

IN THE COURT OF SESSION

ANSWERS TO GROUNDS OF APPEAL

FOR

SP TRANSMISSION PLC, a company incorporated under the Companies Acts (with registered number SC189126) and having its registered office at 320 St Vincent Street, Glasgow G5 5AD

INTERESTED PARTY

IN THE PETITION OF

PAUL SWIFT as a representative of GALLOWAY WITHOUT PYLONS, an unincorporated body having an address at High Lochenbreck, Laurieston, Castle Douglas, Kirkcudbrightshire, DG7 2PY

PETITIONER/RECLAIMER

for judicial review of a decision of Scottish Ministers dated 14 February 2025 to grant consent in five applications made under section 37 of the Electricity Act 1989 by SP Transmission plc to install overhead electricity lines in Dumfries and Galloway, known collectively as the 'Kendoon to Tongland 132kv reinforcement project'

1. Denied. Explained and averred that the Lord Ordinary was correct in holding that the Respondents' reasons for their Decision were adequate. The Respondents gave adequate reasons for reaching a different conclusion on the relevant question of planning judgement; namely, what the Reporters had described as a '*particularly balanced decision*' between: (i) the renewable energy benefits of the KTR project; as against (ii) the disbenefits in relation to the adverse impacts on woodland: Reporters' Report, paras. 15.38 & 15.66-72. It is clear from the Respondents' Decision that:
 - a. The significant impact on woodland was acknowledged as a main determining issue: Decision, paras. 65 & 77. However, the renewable energy benefits associated with the KTR project were also clear and uncontroversial: Decision, paras. 94-95. Balancing

these competing issues, the Respondents explained that greater weight should be afforded to the renewable energy benefits: Decision, paras. 128-133.

- b. In a planning policy context, the Respondents explained why greater weight was ascribed to NPF4 policies 11 (*Energy*) and 1 (*Tackling the nature and climate crisis*), as against policy 6 (*Forestry, Woodland and Trees*): Decision, paras. 99, 102, 107, 109-110 & 113.
- c. The Respondents did not agree with the Reporters that the applicant's case may have been strengthened by further consideration of alternative routes/designs. The Respondents explained that the study of alternative had been '*robust*': Decision para. 130. It had encompassed a '*wide range of alternatives*' that: (i) had led to modifications of the route to minimise woodland impacts; and (ii) had included '*the possibility of an underground connection*': Decision, paras. 64, 102 & 112. It was compliant with (and indeed had '*gone beyond*') the relevant EIA regulations, as well as being compliant with the mitigation duties under Schedule 9 of the Electricity Act 1989: Decision, paras. 26-27 & 63-64.

In such circumstances, a reasonable and informed reader would be left in no doubt over the reasons why the Respondents differed from the Reporters on the relevant question of planning judgement.

IN RESPECT WHEREOF

A handwritten signature in black ink, appearing to read 'N. M. M. M.', is positioned below the text 'IN RESPECT WHEREOF'.