terms are not agreed nor have binding legal agreements been concluded.
801 - 805	East Coast Arable Systems First contact was made with the landowner in late March 2025 via a phone call to the Landowner's business offices. The landowner was made aware at this time that the Acquiring Authority may seek use of compulsory powers, if necessary, due to the nature of the scheme and the requirements to secure land rights. A Heads of Terms offer was issued to the landowner in September 2025 for a servitude right of access for passing places. The landowner advised verbally that commercial expectations had not been met. The Acquiring Authority provided improved commercial terms to the landowner in January 2026. Subsequent to verbal discussions the Acquiring Authority proposed a meeting. This took place in March 2026, following which heads of terms were agreed. As of the date of the making of the Order legally binding agreements have not been concluded.

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. While significant progress has been made in negotiations, and these will

continue notwithstanding the making of the Order, 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 land and 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 the 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, 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 NGESO, 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 of this Order is being promoted within the Wider Project, 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 applied for and refused and is subject to the Acquiring Authority's Planning Appeal. 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, and in particular the Tealing to Kintore 400 kV OHL, 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 Order Land, including the substation itself, is on Crown Land. Scheduled Monument Consent may be required for works on part of the Order Land. These are dealt with in Section 16 below.

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.

16 SPECIAL CONSIDERATIONS

Crown Land

16.1 Plots 001 – 005, 201 – 205, 301 – 302, 401 – 402, 501 – 503, 601 and 701 inclusive are Crown land, held by the Scottish Ministers. While the land is administered day to day by Forestry and Land Scotland (FLS) on behalf of Scottish Ministers, as an agency of the

Scottish Ministers FLS does not have its own corporate personality. Title to the land is held directly in the name of Scottish Ministers.

- 16.2 Under section 63 of the 1989 Act a compulsory purchase power cannot be confirmed by Scottish Ministers without the consent of the relevant government department. In this case, since FLS have no corporate personality, the relevant government department for the purpose of section 63 is Scottish Ministers themselves. Scottish Ministers may therefore decide to consent to the making of the Order, and confirm it; or refuse consent and refuse to confirm the Order in respect of the Crown land.
- 16.3 The Acquiring Authority respectfully request that Scottish Ministers consent to and confirm the Order. In considering whether to grant their consent to/confirm the Order, the Scottish Ministers will have to consider the public interest in the functions they carry out through FLS, and the public interest in the functions carried out by the Acquiring Authority. The Acquiring Authority in making the Order considered that that the contribution to decarbonisation of the grid that the Project forms part of, having been designated as national development by Scottish Ministers and agreed to by the Scottish Parliament, together with the consequences for the Wider Network Upgrades if the Project does not proceed, are of very significant weight even when considered against the existing use of the land in the public interest. The mitigation hierarchy has been applied by the Acquiring Authority to the environmental impacts of the Project including in particular forestry, and the Acquiring Authority has done what it reasonably can to mitigate any significant adverse effects. The Project is a critical component of the Wider Network Upgrades, which is set to play a key role in achieving grid capacity and decarbonisation in the public interest.
- 16.4 While the Acquiring Authority and FLS have worked constructively and have made significant progress with a view to agreement of appropriate voluntary arrangements, and notwithstanding the making of this Order the Acquiring Authority will continue to work with them to that end, any further delays may put the Project's contribution to 2030 goals at risk. The Acquiring Authority have therefore exercised their statutory powers, and formally seek consent of the Scottish Ministers under section 63 of the 1989 Act to the acquisition of the Crown land and rights comprised in the Order Land, and confirmation of the Order.
- 16.5 Scottish Ministers have interests in Plots 101 and 801 – 805. In the Acquiring Authority's view because the acquisition/extinguishment of these interests is not sought consent of Scottish Ministers under section 63 is not required in relation to these plots.

Electricity Act Licence Holder's interests

- 16.6 Plot 401 (access to the substation site) is subject to rights in favour of another Electricity Act licence holder, namely Scottish Hydro Electric Power Distribution Plc ("SSEN-D"). SSEN-D are a related company of the Acquiring Authority, but for regulatory reasons operate at arm's length. Schedule 3 to the Electricity Act 1989 makes compulsory acquisition of another licence holder's interests subject to the consent of the Gas and

Electricity Markets Authority (“GEMA”). However, in this case it is not proposed that the interest of SSEN-D will be acquired, and appropriate arrangements with them will be made separately. The Acquiring Authority considers that the Order can be confirmed without the consent of GEMA. In the Acquiring Authority’s view because the acquisition of SSEN-D’s interests 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 SSEN-D is drawn to the Order.

Scheduled Monument

- 16.7 Plot 202 passes through a Scheduled Monument known as the Cowie Line, pillbox and earthworks 945m SW of Stonehouse. A holding objection to the planning application by Historic Environment Scotland was later withdrawn on the basis of the limited impact of works on the monument, subject to a recommendation to attach a suspensive condition which will require a scheduled monument protection plan. There may be a need for Scheduled Monument Consent depending on the final nature of the works. Scottish Ministers can be satisfied that the proposed planning condition, together with the requirement for Scheduled Monument Consent, will adequately secure the integrity of the Scheduled Monument, and the Order should be made in respect of that land.

Mid Hill Wind Limited

- 16.8 Mid Hill Wind Limited have an interest in Plot 101. Mid Hill Wind Limited hold an exemption from a requirement to hold an electricity generation licence, granted under section 5 of the 1989 Act. They are therefore not entitled to the special procedure accorded to licence holders under paragraph 2 of Schedule 3 to the 1989 Act. However, in any event, the acquisition/extinguishment of their interests is not sought.

Public Rights of Way

- 16.9 There are potential public rights of way that affect Plots 202 – 203, 701 and 801 – 805 inclusive. These have been highlighted to the Acquiring Authority during its inquiries by Scotways. The Acquiring Authority expresses no view on whether such rights in fact exist, but as the Acquiring Authority do not seek to extinguish such public rights of way as may exist over these Plots, the procedure under section 3 of the 1947 Act is not required.

17 MINISTERIAL STATEMENT

- 17.1 No ministerial statements have been made specifically in respect of the Project. However, the Project falls within the definition of National Development described within NPF4.
- 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 Stonehaven 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 Press & Journal.
- 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 8 LU 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; and
 - 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; and

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: NEEDS CASE STATEMENT