

## VOLUME 1: CHAPTER 1: INTRODUCTION AND BACKGROUND

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## 1. INTRODUCTION AND BACKGROUND

### 1.1 Overview

- 1.1.1 This Environmental Impact Assessment Report ('EIA Report') has been prepared by ASH design+assessment Limited ("ASH") on behalf of Scottish Hydro Electric Transmission plc ("the Applicant") who, operating and known as Scottish and Southern Electricity Networks Transmission ("SSEN Transmission"), own, operate, and develop the high voltage electricity transmission system in the north of Scotland and remote islands. In this EIA Report the Applicant and SSEN Transmission are used interchangeably unless the context requires otherwise. The EIA Report has been prepared to accompany an application for consent under section 37 of the Electricity Act 1989 ("the 1989 Act").
- 1.1.2 The application seeks consent under section 37 of the 1989 Act, and deemed planning permission under section 57(2) of the Town and Country Planning (Scotland) Act 1997 (as amended), to construct and operate approximately 7 km of new 132 kV overhead line (OHL) to connect the consented Cloiche Wind Farm<sup>1</sup> and the proposed Dell 2 Wind Farm<sup>2</sup> to the electricity transmission network at Melgarve substation approximately 11 km west of Laggan, in the Highlands of Scotland. The location of the project, referred to as the Melgarve Cluster Project, is shown on **Figure 1.1**.
- 1.1.3 The Applicant is also seeking deemed planning permission under section 57(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) for certain elements of the project, or ancillary development required to facilitate its construction and operation. The ancillary development will include the installation of approximately 9.9 km of underground cable and cable sealing end (CSE) compounds, temporary and permanent access tracks, vegetation clearance, temporary working measures/areas and upgrades to existing access tracks and existing access points.
- 1.1.4 The project, also referred to in this EIA Report as 'the Proposed Development', is being driven by the requirement to connect the consented Cloiche Wind Farm and the proposed Dell 2 Wind Farm to the National Grid at the existing Melgarve substation. **Figure 1.2** provides an overview of the Proposed Development in the context of Cloiche and Dell 2 wind farms. The Proposed Development is recognised in Scotland's fourth National Planning Framework (NPF4) as a National Development<sup>3</sup> under 'ND3 Strategic Renewable Electricity Generation and Transmission Infrastructure'. It therefore forms a vital element to deliver network and grid infrastructure required to deliver the Government's legally binding targets for net zero emissions and renewable energy electricity generation objectives.
- 1.1.5 An Environmental Impact Assessment ("EIA") has been undertaken for the Proposed Development in accordance with the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 to assess the likely significant effects of the Proposed Development. The findings of the EIA are presented in this EIA Report, including the measures which would be taken to prevent, reduce and, where possible, offset predicted likely significant adverse effects.

### 1.2 Background to the Proposed Development

- 1.2.1 The Applicant owns and maintains the electricity transmission network across the north of Scotland and holds a transmission licence under the 1989 Act. In terms of section 9(2) of the 1989 Act, the Applicant has a statutory

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<sup>1</sup> Received consent from the Scottish Government in November 2023.

<sup>2</sup> It should be noted that in August 2019, an application to build and operate Dell Wind Farm was consented following an appeal to the Scottish Ministers. However, the wind farm has been re-designed at the same location to increase capacity and energy capture with fewer wind turbines. The application for Dell 2 Wind Farm was submitted to the Scottish Government Energy Consents Unit on behalf of the Scottish Ministers on 11th March 2024 and awaits decision. It is this proposed re-designed Dell 2 Wind Farm that this EIA Report refers to throughout, rather than the previously consented design.

<sup>3</sup> Given that this development is of a scale that would have otherwise been classified as 'Major' by the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009.

duty to develop and maintain an efficient, co-ordinated and economical system of electrical transmission, and a separate duty to facilitate competition between current and new generators of electricity.

- 1.2.2 The consented Cloiche Wind Farm is located on Glendoe and Garrogie Estates, adjacent to the operational Stronelaig Wind Farm and Glendoe Hydroelectric Scheme and approximately 11 km to the south-east of Fort Augustus. It consists of up to 29 turbines of a maximum height of 149.9 metres with an installed capacity of approximately 125 MW.<sup>4</sup> Cloiche Wind Farm was approved by Scottish Ministers in November 2023.
- 1.2.3 The proposed Dell 2 Wind Farm is located on Dell Estate and lies approximately 5 km to the north of the consented Cloiche Wind Farm. In August 2019, an application to build and operate Dell 2 Wind Farm with associated infrastructure was consented under the Town and Country Planning Act 1997 (as amended by the Planning Etc (Scotland) Act 2006), following an appeal to the Scottish Ministers. Since that time, a revised design and layout is being developed by the wind farm developer that seeks to increase the installed capacity of the proposed wind farm. Consent for the revised layout would be required from Scottish Ministers under the 1989 Act given the revisions increase the installed capacity, meeting the threshold for which section 36 consent under the 1989 Act is required. A scoping opinion was received from Scottish Ministers 6 May 2022, and the application for Dell 2 Wind Farm was submitted to the Scottish Government Energy Consents Unit (ECU) on behalf of the Scottish Ministers on 11th March 2024 and awaits decision.
- 1.2.4 Both Cloiche and Dell 2 wind farms require connection to the electricity transmission network at Melgarve substation by July 2027. This is in accordance with agreements between SSEN Transmission, National Grid Electricity System Operator (as operator of the National Grid), and Coriolis Energy and Electricity Supply Board (ESB), as developers of the proposed Dell 2 Wind Farm and SSE Renewables, as developers of the consented Cloiche Wind Farm.

#### *Routeing Process*

- 1.2.5 SSEN Transmission, has undertaken studies during a routeing process to identify and appraise route and alignment options for the Proposed Development that involved consideration of environmental, technical and cost factors. This work was carried out to select a proposed route, a proposed alignment, and finalising the design solution for the Proposed Development. Consultation has been undertaken during both route and alignment selection stages to seek comments from stakeholders, including members of the public, on the options put forward prior to finalising the design of the Proposed Development as described in this EIA Report. Further detail on the routeing and alignment selection stages of the project is contained within **Chapter 2 - The Routeing Process and Alternatives**. Further detail on consultation is contained within **Chapter 4 - Scope and Consultation**.

### **1.3 Legislative and Statutory Context**

- 1.3.1 Consent for the Proposed Development is sought from Scottish Ministers under section 37 of the 1989 Act. The 1989 Act is the primary legislation governing the electricity supply industry in Great Britain and places statutory obligations upon a licence holder.
- 1.3.2 The Applicant, as a transmission licence holder under the 1989 Act has a statutory duty, under paragraph 1 of Schedule 9 of the 1989 Act 'when formulating proposals to generate, transmit, distribute or supply electricity' to:
- "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"; and
  - "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".

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<sup>4</sup> Details as per the Cloiche Wind Farm Determination letter dated 30 November 2023.

- 1.3.3 The requirement to undertake an EIA for developments requiring consent under section 37 of the 1989 Act (subject to stipulations and thresholds) is set out in the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017<sup>5</sup>, (hereafter referred to as ‘the EIA Regulations’). This is discussed further in Section 1.4 of this Chapter.
- 1.3.4 Construction of the Proposed Development and ancillary works constitutes development in terms of section 26 of the Town and Country Planning (Scotland) Act 1997 (“the Planning Act”). Accordingly, these works require planning permission. However, section 57(2) of the Planning Act provides that on the granting of a consent under section 37 of the 1989 Act, for overhead transmission lines and ancillary development, the Scottish Ministers may direct that planning permission for that development shall be deemed to be granted. Deemed planning permission under section 57 of the Planning Act is therefore being sought from the Scottish Ministers in terms of the application.
- 1.3.5 The Proposed Development is located within the vicinity of sites of European nature conservation importance, as defined by European Council Directives of 2 April 1979 on the Conservation of Wild Birds (79/409/EEC) and of 21 May 1992 on the Conservation of Natural Habitats and of Wild Fauna and Flora (92/43/EEC). The Directives were implemented in the UK by the Conservation (Natural Habitats &c) Regulations 1994, and those Regulations as amended remain in force post-Brexit. For projects requiring consent under the 1989 Act, the Conservation of Habitats and Species Regulations 2017 apply. Where a plan or project is likely to have a significant effect on a European site, and that plan or project is not directly connected with or necessary to the management of the site, such sites are protected by the duties placed on competent authorities. Those duties include the requirement to make an appropriate assessment of the implications for the site in view of the site’s conservation objectives and, in general terms, to agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site<sup>6</sup>, or where adverse effects exist, there are no alternative solutions, it can be justified for imperative reasons of overriding public interest (“IROPI”) and compensatory measures can be secured.
- 1.3.6 Information is provided in this EIA Report to assist the competent authority’s appropriate assessment of the likely significant effects of the Proposed Development on European sites. A shadow Habitat Regulations Appraisal (HRA) has been undertaken and is appended to **Chapter 8 – Ecology**, as **Appendix 8.1**.

## 1.4 The Need for EIA

- 1.4.1 The Proposed Development is classified as Schedule 2 development under the EIA Regulations by virtue of it being classed as:

*“The carrying out of development (other than development which is Schedule 1 development) to provide any of the following -*

*(2) an electric line installed above ground –*

*(a) with a voltage of 132 kilovolts or more”*

- 1.4.2 A Screening Opinion was sought<sup>7</sup> from Scottish Ministers, as consenting authority, for consideration under the EIA Regulations to determine whether the Proposed Development would constitute ‘EIA Development’.
- 1.4.3 The Screening Opinion of the Scottish Ministers was issued on 20 September 2023, confirming that the Proposed Development does constitute ‘EIA Development’, and any forthcoming application for consent under

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<sup>5</sup> The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017, available at <https://www.legislation.gov.uk/ssi/2017/101/contents/made>.

<sup>6</sup> The integrity of a site can be defined as the coherence of all its ecological structure and function, across its whole area, which enables it to sustain the habitat, complex of habitats and/or the levels of populations for which it was classified.

<sup>7</sup> Screening Request and Proposed Scope of Environmental Appraisal – Melgarve Cluster Project – June 2023, produced by SSEN Transmission

section 37 of the 1989 Act should be accompanied by an EIA Report. The Screening Opinion is included as **Appendix 1.1**.

- 1.4.4 A request for a Scoping Opinion was subsequently made to the Scottish Ministers under Regulation 12 of the EIA Regulations in October 2023. A Scoping Report<sup>8</sup> was submitted to support the request, which sought input from statutory and non-statutory consultees regarding the information to be provided within this EIA Report.
- 1.4.5 The Scoping Opinion of the Scottish Ministers was issued on 1<sup>st</sup> March 2024 confirming the scope of the EIA Report. Further Details are contained in **Chapter 4 – Scope and Consultation**, and associated appendices.

## 1.5 EIA Report Structure

1.5.1 The EIA Report consists of the following volumes:

- Volume 1: Main Report;
- Volume 2: Figures;
- Volume 3A: Visualisations (NatureScot guidelines);<sup>9</sup>
- Volume 3B: Visualisations (The Highland Council guidelines);<sup>10</sup>
- Volume 4: Appendices to support each of the Chapters in the EIA Report where required; and
- Non-Technical Summary.

1.5.2 Volume 1 of the EIA Report provides an introduction to the Proposed Development and provides a description of the key components, including construction and operational access requirements, and the main alternatives considered during the development of the project. The approach to the EIA Report is also outlined, as well as the consultations that have been undertaken to define the scope of the EIA. This volume also includes an assessment of the likely significant effects of the Proposed Development on the particular receptors of relevance to each of the topic based assessments, a description of the proposed mitigation measures relevant to those assessments, and confirmation of the predicted residual effects. The consideration of cumulative effects is also discussed where relevant in each specialist topic.

1.5.3 Volume 2 contains supporting figures referred to in Volume 1 of the EIA Report.

1.5.4 Volume 3A and 3B comprises photomontage visualisations of the Proposed Development that have been prepared in accordance with the relevant guidance from both NatureScot (Volume 3A) and The Highland Council (Volume 3B).

1.5.5 Volume 4 comprises supporting appendices to Volume 1 of the EIA Report.

1.5.6 A standalone Non-Technical Summary is also provided which describes the project and the likely significant effects predicted in a concise, non-technical manner.

1.5.7 A Planning Statement is also included with the application as supporting documentation. The Planning Statement considers the compatibility of the Proposed Development in the context of the development plan and national energy and planning policies. **Chapter 6 – Planning and Energy Policy Context** provides an overview of the relevant planning and energy policy context for the Proposed Development.

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<sup>8</sup> Scoping Report – Melgarve Cluster Project – October 2023, produced by SSEN Transmission

<sup>9</sup> NatureScot (Formerly Scottish Natural Heritage (SNH)), (2017), Visual Representation of Wind Farms (Version 2.2) (SNH, 2017)

<sup>10</sup> The Highland Council (THC), (2016), Visualisation Standards for Wind Energy Developments (THC, 2016)

## 1.6 Notifications

- 1.6.1 In accordance with the Electricity (Applications for Consent) Regulations 1990, and Regulation 14 of the EIA Regulations, the application and this EIA Report will be advertised in The Press and Journal and the Strathspey & Badenoch Herald newspapers. Adverts will also be placed in the Edinburgh Gazette.
- 1.6.2 Notice of the section 37 application, including this EIA Report and associated documents and figures, will be available for viewing at the following public locations during normal opening hours (by appointment):
- Fort Augustus Village Hall, Bunoich Brae, Fort Augustus, PH32 4DG (opening of the hall to be arranged by appointment by calling 01320 366800)
  - Laggan Community Hall, Laggan, PH201AN (opening of the hall to be arranged by appointment by calling 01528 544309)
- 1.6.3 An electronic version of the report is available online at: <https://www.ssen-transmission.co.uk/projects/project-map/melgarve-cluster/>
- 1.6.4 This EIA Report is available in other formats if required. For details, including costs, contact:

Teresa Jackson  
Consents and Environment Manager  
Scottish and Southern Electricity Networks  
Inveralmond House 200 Dunkeld Road Perth  
PH1 3AQ

Tel: +44(0)7467 654 681  
Email: [teresa.jackson@sse.com](mailto:teresa.jackson@sse.com)