

Ian Black
Consents Manager
The Scottish Government
Energy Consents Unit
4th Floor
5 Atlantic Quay
150 Broomielaw
Glasgow
G2 8LU

Teresa Jackson
Consents & Environment Manager –
Central & North
Scottish Hydro Electric Transmission plc
Inveralmond House
200 Dunkeld Road
Perth
PH1 3AQ

e-mail – teresa.jackson@sse.com

Our ref: LT000419/LT00218/LT00287_s37_application

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Your ref: ECU00004850

Dear Ian

Application for consent under Section 37 of the Electricity Act 1989 for the installation and operation of approximately 7 km of new 132 kV overhead line on double circuit steel structure towers and ancillary development comprising 2 no. cable sealing end compounds, approximately 9.9 km of underground cable (7.3 km from the Dell wind farm on site substation, 1.8 km from the Cloiche wind farm on site substation and 0.8 km on approach into Melgarve substation), upgrades to existing access tracks, new permanent access tracks (including bridges) and new temporary access tracks, vegetation clearance and temporary working measures/areas between the consented Cloiche wind farm on-site substation and the proposed Dell 2 windfarm on-site substation and the Melgarve substation referred to as “the Proposed Development”. Total length of approximately 16.9 km (which includes approximately 9.9 km of Underground Cable)

This application is being submitted by 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.

The Applicant is seeking consent for the construction and operation of the Proposed Development, known as the Melgarve Cluster Project for which section 37 consent under the Electricity Act 1989 Act and deemed planning permission is sought for the installation and operation of approximately 7 km of new overhead line on double circuit L7 lattice towers carrying both the Cloiche and Dell wind farm connections and ancillary development comprising approximately 9.9 km of underground cable, cable sealing end compounds, upgrades to existing access tracks, permanent access tracks (including bridges) and temporary access tracks, vegetation clearance and temporary working measures/areas between the consented Cloiche wind farm and the proposed Dell 2 windfarm and the Melgarve substation.

The Applicant has also applied for a direction under section 57(2) of the Town and Country Planning (Scotland) Act 1997 that planning permission for the development be deemed to be granted.

The Proposal

A full description of the Proposed Development is provided in Volume 1 Chapter 3 of the EIA Report submitted with this application. In summary, the Proposed Development comprises:

- The installation and operation of approximately 7 km of new 132 kV overhead line on double circuit L7 lattice towers between Cable Sealing end compounds (for location see below).

Ancillary Development is also required which would comprise:

- Two Cable Sealing end compounds to facilitate the transition between overhead line and underground cables. One cable sealing end compound would be located approximately 1.3km southeast of the consented Cloiche wind farm substation at Ordnance Survey (OS) grid reference NH 48474 01491 and the other approximately 0.5 km northeast of Melgarve substation at OS grid reference NN 50665 95775.
- Approximately 7.3 km of 132 kV underground cables between the proposed Dell Wind Farm on-site substation at approximate OS grid reference NH 49722 06710 and the new cable sealing end approximately 1.3 km to the southeast of the consented Cloiche Wind Farm substation;
- Approximately 1.8 km of 132 kV underground cables between the consented Cloiche Wind Farm on-site substation at approximate OS grid reference NH 47429 02486 and the new cable sealing end approximately 1.3 km to the southeast of the consented Cloiche Wind Farm substation; and
- Approximately 0.8 km of two 132 kV underground cables running parallel to each other from the new cable sealing end located approximately 0.5 km northeast of Melgarve substation, splitting apart again before they enter into Melgarve substation itself. The existing Melgarve substation is situated at OS grid reference NN 50119 95611.
- Upgrades to existing access tracks;
- New permanent access tracks (including bridges) and new temporary access tracks;
- Permanent stone hardstanding areas related to the CSE compounds and associated working areas around infrastructure to facilitate construction;
- Vegetation clearance to facilitate construction and operation of the Proposed Development, to comply with the Electricity Safety, Quality and Continuity Regulations (ESQCR) 2002¹;
- Temporary measures to protect water crossings (e.g. scaffolding and temporary bridges); and
- Working areas around infrastructure to facilitate construction.

It should be noted that underground cable elements are classed as permitted development under Class 40 1(a) of The Town and Country Planning (General Permitted Development) (Scotland) Order 1992. However, in this case, given that there is no technical alternative to the underground cable at either end of the OHL and following review of the Screening Opinion, the underground cable is to be considered as part of the Proposed Development for which deemed planning permission under section 57(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) is sought.

Land Rights

The Applicant is in discussion with Landowners and Tenants affected by the Proposed Development and intend to issue notices in terms of Schedule 4, Paragraph 6 of the Electricity Act in March 2024. It is currently anticipated that one Necessary Wayleave application will be submitted to the ECU during April 2024.

Application Details

The following documents have been submitted in support of this application:

- Planning Statement including Sustainable Development Statement which assesses the application in planning terms;
- Maps of the Proposed Development including the site location, proposed indicative alignment, proposed temporary and permanent access tracks and other infrastructure as included within the EIA report (EIA Report Figures 1.1 and 1.2 and 3.1a and 3.1b);
- Public Consultation Report detailing the consultation process undertaken (EIA Report Appendix 4.1);
- EIA Report with associated Figures, Visualisations and Technical Appendices (over 4 volumes) including specialist chapters covering the following topics: Landscape and Visual, Ecology, Ornithology, Geology, Hydrology and Hydrogeology, Traffic and Transport, Socio Economic, Recreation and Tourism and Cultural Heritage;
- The EIA Report notably includes a shadow Habitats Regulation Assessment (EIA Report Appendix 8.1), Peat Landslide Hazard Risk Assessment (EIA Report Appendix 10.1), Peat Management Plan (EIA Report Appendix 10.2) and an Outline Habitat Management Plan (EIA Appendix 8.4);
- Non-Technical Summary;
- A separate Schedule of Mitigation (EIA Report Chapter 14);
- Marine Directorate – Science Evidence Data and Digital (MD-SEDD) checklist;
- Consultee List.

Consultation

A Consultee List has been submitted with this application. This identifies statutory and non-statutory consultees that SSEN has identified, to be contacted by the ECU to request a formal representation. The content of this list has already been discussed with the ECU and reflects the Scoping Consultee list.

Section 37 Press Advert

A draft advert has been issued to the ECU Case Officer for agreement prior to printing. The papers listed below would be used to publish the section 37 Advert for the Proposed Development.

- Edinburgh Gazette;
- Press and Journal (local newspaper);
- Strathspey & Badenoch Herald (local newspaper).

The above addresses the minimum requirement to publish the advert in one or more newspapers circulating in the locality of The Proposed Development (for two consecutive weeks) and in the Edinburgh Gazette (for one week).

The advert identifies that the S37 application, including the EIA report and associated documents will be available for viewing at the following public locations during normal opening hours:

- 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)

The date of publication of the adverts will be agreed in advance with the ECU when it has been confirmed that the application is complete.

Confidential Information

The Applicant will submit all confidential information directly to the ECU Case Officer via email and has not uploaded any confidential information to the online portal. We have also contacted NatureScot, The Highland Council and RSPB respectively regarding how they wish to receive the confidential annexes. Confidential information will not be included within the hard copy documents which are available to the public.

Payment

An application fee of £12,600 has been processed by the Applicant and is expected to arrive with the ECU shortly.

Next Steps

We trust that the submission is complete and look forward to confirmation of receipt and validation. Should you have any queries or require further information please contact me on the details above. Thank you for your consideration of this application.

Yours sincerely

Teresa Jackson

Consents and Environment Manager – North & Central