

**IN THE COURT OF SESSION**

COS-P458-25

**ANSWERS FOR THE SCOTTISH MINISTERS**

IN THE RECLAIMING MOTION BY

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

**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’

The Scottish Ministers answer the ground of appeal in the following terms:

1. Denied. The Lord Ordinary gave a fully reasoned opinion, which demonstrates no error in approach. The Lord Ordinary expressly addressed the Respondents’ reasons for disagreeing with the Reporters on the consideration of alternatives. Paragraphs [8 – 10, Reclaiming Print page 63] provide detailed reasoning of the Lord Ordinary’s opinion in this regard. At [8] it is noted that:

*“That is on the basis that they consider that there has been a “robust consideration of the alternatives”. The implication is that they do not consider on the material before them that there is an alternative. If there is no other means of meeting the accepted need, it follows that greater weight falls to be attached to the issue of the requirement for the development.*

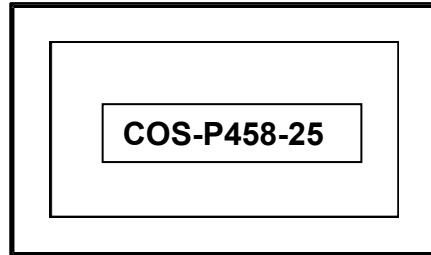
Within paragraphs [8 – 10] of the Lord Ordinary’s opinion further explanation is given for the conclusion that the Respondent’s reasons were adequate. Notably the installation, as applied for, was an overhead line. The Respondents took the view that a wide range of alternatives were considered prior to the submission of that application. They note, as reflected at [10] of the opinion that a description of the measures envisaged to avoid, reduce and if possible, remedy significant

adverse effects was provided. It is plain from the terms of the Lord Ordinary's opinion why his Lordship concluded that the Respondent's reasons for their decision were adequate. There was no error in the way in which the Lord Ordinary came to his conclusion.

IN RESPECT WHEREOF

K.T. Young, Advocate

INTIMATED



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*In the Court of Session*

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SCOTTISH MINISTERS**

in the Reclaiming Motion

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

**PETITIONER/RECLAIMER**

against

**THE SCOTTISH MINISTERS**, Victoria  
Quay, Edinburgh, EH6 6QQ

**RESPONDENTS**

**Agent for the Respondents**  
Scottish Government Legal Directorate, Victoria  
Quay, Edinburgh, EH6 6QQ