

**THE NATIONAL GRID ELECTRICITY TRANSMISSION PLC (SNOWDONIA VISUAL
IMPACT PROVISION PROJECT) COMPULSORY PURCHASE ORDER 2020**

THE ELECTRICITY ACT 1989 AND THE ACQUISITION OF LAND ACT 1981

**STATEMENT OF REASONS OF THE ACQUIRING AUTHORITY FOR THE MAKING OF A
COMPULSORY PURCHASE ORDER FOR THE ACQUISITION OF LAND AND NEW
RIGHTS TO FACILITATE THE SNOWDONIA VISUAL IMPACT PROVISION PROJECT**



Contents

Clause	Name	Page
1	Introduction.....	1
2	The Snowdonia VIP Project.....	2
3	Need	6
4	Enabling Power	18
5	Land and Rights Required.....	19
6	Acquisition Strategy and Progress to Date	26
7	Other Consents	27
8	Special Category Land & Statutory Undertakers	31
9	Funding and Delivery.....	33
10	Alternatives to the Order	34
11	Human Rights, Equality Act 2010 & Well-Being of Future Generations Considerations	37
12	Conclusion	39

THE ELECTRICITY ACT 1989 AND THE ACQUISITION OF LAND ACT 1981

THE NATIONAL GRID ELECTRICITY TRANSMISSION PLC (SNOWDONIA VISUAL IMPACT PROVISION PROJECT) COMPULSORY PURCHASE ORDER 2020

STATEMENT OF REASONS OF THE ACQUIRING AUTHORITY FOR THE MAKING OF THE ORDER

1 INTRODUCTION

- 1.1 National Grid Electricity Transmission Plc (company registration number 02366977) ("**NGET**") has made The National Grid Electricity Transmission Plc (Snowdonia Visual Impact Provision Project) Compulsory Purchase Order 2020, (the "**Order**") under Section 10 of the Electricity Act 1989 and Schedule 3 of the Electricity Act 1989 (the "**1989 Act**") and the Acquisition of Land Act 1981 (the "**1981 Act**").¹
- 1.2 This Statement of Reasons (the "**Statement**") is a non-statutory statement and is not intended to constitute the Statement of Case which NGET will be required to prepare in accordance with the Compulsory Purchase (Inquiries Procedure) Rules 2007 in the event of an inquiry into the Order.
- 1.3 The Visual Impact Provision Schemes ("**VIP Schemes**"), of which the Snowdonia Visual Impact Provision Project (the "**Snowdonia VIP Project**") is one, seek to utilise a £500m funding provision made available by the economic regulator, the Office of Gas and Electricity Markets, or 'Ofgem', in response to lobbying from stakeholders and feedback received from the wider public, in order to enable works to be carried out by NGET to help reduce the landscape and visual impacts of existing electricity transmission lines in National Parks and Areas of Outstanding Natural Beauty ("**AONBs**") in Wales and England.
- 1.4 NGET has previously commissioned leading landscape experts to evaluate all 571km of its overhead electricity lines which currently run through National Parks and AONBs in Wales and England. Based on this detailed assessment and evaluation, an independent panel comprising senior representatives of 15 stakeholder groups determined to prioritise four locations which it was considered would benefit most in landscape terms from the removal of overhead electricity lines in the first phase of activity.
- 1.5 An approximately 3.5 kilometre section of existing overhead electricity line which currently spans the Dwyryd Estuary in Snowdonia National Park, Wales, was selected as one of the four prioritised locations.
- 1.6 NGET has agreed with stakeholders that the best way to achieve the intended landscape enhancements in this part of Snowdonia is to remove the existing

¹ On 1 April 2019, the Electricity System Operator became a legally separate company within the National Grid Group. NGET remains the transmission owner and operator and is responsible for the delivery of the Snowdonia VIP Project.

section of overhead line and replace it with electricity cables buried in a tunnel underground.

- 1.7 The Snowdonia VIP Project therefore represents an opportunity to conserve and enhance the natural beauty of an important part of the precious landscape of Snowdonia National Park.
- 1.8 For the avoidance of doubt, this Statement and the justification for the Order, relates to the Snowdonia VIP Project only.
- 1.9 This Statement sets out NGET's justification for promoting the Order and explains why, in NGET's opinion, there is a compelling case in the public interest for compulsory purchase powers to be confirmed.
- 1.10 If confirmed by the Secretary of State for Business, Energy and Industrial Strategy (the "**Secretary of State**"), the Order will enable NGET to acquire compulsorily the land and rights included in the Order (the "**Order Rights**") which are required in order to construct and operate the tunnel and associated works, and dismantle the overhead line and thereby facilitate delivery of the Snowdonia VIP Project.
- 1.11 This Statement is made having regard to all applicable non-statutory guidance relating to the promotion of compulsory purchase orders in Wales where the Order is to be confirmed by the Secretary of State (rather than the Welsh Ministers).

2 **THE SNOWDONIA VIP PROJECT**

2.1 **Location of the Snowdonia VIP Project**

- 2.1.1 The Snowdonia VIP Project is centred around the Dwyryd Estuary, and is situated within the administrative boundaries of both Gwynedd Council and the Snowdonia National Park Authority.
- 2.1.2 The existing overhead electricity line runs from NGET's current Garth Sealing End Compound ("**SEC**") on the western side of the Dwyryd Estuary. It carries a 400kV circuit owned and operated by NGET, which also owns the pylons and rights; and it also carries a 132kV circuit owned by SP Manweb and operated by SP Energy Networks.
- 2.1.3 The overhead line travels across the Dwyryd Estuary, crossing the Snowdonia National Park boundary, before reaching Cilfor on the eastern side of the Estuary and continuing north east.
- 2.1.4 The landscape of the Dwyryd Estuary has a strong sense of place, derived from its coastal setting and juxtaposition to the dramatic rugged landform of Snowdonia National Park. Distinctive 'islands' and ridges of higher ground sit within and on either side of the Estuary, whilst the Afon Dwyryd itself flows through a distinctive rocky gorge.
- 2.1.5 The Dwyryd Estuary comprises extensive intertidal mud, sand and salt marshes with areas of coastal heath and grassland found on the rocky landforms either side of the estuary. Land cover to the north-west is influenced by linear settlement and road and rail infrastructure, interspersed with small scale irregular fields and small blocks of deciduous woodland and overgrown hedgerows. There are large areas of plantation in the north-east. Landcover to the south-east of the Estuary comprises large areas of rough grazing, drystone walls and woodland clumps with small settlements, farmsteads and houses linked by small local lanes.

- 2.1.6 The existing overhead electricity line passes through areas regionally characterised in the Landscapes and Seascapes of Eryri Supplementary Planning Guidance (Snowdonia National Park Authority, 2014) and Gwynedd Council's Landscape Strategy Update Landscape Character Assessments (Gwynedd Council, 2012), both of which utilised LANDMAP methodology and evaluations.
- 2.1.7 Outside the boundaries of the Snowdonia National Park, the electricity line passes through the Porthmadog Landscape Character Area ("**LCA**"), which includes parts of the Dwyryd Estuary and the coastal margin and is described as a buffer zone to the National Park.
- 2.1.8 Within Snowdonia National Park, the electricity line runs through the Morfa Harlech LCA and Cefnwlad Arfordir Ardudwy and Dyffryn y Ddwryd LCAs. The existing overhead lines, particularly to the west, are considered to have a very high scale of impact on the Morfa Harlech and Cefnwlad Arfordir Ardudwy LCAs (and also on the Porthmadog LCA, although as stated above, this LCA lies wholly outside the National Park).
- 2.1.9 Two of the ten pylons which are proposed to be removed as part of the Snowdonia VIP Project, fall within the marine environment and are therefore within the jurisdiction of Natural Resources Wales.

2.2 **Description of the Snowdonia VIP Project**

- 2.2.1 The Snowdonia VIP Project constitutes NGET's proposal to replace approximately 3.5 kilometres of the existing overhead line and ten pylons which currently span the Dwyryd Estuary between Garth SEC in the west and Cilfor in the east, with an underground cable tunnel solution.
- 2.2.2 A new SEC and replacement tension pylon will be constructed at the eastern end of the Project in order to connect the new underground cable to the remaining existing overhead line. A tunnel head house will also be required at each end.
- 2.2.3 The Snowdonia VIP Project is predominantly an underground cable tunnel solution, paired with the removal of a section of existing overhead electricity line.
- 2.2.4 Although alternative techniques may be utilised where required, NGET's current intention is to construct the tunnel using a vertical shaft situated at each end of the tunnel. The shafts will be connected by a tunnel which will be constructed by a tunnel boring machine ("**TBM**") which will tunnel the cable route at depth. Head houses will be constructed to cover the shafts to provide access and ventilation to the tunnel during operation. As detailed design develops NGET will make final design and construction decisions which may include launching the TBM from the surface rather than constructing a shaft from the Garth site.
- 2.2.5 This means that during the construction phase of the Snowdonia VIP Project, the above ground activity which is perceptible to the general public will be focused around these shaft sites and, once operational, the activity will diminish significantly. During construction, and then in operation, the shafts provide access to the tunnels and allow for ventilation.
- 2.2.6 Once the cable tunnel has been constructed and is operational, the relevant parts of the existing overhead line and associated pylons will be removed.

2.3 **Above Ground Works/Sites**

2.3.1 There will be two above ground sites operating as drive sites and/or reception sites for the TBM during the construction phase and as headhouse/ventilation/access sites during operation. Travelling west to east these are:

2.3.2 **Garth** – being land on the western side of the Dwyrdd Estuary near Minffordd where works forming part of the Snowdonia VIP Project will principally comprise:

- (a) Diversion of third-party assets, including the undergrounding of electric line supported on wooden poles away from the construction area in accordance with operator requirements;
- (b) Reconfiguration of equipment at the existing Garth Sealing End Compound ("**SEC**") (including removal of the gantry);
- (c) A tunnel head house (containing a tunnel shaft or alternative tunnel entry), with a permanent access road from the main road. The ground will need to be raised out of the flood zone level. A permanent power supply and site drainage will be required;
- (d) Underground buried cable to connect into the SEC from the tunnel head house;
- (e) Temporary access routes (with potential highways improvements or passing places) and laydown areas to facilitate construction activities;
- (f) Landscape and visual mitigation mounding and planting; and
- (g) Grassland habitat improvement and management as essential mitigation in respect of the works carried out pursuant to the Snowdonia VIP Project.

2.3.3 **Cilfor** – being land on the Eastern Side of the Dwyrdd Estuary near Llandecwyn where works forming part of the Snowdonia VIP Project will principally comprise:

- (a) Diversion of third-party assets, including the diversion of a water pipeline (if required) and an electricity line supported on wooden poles, away from the construction area in accordance with operator requirements;
- (b) Temporary laydown and welfare areas during the shaft site construction;
- (c) A new SEC near Cilfor (required to connect the new underground cable to the remaining existing overhead line);
- (d) A tunnel head house (containing a tunnel shaft), with a permanent access road and attenuation ponds. The ground will be raised to create a working platform and will be regraded/contoured. A permanent power supply and site drainage will be required;
- (e) Removal and reinstallation of one pylon (Pylon 4ZC027) adjacent to the new Cilfor SEC, together with associated works in the vicinity to ensure earthing requirements are met;
- (f) Landscape and visual mitigation mounding and planting (at an appropriate maturity); and

- (g) Peatland habitat improvement and management as essential mitigation for the works undertaken nearby.

2.3.4 Removal of the overhead line between Garth and Cilfor will require the removal of ten lattice pylons and associated foundations typically to 1.5m below ground level, together with the construction of temporary access routes, laydown areas, scaffolding and ground anchors or similar infrastructure necessary to facilitate pylon and overhead line removal activities. Also, the removal from within the Dwyryd Estuary of the visible elements of the foundations associated with the previously removed pylon (4ZC030).

2.4 **Underground/Tunnelling Works**

2.4.1 In order to ensure continued economic efficiencies (which accords with NGET's statutory duty to be economic, efficient and co-ordinated), a front-end design for the Snowdonia VIP Project has been commissioned by NGET for the purpose of planning, land rights acquisition and the construction contract tender.

2.4.2 Flexibility has been incorporated within the design in order to allow for different technologies and techniques used by different tunnelling contractors, and to allow for uncertainties in relation to the underlying geology to be assessed (from a design and a risk assurance perspective) by the company that is awarded the tunnelling contract. The Snowdonia VIP Project has applied this flexibility vertically and horizontally by specifying 'limits of deviation' with certain parameters. Such flexibility has been restricted as much as possible, and all relates to subsoil in respect of the tunnel rather than at grade land or rights.

2.4.3 The vertical 'limit of deviation' across most of the Project area requires the crown of the tunnel to be at a minimum depth of 15 metres below Ordnance Datum (which means 15 metres below mean sea level). Between the proposed Garth Tunnel Head House site and the Garth SEC (i.e. at the western end of the Project, where the tunnel is proposed to start), this minimum depth is reduced to 3 metres below Ordnance Datum to allow for alternative excavation techniques, where the commencement of the tunnel may be at a shallower depth.

2.4.4 Based on current information, this puts the minimum depth of the tunnel crown at approximately 5 metres below ground level in the vicinity of Garth, and between 17 and 58 metres below ground across the rest of the alignment. The currently anticipated design places the crown significantly deeper than this.

2.4.5 The limits of deviation (horizontal and vertical) have been selected as the most appropriate after taking account of all relevant engineering, economic and environmental considerations. The route corridor has therefore been selected to balance the following objectives:

- (a) To minimise construction risks arising from the underlying geology;
- (b) To allow for different tunnelling technologies and techniques (e.g. affecting the radius of bends);
- (c) To minimise the length of the tunnel; and
- (d) To minimise the number and complexity of land holdings with whom agreement would be required, or for which compulsory acquisition powers are being sought.

- 2.4.6 This has resulted in a subsoil corridor of land that, with a small number of exceptions, primarily follows agricultural land or the routes of existing infrastructure (such as the Porthmadog Bypass).
- 2.4.7 Access to the tunnel land will be via the tunnel head houses at Garth and Cilfor and no other surface access is required along the tunnel alignment in order to construct, use and maintain the tunnel, except where surveys may be carried out at specific locations (and the land rights for such surveys, are being secured by agreement).
- 2.4.8 The Order will contain the rights for the construction, maintenance and operation of the tunnel together with a development exclusion zone surrounding the tunnel which will seek to protect the structural integrity of the tunnel from third party interference. The development exclusion zone will be up to 6 metres above and below the tunnel and up to 3 metres either side of the tunnel. The Order will therefore seek powers to acquire rights in the subsoil for a cross-sectional rectangle – for most of the tunnel this will be no more than 18 metres vertically and 12 metres horizontally, and for the section of tunnel in the vicinity of Garth this will be no more than 22 metres vertically, and 16 metres horizontally (due to the wider diameter of the tunnel here). That rights 'corridor' will be at a depth of at least 9 metres below Ordnance Datum across most of the alignment. At Garth this 'corridor' may be at a shallower depth, although it is not intended that normal agricultural operations would be restricted.

3 **NEED**

3.1 **Introduction**

3.1.1 NGET owns and maintains the high-voltage electricity transmission network in England and Wales. The network carries electricity from the generators to substations where the voltage is lowered ready for distribution to homes and businesses. It is NGET's statutory duty to ensure that there is sufficient electricity transmission infrastructure available to support future energy demand in Wales and England.

3.1.2 In accordance with Schedule 9 of the 1989 Act, in formulating the proposals for the installation below ground of an electric line, or the execution of any other works for or in connection with the transmission of electricity, NGET 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.

3.1.3 The following sub-paragraphs in this Paragraph 3 (*Need*) set out the framework within which the Snowdonia VIP Project exists, and the need for the Project. It addresses firstly the regulatory position of NGET as an economically regulated utility and NGET's statutory licence. It then considers the role of the Stakeholder Advisory Group and the Stakeholder Reference Groups, and the details of the assessments carried out in respect of the Snowdonia VIP Project. Finally, it explains the community consultations undertaken by NGET, and acceptability testing (forming part of NGET's wider consultation exercise relating to the VIP Schemes).

3.2 **Regulatory position**

3.2.1 NGET is regulated by its economic regulator, the Office for Gas and Electricity Markets ("**Ofgem**"), which carries out price control reviews to set NGET's permitted revenues. These reviews limit the amount of money that can be earned

by NGET from charges to use the transmission network. Therefore, NGET is incentivised to be more efficient in managing its infrastructure.

- 3.2.2 Each price control is set for a particular period, after which a new one replaces it.
- 3.2.3 The current price control period is known as 'RIIO-T1'. The next price control starting from April 2021 will be called 'RIIO-T2'.
- 3.2.4 Stakeholder consultation is an important component of the current RIIO-T1 regulatory framework and is an area of particular focus for NGET in the context of the Snowdonia VIP Project – this is addressed later in this Statement.
- 3.2.5 The RIIO model (Revenue = Incentives + Innovation + Outputs) places a greater focus on incentives to drive the innovation that is necessary to deliver a sustainable energy network, combined with value for money for consumers, now and in the future.
- 3.2.6 As part of the RIIO-T1 framework, which covers the period from 1 April 2013 to 31 March 2021, Ofgem, in its capacity as government regulator for gas and electricity markets in Great Britain, set aside a fund of £500 million (in 2009/2010 prices) for NGET and other national transmission owners to address the visual impact of existing transmission infrastructure.
- 3.2.7 Ofgem developed this initiative due to increased stakeholder lobbying on the environmental impacts of electricity transmission. For new infrastructure, visual impacts must be taken into account, and each transmission owner must demonstrate that they have considered alternatives including rerouting and/or undergrounding. However, for existing transmission lines, Ofgem proposed an allowance be made available in order to mitigate the visual impacts of such infrastructure.

3.3 **Special Licence Condition 6G**

- 3.3.1 Pursuant to Section 9(2) of the 1989 Act, NGET as the holder of an electricity transmission licence, is charged with the duty "*to develop and maintain an efficient, co-ordinated and economical system of electricity transmission*". NGET's licence has certain conditions attached to it, with which NGET is obliged to comply as a statutory electricity company, and the salient Condition 6G is summarised below.
- 3.3.2 Condition 6G, which was added by Ofgem as a result of its decision to make funding available for visual impact improvement schemes, governs how NGET can submit funding requests to Ofgem for projects that will enhance the landscape by mitigating the impact of pre-existing transmission infrastructure. It also states the minimum information that must be presented to Ofgem and how each funding request will be assessed.
- 3.3.3 Although it is not mandatory to submit a funding request application to Ofgem, Condition 6G means that NGET is obliged to adhere to the relevant licence provisions if an application is submitted. Ofgem will therefore assess any funding request application based upon:
 - (a) "*whether the proposed Enhancing Pre-Existing Infrastructure (EPI) Output is compliant with the Licensee's Policy....;*
 - (b) "*whether the proposed costs for delivery of the EPI Output are economical and efficient; and*

(c) *if so, the adjustment that is to be given effect through a modification...."*

3.3.4 If a funding application request is sent to Ofgem and subsequently approved, it is recorded in a table of 'outputs' in NGET's transmission licence: the EPI Output.

3.3.5 The EPI Output contains a summary of what will be delivered by NGET. Categories within this table include:

(a) Project description;

(b) EPI output (e.g. reduced visual impact);

(c) Mitigation activity (description of works to be carried out);

(d) Volume (e.g. number of kilometres of overhead line to be removed); and

(e) Year of delivery.

3.3.6 The annual breakdown of the permitted costs will be recovered by NGET across a 45 year life of the regulatory asset value (RAV).

3.3.7 Once the projects have been approved and written into the licence, NGET is obliged to deliver these 'outputs' to completion. Failure to deliver these 'outputs' would be considered a breach of NGET's statutory licence, which could lead to financial penalties.

3.4 **Visual Impact Provision Schemes**

3.4.1 NGET's VIP Schemes make use of the above licence arrangements introduced by Ofgem to reduce the impact of existing electricity transmission lines in Welsh and English Areas of Outstanding Natural Beauty ("**AONBs**") and National Parks.

3.4.2 NGET's approach to the selection, funding and delivery of the VIP Schemes is principally governed by its VIP Policy as supported by Ofgem in March 2014 following public and stakeholder consultation (the "**VIP Policy**").²

3.4.3 In accordance with Section 7 of the VIP Policy, NGET undertook a detailed review of the Policy in 2017 in conjunction with various stakeholders to ensure its continued fitness for purpose. The review identified the need for only minor updates to the document (which were made and approved by Ofgem).

3.4.4 In line with the VIP Policy, the Stakeholder Advisory Group ("**SAG**") was established in April 2014 to fulfil an integral role in guiding key decision-making on the Visual Impact Provision schemes. Further information on the SAG is at Paragraph 3.5 (*Stakeholder Advisory Group*) of this Statement.

3.4.5 NGET's overarching objective in the context of the VIP Schemes ("*to achieve the maximum enhancement to the landscape from the available funds whilst ensuring that no significant adverse impacts arise as a result*")³ continues to be guided by five principles set out in its VIP Policy.³ Working in line with these principles and with relevant stakeholders, NGET will prioritise proposals for VIP Schemes which:

² National Grid: Visual Impact Provision: 'How we intend to reduce the visual impact of existing electricity transmission lines in National Parks and Areas of Outstanding Natural Beauty'.

³ See Pages 01 and 08 of the VIP Policy.

- (a) result in the greatest landscape enhancement benefits (**Principle 1**);
- (b) result in the greatest opportunities to conserve and enhance natural beauty, wildlife and cultural heritage whilst avoiding unacceptable environmental impacts (**Principle 2**);
- (c) result in the greatest opportunities to encourage public understanding and enjoyment of the protected landscapes including positive socio-economic impacts (**Principle 3**);
- (d) are technically feasible in the context of the wider transmission system (**Principle 4**); and
- (e) are economical and efficient (**Principle 5**).

3.4.6 Alongside the VIP Policy, NGET also published a Landscape and Visual Impact Methodology ("**LVIM**") in 2014 which established the basis for determining which of the 571km of existing transmission lines situated in National Parks and AONBs within England and Wales had the most significant adverse impacts on the landscape and visual amenity of those designated landscapes.

3.4.7 The emphasis of the LVIM was on making a comparative assessment of the impacts of the sections of transmission line within the designated areas to enable a shortlist of candidate schemes to be considered by the SAG as part of its decision-making process.

3.4.8 The Landscape and Visual Impact Provision Technical Report (the "**LVIP Technical Report**"), provided to the SAG in October 2014, included a ranking of all sections of transmission line assessed pursuant to the LVIM. The LVIP Technical Report allowed the SAG to recommend that early technical assessment and feasibility work be undertaken in respect of the top 12 sections of line which were ranked as having the highest level of combined landscape and visual impacts. This included the route of the Snowdonia VIP Project.

3.4.9 Additional assessment and development of the 12 shortlisted options was subsequently undertaken by the SAG, in consultation facilitated by NGET with the relevant local Stakeholder Reference Groups ("**SRGs**"), against the guiding principles set out in the VIP Policy. Further information on the SRGs is at Paragraph 3.6 (*Stakeholder Reference Groups*) of this Statement.

3.4.10 This process culminated in a decision taken by the SAG in September 2015 to proceed with four VIP Schemes: (i) Dorset AONB, (ii) New Forest National Park, (iii) Peak District National Park (East) and (iv) the Snowdonia VIP Project.

3.4.11 In the SAG's opinion, the four chosen VIP Schemes are together capable of delivering the greatest benefit in terms of mitigating the visual impact of NGET's existing overhead lines within the time available. The SAG will consider additional potential schemes in the next Price Control Period.

3.4.12 In the context of the Snowdonia VIP Project specifically, it was concluded that removal of the section of existing overhead line (OHL) should be prioritised as the line currently conflicts with the character of the landscape forming a highly-visible intrusive feature which has a widespread influence on the landscape surrounding it.

3.4.13 Removal of the overhead line would enhance the special landscape properties in the area and improve the setting of the Aberglaslyn registered Welsh historic Landscape. Views and the setting of the registered park and garden at Portmeirion

as well as a number of listed buildings would also benefit and views would be enhanced from local roads, trails, footpaths and the coastal heritage railway (Ffestiniog Railway) if the existing pylons are removed. The communities of Penryhndeudraeth, Minffordd and Talsarnau will also benefit from the removal of the line.

3.4.14 The removal of the overhead line is actively supported and promoted by a wide range of stakeholders in the area as well as some local people, including some affected property owners. The stakeholders include the Snowdonia National Park Authority, Gwynedd Council, Natural Resources Wales, the Campaign for the Protection of Rural Wales, The Snowdonia Society and North Wales Wildlife Trust as well as the local town and community councils and the elected members for the affected wards of Gwynedd Council.

3.5 **Stakeholder Advisory Group**

3.5.1 As highlighted above, the SAG was established in April 2014 as part of the VIP Policy.

3.5.2 The SAG, which is chaired by leading environmentalist Professor Chris Baines, comprises senior representatives from 15 organisations that are dedicated to enhancing the landscape and countryside throughout England and Wales (including the Campaign for the Protection of Rural Wales (CPRW), National Parks Wales, Natural Resources Wales, Cadw and Visit Wales). Both Ofgem and NGET are represented at the SAG.

3.5.3 Some of the organisations represented on the SAG were initially responsible for lobbying and convincing Ofgem to make financial provision available for the VIP Schemes and their Scottish counterparts. The groups argued that the impact of existing overhead lines were detrimental to the special qualities of AONBs and National Parks to such an extent that measures should be taken where possible to reduce their landscape and visual impact.

3.5.4 Although Ofgem are represented at the SAG, they do not have voting rights on the decisions taken by the group. Ofgem's primary role is to challenge the SAG, with a focus on protecting consumer interests so that the SAG does not promote VIP Schemes which could be perceived to be uneconomical.

3.5.5 The SAG typically meets on a quarterly basis in order to carry out the following principal functions:

- (a) helping to identify initial priorities for the VIP Schemes, based on the guiding principles set out in the VIP Policy and the landscape assessment undertaken in 2014;
- (b) considering the technical inputs provided by NGET, and the input of wider stakeholders who are not directly represented on the SAG;
- (c) identifying the specific infrastructure and locations which would most benefit from the VIP Schemes;
- (d) defining the VIP Schemes which should be taken through to the development phase; and
- (e) re-considering and/or re-assessing the priorities and use of the VIP Schemes, as development of the projects progresses.

- 3.5.6 As explained in Paragraph 3.4.10, the SAG was ultimately responsible for taking the decision in September 2015 to select the Snowdonia VIP Project from the initial shortlist of 12 potential VIP Schemes (although it did request at the time that further work be undertaken by NGET to establish the feasibility of a direct bury/directional drill option as well as a cable tunnel option – as set out in Paragraph 10.2.6).
- 3.5.7 NGET subsequently sanctioned continued development of the recommended VIP Schemes.
- 3.5.8 Having been heavily involved throughout the development and evaluation process, the SAG fully supports the need for the Snowdonia VIP Project and the decisions taken to-date by NGET on the routing and design for the same.
- 3.5.9 The SAG has now met 16 times (including a meeting in the Snowdonia National Park to view the line section at first hand). Since the Snowdonia VIP Project was prioritised, continued support for it has been a standing item on meeting agendas for the SAG. At each meeting, the SAG has unanimously expressed its support for the Project.
- 3.5.10 At its meeting in November 2019, the SAG was given a detailed update on the Snowdonia VIP Project, including in respect of the relevant planning application and pre-application consultation materials. The SAG discussed the position in respect of the use of powers of compulsory purchase, and agreed that they would support NGET in pursuing this option if it was deemed necessary as a way of securing all the land rights that are needed to deliver the Snowdonia VIP Project.
- 3.5.11 NGET will continue to engage in respect of the Snowdonia VIP Project with the SAG, the local SRG, the local community and the wider public, and will consult with the SAG on key Project decisions as well as on the most effective ways to engage with local stakeholders.
- 3.5.12 NGET is part of the SAG, and has participated throughout the SAG processes. NGET has at all points reviewed SAG decisions and NGET is of the view that the Snowdonia VIP Project is the right project and should proceed. NGET is also of the view that it is appropriate and proportionate for NGET to pursue the Order to secure powers of compulsory acquisition, as permitted pursuant to Schedule 3 of the 1989 Act (see Paragraph 4 (*Enabling Power*)).
- 3.6 **Stakeholder Reference Groups**
- 3.6.1 As part of the development and review of the shortlisted VIP Schemes, NGET also established individual SRGs comprising of representatives from organisations within each of the affected National Parks or AONBs.
- 3.6.2 In the context of the Snowdonia VIP Project, the SRG is comprised of representatives from local organisations including Gwynedd Council, Snowdonia National Park Authority, Cadw, the National Trust, Gwynedd Archaeological Planning Service and Ward Councillors for Penrhyndeudraeth, Trawsfynydd, and Harlech and Talsarnau.
- 3.6.3 The SRG for the Snowdonia VIP Project was first convened in early 2015 following the shortlisting of the section of overhead line as one of 12 possible sections for removal. One of the key aims of the initial meeting was to establish whether the SRG members favoured the idea of removing the overhead line and whether they would be prepared to support such a project and input into its development. The enthusiastic support received from the SRG was one of the factors considered by

the SAG when prioritising the Snowdonia VIP Project as one of the four to be progressed.

- 3.6.4 The SRG has met formally on nine separate occasions. A working group from the SRG (including NRW, the National Trust, the Snowdonia National Park Authority and Gwynedd Council) with a particular interest in the marine aspects of the Project has met additionally to discuss the removal of the existing pylons in the Dwyryd Estuary and has reported back to the main SRG meeting.
- 3.6.5 Another working group of the SRG, which comprised of the Landscape Architect from NRW and the planners from Snowdonia National Park Authority and Gwynedd Council, also met to consider the form, scale and materials of the tunnel head house as part of an iterative design and appraisal process. The design has been informed by stakeholders and the intent is to build tunnel head houses which are not just functional and fit for purpose but are of high quality architecture which sit as quietly as possible in the landscape.
- 3.6.6 The SRG for the Snowdonia VIP Project has been consulted at all key milestone stages in the design and evolution of the Project, thus allowing NGET to continue an open dialogue with local stakeholders, keep them informed about the Project and establish their priorities for using the VIP funding. The SRG has been invaluable in providing vital information and advice on NGET's plans for reducing the impact of its electricity lines in the Snowdonia National Park and has actively encouraged NGET in its development of the Snowdonia VIP Project at every stage.

3.7 **Snowdonia VIP Project Landscape & Visual Impact Assessment**

Initial Assessment

- 3.7.1 As explained in Paragraph 3.4.6, NGET published the LVIM in 2014 with the aim of identifying those sections of existing transmission line in Wales and England that have the most significant impacts on the landscape and visual amenity of National Parks and AONBs.
- 3.7.2 Using the methodology set out in the LVIM, the LVIP Technical Report judged the existing section of overhead line which comprises the route involved in the Snowdonia VIP Project (referred to in the Report as Subsection 4ZC.1) to have combined landscape and visual impacts of very high overall importance.
- 3.7.3 The LVIP Technical Report explained that the existing overhead line runs through a complex and dramatic landscape which represents the sharp contrast between the popular tourist coastline of the National Park and the adjacent upland areas. The landscape was noted as displaying high scenic and visual quality, conservation interests and recreational value.
- 3.7.4 However, the existing overhead line was deemed to conflict with the character of the landscape, eroding valued characteristics and forming an intrusive feature which is highly visible and consequently has a widespread influence on the perception of the landscape. It was similarly judged to have visual impacts of a high level of importance, particularly for those using the Wales Coast Path regional trail, National Cycle Route 8, local rights of way and open access land.
- 3.7.5 For these reasons, the LVIP Technical Report concluded that *"[the] very high importance impact of subsection 4ZC.1 on the coastal hinterland landscape could only realistically be mitigated by undergrounding."*

- 3.7.6 The LVIP Technical Report was used by NGET as the basis to inform the subsequent detailed design and development of the Snowdonia VIP Project. The landscape and visual impacts of the Project are summarised in further detail in the following paragraphs.

Landscape Impacts

- 3.7.7 The Snowdonia VIP Project has the potential to benefit a portion of Snowdonia National Park, together with the adjacent landscapes of the Dwyryd Estuary (including the Glaslyn and Dwyryd Estuary Special Landscape Area) which are intimately connected to the Snowdonia landscapes and provide the very important setting for the National Park.
- 3.7.8 The existing overhead electricity line enters Snowdonia National Park as it crosses the flat, open and distinctive Dwyryd Estuary to the south of Porthmadog, then continues east, running through the rocky landform of Y Garth, past the small settlement of Cilfor before climbing through the rugged and complex landform towards the summit of Moel Tecwyn and beyond. This is a complex and dramatic landscape which represents the sharp contrast between the popular tourist coastline of the National Park and the adjacent upland areas.
- 3.7.9 However, the existing overhead line is a significant feature in the landscape as the pylons are visible across a wide geographical area. Together, the pylons and overhead line detract from the scenic and tranquil nature of the coastal estuarine landscape and adversely affect the setting of Snowdonia National Park and the identified Special Landscape Area.
- 3.7.10 Within the Snowdonia National Park, the landscapes most relevant to the Snowdonia VIP Project are the Morfa Harlech landscape and the Ardudwy Coastal Hinterland landscape, whilst in Gwynedd the landscape identified as being affected by the Project includes much of the Dwyryd Estuary.
- 3.7.11 As a result of the Snowdonia VIP Project, approximately 3.5km of overhead electricity line spanning the full width of the Dwyryd Estuary, ten pylons (Pylons 4ZC 028 to 037), the gantry at the existing Garth Sealing End Compound and the already redundant foundations of former Pylon 4ZC030 would be removed with major beneficial effects on the surrounding landscape.
- 3.7.12 The new infrastructure on the western side of the Dwyryd Estuary (the tunnel head house) has been designed in consultation with local stakeholders and the building and materials are in keeping with the local environment. Similarly, the introduction of the new infrastructure and associated works in the Ardudwy Coastal Hinterland landscape (principally comprising the proposed eastern tunnel head house, sealing end compound and access road) would be contained within a low lying part of the landscape, which is mainly surrounded by sharply rising landform. As such, these elements of the Snowdonia VIP Project are not expected to offset the overall positive landscape benefits arising from the scheme.
- 3.7.13 Taken as a whole, the Snowdonia VIP Project will have major beneficial effects on the Snowdonia National Park landscape and its setting, including the Special Landscape Area. Although the new infrastructure will have some localised effects, these will reduce over time as the mitigation measures which include grassland, shrub and tree planting, establish and mature.

Benefits to Communities

- 3.7.14 Different groups of people will be affected by changes to their views and visual amenity as a result of the Snowdonia VIP Project.
- 3.7.15 For **local communities** in nearby villages and settlements, the positive visual impact arising from the Snowdonia VIP Project can be explained as follows:
- (a) For the majority of the community of **Cilfor** on the east side of the Dwyryd Estuary, the overhead electricity line (4ZC) and the pylons crossing the Estuary are a prominent feature in panoramic and otherwise highly scenic views. The removal of the overhead line from views experienced by residents overlooking the Dwyryd Estuary to the north-west will greatly enhance their visual amenity. Most residents of Cilfor would not be able to see the new infrastructure on the eastern side of the Dwyryd Estuary as it would be enclosed by rising landform, existing vegetation and buildings which would restrict views. There would however be some minor visual effects for a very small proportion of the local community of Cilfor (including the scattered dwellings to the north) for whom parts of the eastern tunnel head house, operational compound and access road could be glimpsed in oblique views. These minor effects would only partly offset the major benefits to the community as a whole so that overall there would be moderate to major benefits to the visual amenity of this community.
 - (b) A relatively large proportion of the community of **Penrhyndeudraeth** would also benefit from the removal of the overhead line. It is currently visible to the south east where it rises up over the Minffordd Peninsula and to the south where it crosses over the otherwise highly scenic Dwyryd Estuary. The removal of the overhead line would have major beneficial effects on visual amenity for residents of the town.
 - (c) A small proportion of the community of **Minffordd** would also benefit from the removal of the overhead line. In particular, the removal of the existing terminal pylon 4ZC 037 and pylon 4ZC 036 in the north would improve visual amenity. The majority of Minffordd residents would not be able to see the infrastructure to be constructed at Garth due to the intervening distance, landform and the presence of buildings and vegetation. A small proportion of the local community on the northern edge of the settlement, will have new infrastructure in view. However, as mentioned above, the design of the tunnel head house will be in keeping with the environment and the removal of the existing gantry and terminal pylon at Garth Sealing End Compound, would provide an overall visual benefit to this community.
- 3.7.16 For **users of public rights of way, promoted cycleways and footpaths**, the visual amenity benefits arising from the Snowdonia VIP Project can be explained as follows:
- (a) Walkers using the **Wales Coast Trail** currently experience very close up views of the existing overhead line as it crosses the Dwyryd Estuary where the line runs alongside the trail. There will be major benefits to the views and visual amenity of those walking this route as a result of the removal of the overhead line and pylons.
 - (b) Cyclists on **National Cycle Route 8** also experience views of the overhead line at varying distances, with especially close-range views as the route crosses the Dwyryd Estuary to the Minffordd peninsula. There will be major beneficial effects for these cyclists from the removal of the overhead line and pylons. The new infrastructure on the western side of

the Estuary would be visible from the short section of the cycle route which runs close to it. However, when mitigation planting has matured, these effects are predicted to be negligible and would not detract from the overall major beneficial effects.

- (c) Users of public rights of way on the **Minffordd peninsula** to the west of the Dwyryd Estuary would in places experience substantial improvements to views as a result of the removal of the overhead line and pylons.
- (d) On the eastern side, a **public right of way north of Cilfor** runs east of the proposed tunnel headhouse and sealing end compound site. Since this new infrastructure is designed to be in keeping with the environment and involves the removal of one pylon in this area, the overall visual impact is considered to be minor, particularly once mitigation planting matures.

3.7.17 For **users of tourist railway lines** and **publicly accessible sites**, the Snowdonia VIP Project will give rise to the following specific visual amenity benefits:

- (a) The **Ffestiniog Railway**, which is the world's oldest narrow-gauge line, runs for over 20 kilometres from the harbour in Porthmadog to the slate-quarrying town of Blaenau Ffestiniog. It passes through Minffordd in close proximity to the existing overhead line and pylons on the Minffordd peninsula. Their removal pursuant to the Snowdonia VIP Project will have major benefits for passengers by enhancing views from the train.
- (b) The **Welsh Highland Railway** is also located just north of the centre of Porthmadog. However, passengers using this railway will experience a small visual benefit from the removal of the overhead line than their counterparts on the Ffestiniog Railway, particularly as the former is situated at a greater distance from the Minffordd peninsula.
- (c) There are many large areas of **Open Access Land**, notably around Moel-y-Gest, around Penrhyndeudraeth, on the eastern bank of the Dwyryd Estuary (west of the A496) and on the lower slopes of the Rhinog Mountains (east of the A496). There will be major positive benefits for visitors to these areas, especially those around Penrhyndeudraeth and those on the east shore of the Dwyryd Estuary.
- (d) Similarly, visitors to the **Cob** (the historic sea wall across the Glaslyn Estuary near Porthmadog) and **Gwaith Powdwr Nature Reserve** (near the Pont Briwet), will experience improvements to views as a result of the removal of the overhead line and pylons. In the case of Gwaith Powdwr there will be major benefits, whilst at the Cob the benefits will be moderate. Visual amenity for visitors to Portmeirion would also be enhanced.

3.7.18 **Users of transport routes** will also experience positive impacts from the Snowdonia VIP Project. These can be described as follows:

- (a) Removal of the overhead line and pylons will bring major benefits in enhancing the views of those travelling on the **local road network**, and in particular the crossing of the Dwyryd Estuary on Pont Briwet. Users of the A496, which runs directly west of the new infrastructure near Cilfor will experience some change to their views when the eastern tunnel head house, associated compound and access road are in operation. However,

taking account of proposed mitigation, any negative effects are considered to be minor.

- (b) The Snowdonia VIP Project will similarly benefit **rail passengers** on the Aberystwyth and Welsh Coast Railway which also crosses the Dwyryd Estuary on Pont Briwet. At present, passengers experience close views of the overhead line and pylons, especially during the Estuary crossing. There will be limited effects from new infrastructure and the major visual benefits will not be reduced.

3.8 **Community Consultations**

3.8.1 Consultation and stakeholder input has been integral to the design and development of all of the VIP Schemes, including the Snowdonia VIP Project.

3.8.2 Both NGET and Ofgem have ensured that stakeholders play an ongoing, central role in helping to identify those areas with existing overhead electricity lines which would benefit most from investment to reduce the visual impact.

3.8.3 Under Section 38 and Schedule 9 of the 1989 Act, NGET has a duty to have regard to the desirability of the preservation of amenity, particularly including the effect of NGET's work on communities. NGET's Stakeholder, Community and Amenity Policy sets out a commitment to meet this duty, making the following consultation commitments:

"We will promote genuine and meaningful stakeholder and community engagement. We will meet and, where appropriate, exceed the statutory requirements for consultation or engagement."

3.8.4 In the context of the Snowdonia VIP Project, NGET has sought to go above and beyond consultation guidelines and requirements set out for developers, including by engaging with as many stakeholders as possible and tailoring its consultation programme with regard to the community in Gwynedd in order to maximise opportunities for feedback. This approach has been acknowledged and commended by representatives of the Snowdonia National Park Authority at SRG meetings and by National Parks Wales at the SAG.

3.8.5 All consultation materials have been produced in English and Welsh language versions and Welsh speakers were present at all times during the public consultation events. At the request of SRG members, SRG meetings since 2018 have been conducted in the Welsh language with a simultaneous translation for the non-Welsh speakers present.

3.8.6 Prior to finalising its proposals, NGET had careful regard to the feedback it received from local stakeholders and residents during the consultation process. This is evidenced in the Pre-Application Consultation Report submitted as part of the planning application referenced in Paragraph 7.3 of this Statement.

3.8.7 Engagement with both the community and stakeholders in relation to the Snowdonia VIP Project commenced at an early stage, primarily in order to gather detailed information and inform NGET's understanding of the local area, but also with an intention of giving the local community a sense of ownership of the Project itself.

3.8.8 Early engagement involved technical workshops with key representatives of organisations including Natural Resources Wales, Gwynedd Council, the Snowdonia National Park Authority and the North Wales Wildlife Trust. An initial bilingual drop

in event before any plans for the Snowdonia VIP Project were drawn up held at the start of 2015 asked the public whether it would like to see a project developed and the pylons removed and received a positive response.

- 3.8.9 Subsequent bilingual drop-in events took place in 2016, 2018 and 2019 and provided opportunities to give feedback and regular meetings with the SAG and SRG. Again, the response from members of the public was overwhelmingly positive with many local people sharing useful local knowledge with NGET.
- 3.8.10 In addition to these events, NGET has met with other stakeholder and community groups on several occasions. These included presentations to Penrhyndeudraeth Town Council and Talsarnau Community Council in 2017 and 2018. Meetings were bilingual, and the Councils expressed their support for the Project while providing valuable input on local traffic and road safety issues. NGET has also briefed representatives of the Snowdonia Society (the member-based conservation charity which works with groups to look after the National Park), North Wales Wildlife Trust, and the Campaign for the Protection of Rural Wales (CPRW) at a local level. There have been expressions of support from all of these groups during the Project development stages and the pre-application consultation.
- 3.8.11 As well as the numerous events and meetings outlined above where people could feedback to NGET directly or via forms available at the events, a dedicated Project website was established in 2016. Available in both English and Welsh language, the website offers regularly updated information on the project (including all the planning documentation) and a range of feedback options including email, a consultation phone line (dual language) and a freepost address.
- 3.8.12 Further engagement continued throughout development of the Snowdonia VIP Project. This included direct engagement with individuals and groups through a combination of one-to-one meetings (where appropriate), presentations to small groups, letters, email updates and phone conversations. Regular updates were also provided to the local media, published on the Project website and made available at scheduled drop-in events.
- 3.8.13 Drop-in events have been held annually in the local area, giving individuals the opportunity to receive information on the Snowdonia VIP Project, meet the Project team and provide feedback on the proposals. NGET scheduled these events for weekend and evening hours in order to maximise the highest potential for engagement from local people and communities.
- 3.8.14 Consultation feedback has demonstrated strong support for NGET's proposals. Local residents and other stakeholders are supportive of the vision of the Snowdonia VIP Project and its potential to enhance the local landscape, and in particular with regard to the improvements to the visual amenity of the Dwyryd Estuary.
- 3.8.15 Other consultees have highlighted that such a clear visual improvement to the landscape of this part of the Snowdonia National Park would also improve the quality of life of local residents and visitors, and thereby promote longer-term economic benefits by way of increased revenue from tourists attracted to a more aesthetically-pleasing destination. For a predominantly rural area with an economy largely sustained by income generated from tourism, the economic benefits associated with the Snowdonia VIP Project are vitally important.
- 3.8.16 Feedback from property owners in the vicinity of the Snowdonia VIP Project has generally been positive during discussions about the granting of land rights.

Comments have been framed in terms of being a benefit to their own property interests and for the area as a whole.

3.9 **Acceptability Testing Report 2018**

- 3.9.1 Stakeholder consultation is an important component of the RIIO-T1 regulatory framework and, as noted in preceding paragraphs, an area of particular focus for NGET in the context of the Snowdonia VIP Project.
- 3.9.2 Building on NGET's previous research into consumers' willingness to pay to mitigate the visual impact of existing transmission infrastructure in Britain's designated landscapes, Ofgem requested that further analysis be undertaken by NGET to assess if consumers would find it acceptable to pay for the VIP Schemes via increases in their electricity bills.
- 3.9.3 The analysis comprised a multi-strand programme of research with consumers, including ten discussion groups, nine in-depth interviews with vulnerable consumers and a quantitative survey of 2,002 consumers aged over 16. The output of this analysis, the Visual Impact Project Acceptability Final Report, was published in April 2018 (the "**Acceptability Testing Report**").
- 3.9.4 The Acceptability Testing Report concluded that the majority of consumers (66%) supported the VIP Schemes (65% for the Snowdonia VIP Project) and considered it acceptable for costs associated with these schemes to be borne via increases in their electricity bills.
- 3.9.5 Consumer support for the VIP Schemes was focussed on the perceived enhancements to the country's most beautiful landscapes which could be delivered at an affordable cost. Although consumers recognised that the total cost of the VIP Schemes is substantial, the cost per household is relatively low at £0.60 per year for the next 25 years.⁴
- 3.9.6 In particular, the Acceptability Testing Report identified that the undergrounding of power cables is widely seen as an improvement compared to the continued use of existing overhead power lines and pylons. Undergrounding was seen by many consumers as a modernising step forward and a moral action necessary to improve the appearance of Britain's most beautiful landscapes for future generations.
- 3.9.7 Notwithstanding the above, the Acceptability Testing Report identified that the level of support for the VIP Schemes was high considering the underlying negativity that consumers often express towards the energy sector and organisations working within it. Moreover, it was felt that the minority's opposition to the VIP Schemes was often underpinned by hostility to the energy sector as a whole and rejection, in principle, that consumers should bear the cost of the schemes.

4 **ENABLING POWER**

- 4.1 By section 9(2) of the 1989 Act, the holder of a licence authorising him to participate in the transmission of electricity is charged with the duty "*to develop and maintain an efficient, co-ordinated and economical system of electricity transmission*".

⁴ See Page 6 of the Acceptability Testing Report: "*The estimated cost of the VIP projects has been derived using revenue calculations as per the RIIO-T1 price control, with the exception that the depreciation life has been reduced to 25 years to allow for a worst-case value. The value is in 2017/18 price base and includes network consumer bill impact only.*"

4.2 NGET is a holder of an electricity transmission licence granted or treated as granted under section 6(1)(b) of the 1989 Act. NGET owns the high voltage electricity transmission network in England and Wales and operates the transmission system across Great Britain.

4.3 Section 10 and Schedule 3 of the 1989 Act empower NGET “to purchase compulsorily any land [including rights in land] required for any purpose connected with the carrying on of the activities which [NGET] is authorised by [its] licence to carry on.”

5 LAND AND RIGHTS REQUIRED

5.1 Land Referencing

5.1.1 Land referencing for the Snowdonia VIP Project commenced in 2015 with desktop studies undertaken to establish Land Registry title information together with known information about landowners and occupiers in the area.

5.1.2 This was followed by the issuing of questionnaires to landowners and occupiers asking for information about the nature of their ownership and occupation. This referencing was undertaken for the purpose of arranging surveys across the Project area in subsequent years.

5.1.3 In 2019 and 2020, comprehensive referencing was carried out for the purpose of seeking rights in land across the Snowdonia VIP Project area, and subsequently for the purpose of producing the Order Maps and Schedule to the Order.

5.1.4 This included a refresh of the Land Registry data, a review of registered land titles, the issuing and follow-up of detailed questionnaires to all known persons with interests in land and the erection of notices in respect of unregistered land and investigations into the same. Therefore, NGET has met the test of diligent inquiry.

5.2 Permanent Land Acquisition

5.2.1 The sites coloured pink on the Order Maps are those where permanent land acquisition is sought.

5.2.2 For the Snowdonia VIP Project these are the above ground sites at Garth and Cilfor, sited for the construction and operation of the western and eastern tunnel head houses respectively. Both landowners and their agents are currently engaged in positive negotiations over the Heads of Terms.

5.3 Acquisition of New Rights

5.3.1 The new rights to be purchased compulsorily over the land under this Order are described in Table 1 of the Order Schedule in accordance with the following definitions:

Defined Term	Description of Right
Electric Line Dismantling and Removal Rights	<p>All rights necessary for the purposes of or incidental to dismantling and removing any electric lines, including conductors, fittings, towers and their foundations, electrical plant, buildings, structures, pylons, apparatus and vegetation from that land, including:</p> <ul style="list-style-type: none"> the right to access the land and adjoining Order

Defined Term	Description of Right
	<p>land, with or without vehicles, plant, machinery, apparatus, equipment, materials and personnel;</p> <ul style="list-style-type: none"> • the right to carry out works to facilitate such access, including to construct, lay down, use and remove access roads including any necessary temporary bridging, culverting or diversion of watercourses and drains, removing and erecting fencing/gates, carrying out security operations, carrying out earth works, altering the level of land, removing buildings or structures or apparatus, modifying road verges and junctions and installing, using, altering, diverting, protecting, and removing services and utilities; • the right to fell, trim, lop or move all trees, bushes and other vegetation including those which obstruct or interfere with the exercise of those rights; • the right to bring onto the land, position and swing the jib of a crane loaded or unloaded through the airspace above the land for the purposes of removing machinery and equipment; the right to fence, erect hoardings or signage or otherwise secure the requisite compound; • the right to install and remove protection measures for third party structures and/or assets, including scaffolding; and • the right to monitor reinstatement works.
Deep Cable Tunnel Rights	<p>All rights necessary for the purposes of or incidental to the construction and operation of the hereinafter mentioned Cable Tunnel and Electric Conductors and associated electricity infrastructure, including:</p> <ul style="list-style-type: none"> • the right to construct and install a cable tunnel with an overall external diameter (including construction tolerance) not exceeding 6 metres together with any necessary auxiliary apparatus, protection or activities, with the crown of the tunnel at a depth of not less than 15 metres below Ordnance Datum at the date of the Order (in the Order referred to as the "Cable Tunnel"); • the right to retain and make use of and from time to time inspect, cleanse, ventilate, maintain, drain, repair, alter, renew, replace, remove, and reinstate the Cable Tunnel; • the right to place, attach and install electricity cables for transmitting and/or distributing electricity at such voltage as NGET or other licensed operators may from time to time require for the purposes of its or their operations together with any necessary auxiliary apparatus required in connection with the aforementioned electricity cables within the Cable Tunnel (in the Order referred to as the "Electric Conductors");

Defined Term	Description of Right
	<ul style="list-style-type: none"> • the right to retain, use, inspect, maintain, repair, alter, renew, replace and remove the Electric Conductors; • the right to enter the Cable Tunnel as often as may be required with or without vehicles and at all times with all necessary materials apparatus plant and equipment for the purposes set out above; • the right to all necessary rights of support for the Cable Tunnel; • the right to all necessary rights of protection for the Cable Tunnel from any excavation, mining, foundation or piling works within such part of the subsoil and under the surface of the land as comprises a strip (in the Order referred to as the "Development Exclusion Zone") thereof the upper limit of which shall not be greater than 6 metres from the top of the Cable Tunnel and the lower limit of which shall not be greater than 6 metres below the bottom of the Cable Tunnel and the lateral limits shall not be greater than 3 metres on each side of the Cable Tunnel; and • the right to prevent any works on or use of the land which may interfere with or damage the Cable Tunnel or the Electric Conductors or which interferes with or obstructs access to the Cable Tunnel or the Electric Conductors.
Shallow Cable Tunnel Rights	<p>All rights necessary for the purposes of or incidental to the construction of the hereinafter mentioned Cable Tunnel and operation of the electricity infrastructure, including:</p> <ul style="list-style-type: none"> • the right to construct and install a cable tunnel with an overall external diameter (including construction tolerance) not exceeding 10 metres together with any necessary auxiliary apparatus, protection or activities, with the crown of the tunnel at a depth of not less than 3 metres below Ordnance Datum at the date of the Order (in the Order referred to as the "Cable Tunnel"); • the right to retain and make use of and from time to time inspect, cleanse, ventilate, maintain, drain, repair, alter, renew, replace, remove, and reinstate the Cable Tunnel; • the right to place, attach and install electricity cables for transmitting and/or distributing electricity at such voltage as NGET or other licensed operators may from time to time require for the purposes of its or their operations together with any necessary auxiliary apparatus required in connection with the aforementioned electricity cables within the Cable Tunnel (in the Order referred to as the "Electric Conductors"); • the right to retain, use, inspect, maintain, repair,

Defined Term	Description of Right
	<p>alter, renew, replace and remove the Electric Conductors;</p> <ul style="list-style-type: none"> • the right to enter the Cable Tunnel as often as may be required with or without vehicles and at all times with all necessary materials apparatus plant and equipment for the purposes set out above; • the right to all necessary rights of support for the Cable Tunnel; • the right to all necessary rights of protection for the Cable Tunnel from any excavation, mining, foundation or piling works within such part of the subsoil and under the surface of the land as comprises a strip (in the Order referred to as the "Development Exclusion Zone") thereof the upper limit of which shall not be greater than 6 metres from the top of the Cable Tunnel and the lower limit of which shall not be greater than 6 metres below the bottom of the Cable Tunnel and the lateral limits shall not be greater than 3 metres on each side of the Cable Tunnel; and • the right to prevent any works on or use of the land which may interfere with or damage the Cable Tunnel or the Electric Conductors or which interferes with or obstructs access to the Cable Tunnel or the Electric Conductors.
Buried Cable Rights	<p>All rights necessary for the purposes of or incidental to the installation and operation of electricity cables and the associated electricity infrastructure, including:</p> <ul style="list-style-type: none"> • the right with or without vehicles plant and equipment to enter and place electricity cables for transmitting and/or distributing electricity at such voltage as NGET or other licensed operators may from time to time require for the purposes of its or their operations together with any necessary auxiliary apparatus as required in connection with the aforementioned electricity cables (in the Order referred to as the "Electric Cables") at a depth (excluding auxiliary apparatus) of not less than 0.9 metres below the present surface of the land (save where the Electric Cables are brought to or above the surface for a cable bridge) and thereafter retain, commission, inspect, operate, cleanse, maintain, repair, alter, renew, replace and remove or decommission the Electric Cables; • the right to use the Electric Cables; • the right to all necessary rights of support for the Electric Cables; • the right with or without vehicles plant and equipment to fell, trim or lop all trees, bushes and vegetation on the land which obstruct or interfere with the exercise of the rights granted; • the right with or without vehicles plant and

Defined Term	Description of Right
	<p>equipment to carry out mitigation planting and monitoring;</p> <ul style="list-style-type: none"> • the right with or without vehicles plant and equipment to enter land to access any adjoining land in connection with NGET’s undertaking; • the right to construct and install such temporary road(s) as NGET may require; • the right to install and remove protection measures for third party structures / assets, including scaffolding; • the right to divert and remove services and utilities; • the right to test and commission the Electric Cables and to remedy initial faults and defects in them at any time prior to the date on which it is energised and ready for commercial operation; and • the right to prevent any works on or use of the land which may interfere with or damage or cause injury to the Electric Cables or which interferes with or obstructs access to the Electric Cables.
Overhead Line Rights	<p>All rights necessary for the purposes of or incidental to the installation and operation of the overhead electric lines and associated infrastructure, including:</p> <ul style="list-style-type: none"> • the right with or without vehicles plant and equipment to enter to erect conductors for transmitting and/or distributing electricity at such voltage as NGET or other licensed operators may from time to time require for the purposes of its or their operations together with an earth wire fibre optic cable (in connection with the use of NGET’s undertaking only) and the tower(s) (if any) for supporting the same and such ancillary equipment and apparatus as required (but excluding the right to install fibre optic cables for the use of any third party or commercial operator) (in the Order referred to as the “Electric Lines”) and to retain, inspect, maintain, repair, alter, renew, replace and remove Electric Lines; • the right to use the Electric Lines; • the right to all necessary rights of support for the Electric Lines; • the right with or without vehicles plant and equipment to fell, trim or lop all trees, bushes and other vegetation on the land which obstruct or interfere with the exercise of the rights granted; • the right to provide mitigation or remediation works, and associated monitoring; • the right with or without vehicles plant and equipment to enter land to access any adjoining land in connection with NGET’s undertaking; • the right to install and remove protection measures

Defined Term	Description of Right
	<p>for third party structures / assets, including scaffolding;</p> <ul style="list-style-type: none"> • the right to divert and remove services and utilities; • the right to test and commission the Electric Lines and to remedy initial faults and defects in them at any time prior to the date on which it is energised and ready for commercial operation; • the right to facilitate a footpath diversion; • the right to prevent any works on or use of the land which may interfere with or damage or cause injury to the Electric Lines or which interferes with or obstructs access to the Electric Lines; and • the right to construct and install such temporary road(s) as NGET may require.
Construction and Compound Rights	<p>All rights necessary for the purposes of or incidental to the construction, installation and commissioning of the Cable Tunnel and Electric Conductors, Overhead Electric Line, Cables, and all associated infrastructure (including removal of the overhead lines), including:</p> <ul style="list-style-type: none"> • the right to access the land and adjoining Order land for the purposes of constructing, placing, installing and removing the electricity infrastructure, carrying out de-watering and drainage works and installing, altering or reinstating land drainage systems and commissioning the electricity infrastructure with or without vehicles, plant, machinery, apparatus, equipment, materials and personnel; • the right to carry out works to facilitate such access including to construct, lay down, use and remove access roads including any necessary temporary bridging, culverting or diversion of watercourses and drains, erecting fencing/gates, carrying out security operations, carrying out earth works, removing buildings or structures or apparatus, modifying road verges and junctions and installing, using, altering, diverting, protecting, and removing services and utilities; • the right to erect, create, use and remove a works compound which may include portable cabins and offices, noise enclosure, substation, and welfare facilities including portable toilets and electricity generators; • the right to store, stockpile and where necessary use, manage and process plant, machinery, apparatus, materials (including excavated material) and/or equipment; • the right to access the land with or without vehicles, plant, machinery, apparatus, equipment, materials and personnel; • the right to fence, erect hoardings or signage or

Defined Term	Description of Right
	<p>otherwise secure the compound;</p> <ul style="list-style-type: none"> • the right to carry out drainage works and install, alter or reinstate land drainage systems; • the right to discharge water into existing drains and watercourses; • the right to monitor, including assets and equipment; • the right to install, use and remove artificial lighting; • the right to fell, trim and lop all trees, bushes and other vegetation which obstructs or interferes with the exercise of those rights; • the right to remove topsoil, adjust the height of the land, lay terram and/or stone surface (or similar surface) on the compound; • the right to carry out environmental surveys and works for the purpose of protecting wildlife and habitats during construction; • the right to reinstate the land; and • the right of support and protection for the compound.
Water Discharge Rights	<p>The right to construct, use, maintain, replace and remove a water discharge pipe, either at surface level, buried or within a drainage ditch, including:</p> <ul style="list-style-type: none"> • the right to access the land and adjoining Order land for those purposes, with or without vehicles, plant, machinery, apparatus, equipment, materials and personnel; and • the right to cut vegetation and remove obstacles where required.

5.3.2 The land over which the new rights are to be purchased compulsorily is shown coloured blue on the Order Maps. The Schedule of Interests to the Order indicates in respect of each plot, which rights are sought.

5.3.3 The above new rights are for the benefit of the undertaking of NGET for the transmission of electricity including without limitation such land and hereditaments forming part of that undertaking as are accommodated by the rights set out in the Order.

5.4 **Mining Code**

5.4.1 The mines and mineral rights are excluded from the Order.

5.4.2 However, Parts 2 and 3 of Schedule 2 to the 1981 Act, which concern the 'Mining Code', are expressly incorporated within the Order in order to safeguard and protect all apparatus and other equipment which will be constructed and/or installed by NGET and its contractors for the purposes of the Snowdonia VIP Project.

6 ACQUISITION STRATEGY AND PROGRESS TO DATE

6.1 NGET's Acquisition Strategy

- 6.1.1 NGET's preference will always be to secure land rights on a voluntary basis. This will be through negotiation with individual landowners to obtain option agreements for the grant of an easement for the tunnel, cables and/or new overhead line, a lease for temporary construction land, and for the acquisition of land necessary to site the tunnel head houses. To help to facilitate this, National Grid's Land Rights Strategy ("**LRS**") has been used.
- 6.1.2 The LRS was developed by National Grid in 2010 in order to provide a consistent methodology for acquiring land rights for National Grid's infrastructure projects, both for Development Consent Orders and Town & Country Planning Act/Compulsory Purchase Order schemes. The LRS has been implemented on all National Grid projects requiring land and rights acquisition, and remains under continuous review to ensure that it is still fit for commercial purpose, and meets the expectations of third party landowners and occupiers. National Grid was one of the first utility companies to formally adopt and promote this approach and it accords with the Guidance on Compulsory Purchase and Crichton Down Rules.
- 6.1.3 A recent review of the LRS undertaken by National Grid identified that the LRS still enables effective and consistent communication with those most affected by National Grid's proposals, and that it continues to meet the requirements of CPO guidance on seeking to acquire land by negotiation. Its terms continue to enable National Grid to treat people fairly.
- 6.1.4 A system of payments for rights for the Snowdonia VIP Project was adopted using the principles of both the LRS and CPO guidance to ensure consistency and fairness in submitting reasonable offers for land and rights across the Project area.
- 6.1.5 Initially, heads of terms ("**HoTs**") were issued and negotiated on the basis that NGET would be granted the option to exercise rights and create easements or transfer land as appropriate. Upon agreement of these principal terms, these are then translated into legal agreements.
- 6.1.6 Negotiations with landowners and occupiers to secure voluntary option contracts for easements for the tunnels within the Snowdonia VIP Project have been ongoing since September 2019.
- 6.1.7 Negotiations with landowners to secure voluntary option contracts for the tunnel head house sites and associated land and rights have been ongoing since December 2019.
- 6.1.8 NGET has rights in relation to the existing overhead line, although in some cases agreements require renewing or updating to ensure the agreements are clear in respect of the rights of removal that are expected to be exercised. Terms have been issued in respect of such rights.
- 6.1.9 Whilst NGET seeks to avoid the use of compulsory purchase powers by negotiating by private treaty, in order to ensure the timely delivery of the Snowdonia VIP Project, it is now necessary to seek compulsory purchase powers. Negotiations to obtain, by agreement, the remainder of the necessary land and rights will continue in parallel to the compulsory purchase process.
- 6.1.10 There are certain parcels of land affected by the Snowdonia VIP Project which are owned by the Crown and, therefore, cannot be compulsorily acquired. Active

discussions continue with the agent for the Crown Estate, and NGET is confident that this will not impede delivery of the Project. Please refer to Paragraph 8.3 of this Statement for further detail.

- 6.1.11 Given that the Snowdonia VIP Project comprises in part a linear, deep tunnel scheme passing beneath two separate railways, a trunk road and the Dwyrdd Estuary and in part the removal of existing overhead electricity lines, the Project will inevitably cross existing assets held by statutory undertakers, including transport and highway authorities, in respect of which asset protection and crossing agreements may be required. Further detail on NGET's engagement with these authorities is provided at Paragraph 8.4 of this Statement.

6.2 **Progress**

- 6.2.1 As indicated above, NGET has been seeking to secure all necessary land and rights, and as at the date of this Statement, the following progress has been made.
- 6.2.2 Twelve out of sixteen heads of terms have been agreed in respect of those rights involving only tunnel and/or buried cable rights, of which five contracts have completed. Six contract completions have been delayed as a consequence of Covid-19 restrictions or minor title queries.
- 6.2.3 Of those four which remain, Welsh Government, Crown Estate and Network Rail agreements are included, and these negotiations all continue positively. One further agreement with a private individual is progressing positively.
- 6.2.4 Positive negotiations are continuing in respect of the two tunnel head house site acquisitions and associated rights.
- 6.2.5 In principle agreement has also been reached in relation to the discharge of water rights. However, a formal agreement has not yet been concluded.
- 6.2.6 In respect of the overhead line dismantling, there are seventeen cases where NGET has been expressly granted rights on account of extant easements or wayleave agreements. In fourteen further cases, terms have been issued in respect of the rights to access land and dismantle the infrastructure; of which there are eleven cases where wayleave rights in respect of the existing line was with the current owner's predecessors in title and as such any implied rights to remove it are being made explicit by the issuing of the terms; and three of the cases require new rights.

7 **OTHER CONSENTS**

7.1 **Permitted Development Rights**

- 7.1.1 The majority of the Snowdonia VIP Project is to be consented pursuant to permitted development rights.
- 7.1.2 NGET will make use of permitted development rights for:
- (a) the construction of the tunnel and tunnel shafts;
 - (b) the installation of the section of underground cable between the western tunnel head house and the existing Sealing End Compound at Garth; and
 - (c) reconfiguration of Garth Sealing End Compound.

- 7.1.3 All activities beneath ground which are associated with the tunnel, including its ultimate fit-out and cable installation, will also be carried out pursuant to permitted development rights.
- 7.1.4 NGET owns the Garth SEC, which is operational land. NGET is a statutory undertaker as defined in Section 263 of the Town and Country Planning Act 1990 (the "**1990 Act**"). The Garth SEC is on land owned and used by NGET for the purpose of its undertaking. Any work within the boundary of Garth SEC and within the parameters of the 1990 Act can be undertaken pursuant to permitted development rights.
- 7.1.5 In respect of those elements of the Snowdonia VIP Project that are to be consented pursuant to permitted development rights, NGET has sought confirmation from the relevant local planning authorities and other statutory bodies through the environmental impact assessment ("**EIA**") screening process that the development is not 'EIA development'.
- 7.1.6 The Snowdonia VIP Project is situated within the administrative boundaries of Gwynedd Council and the Snowdonia National Park Authority. In addition, two of the ten pylons which are proposed to be removed fall within the marine environment and are therefore within the jurisdiction of Natural Resources Wales ("**NRW**").
- 7.1.7 A letter requesting a joint EIA screening and scoping opinion was submitted to Gwynedd Council and the Snowdonia National Park Authority, in consultation with NRW, in October 2018.
- 7.1.8 Each of the authorities listed have since screened the Snowdonia VIP Project and have confirmed in writing (on 15 November 2018, 19 December 2018 and 18 January 2019 (respectively)) that it is not 'EIA development'. Therefore, permitted development rights are available to NGET in these circumstances.
- 7.2 **The Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2017**
- 7.2.1 The Snowdonia VIP Project was also screened by the Department for Business, Energy and Industrial Strategy ("**BEIS**") in February 2019 pursuant to The Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2017 (the "**2017 Electricity Works Regulations**"). A negative screening response was received in June 2019.
- 7.2.2 As a result of subsequent changes to the design of the Project (and specifically the removal of a proposed temporary pylon (4ZCO27R)), a rescreening request was submitted to BEIS in August 2019. A negative screening response was received by NGET in December 2019.
- 7.2.3 NGET also consulted with BEIS in January 2020 as the location of proposed pylon 4ZCO27 was altered by 7.6 metres. However, BEIS confirmed in March 2020 that a further formal rescreening of the Snowdonia VIP Project was not necessary.
- 7.3 **Planning Permission**
- 7.3.1 In relation to the provision of headhouses and access tracks, an application for planning permission was submitted in early March 2020 to both Gwynedd Council (Reference C20/0244/08/LL) and the Snowdonia National Park Authority (Reference NP5/77/336B) (the "**Planning Application**").

- 7.3.2 The description of development for which planning permission is sought pursuant to the Planning Application is as follows:

"Full planning permission for components of its Snowdonia Visual Impact Provision Project, comprising: -

Construction of Western tunnel head house (including the associated construction compound) at Garth including the permanent access road to the facility.

Construction of an Eastern tunnel head house (including the associated construction compound), sealing end compound and permanent road at Cilfor."

- 7.3.3 It was originally intended for Gwynedd Council to delegate the right to determine the Planning Application to the Snowdonia National Park Authority.
- 7.3.4 However, due to the Covid-19 pandemic, the Full Council at Gwynedd Council were unable to meet within the timescales intended.
- 7.3.5 Therefore, and in order to progress with a determination in current timescales, it has been agreed between all parties that both Gwynedd Council and the Snowdonia National Park Authority should assess and determine those aspects of the Planning Application which are relevant to their administrative areas.
- 7.3.6 As at the date of this Statement, the Snowdonia National Park Authority intends to hold a Planning Committee meeting on 1 July 2020. Gwynedd Council are currently seeking confirmation regarding the date of their Committee meeting, but it is likely to be held in mid-July 2020.
- 7.3.7 In light of the above, the Planning Application is likely to be determined in the near future and NGET is not aware of any reasons why planning permission will be withheld or refused.

7.4 **Removal of Existing Electricity Lines & Pylons**

- 7.4.1 Where existing infrastructure is proposed to be removed pursuant to the Snowdonia VIP Project, NGET has decided to seek powers of compulsory purchase within the Order to ensure that the existing electricity line can be efficiently removed. However, NGET will where practicable, draw upon the rights and permissions detailed in existing easements and wayleaves covering land parcels identified for the removal works. Existing agreements allow NGET to retain, use, maintain, repair, renew, inspect and remove the electric lines and works specified. Insofar as such agreements are not in place, NGET is committed to seeking to acquire those rights by agreement.
- 7.4.2 The removal of the existing pylons, and associated access tracks and working areas is to be undertaken using the existing consent under the Electricity Act 1947/1957.
- 7.4.3 The existing consent covers the Trawsfynydd to Bangor 400kV overhead line.
- 7.4.4 The Ministry of Power consent is signed by the Assistant Secretary and is date stamped 7 February 1964. The detail of its use was submitted with the screening letters and its use confirmed by Gwynedd Council (15 November 2018) and the Snowdonia National Park Authority (19 December 2018). In confirming the use of the existing consent, the removal of the pylons and access for this work, will not require any additional consent.

7.5 **Consents Pursuant to the 1989 Act**

Section 37 Consent

- 7.5.1 The proposed new pylon (4ZCO27) will be sited within Snowdonia National Park.
- 7.5.2 NGET is currently seeking formal confirmation from the Snowdonia National Park Authority that those works would be exempt from section 37 of the 1989 Act and that no significant residual adverse environmental effects are anticipated to arise as a result. The formal request for exemption was submitted in March 2020.

GEMA Consent

- 7.5.3 Paragraph 2 of Schedule 3 to the 1989 Act provides that the Secretary of State may not confirm the Order authorising the acquisition of land belonging to another electricity licence holder except with the consent of the Gas and Electricity Market Authority ("**GEMA**").
- 7.5.4 Accordingly as the Order will affect the rights and interests of SP Manweb (and their operator SP Energy Networks) ("**Scottish Power**"), GEMA Consent is likely to be required. The application for such consent will be made in conjunction with the Order.
- 7.5.5 As indicated in Paragraphs 8.5.1 onwards, as Scottish Power is fully supportive of the Snowdonia VIP Project, there is no reason why the GEMA Consent will not be forthcoming.

7.6 **Marine Licensing**

- 7.6.1 Two marine licence applications were submitted by NGET in March 2020 to Natural Resources Wales ("**NRW**") for works comprising part of the Snowdonia VIP Project within the Dwyryd Estuary.
- 7.6.2 These include:
- (a) the installation of cables within the tunnel and the associated construction of the tunnel beneath the marine environment; and
 - (b) pylon and foundation removal (4ZC 030R and 4ZC 031), access to 4ZC 032, and the removal of the foundations of the previously dismantled pylon 4ZC 030.
- 7.6.3 NRW have assigned Case Officers to both applications, and the notices appeared in the local Cambrian Times newspaper on 30 April 2020.
- 7.6.4 NRW's determination of both licence applications is expected to take four months, and NGET therefore anticipates (as at the date of this Statement) that a decision will be made by NRW in late July 2020.

7.7 **Other Consents**

Highways Orders

- 7.7.1 The Snowdonia VIP Project will require a small number of highway orders, in the form of temporary Traffic Regulation Orders, along with certain other conventional highways consents which the contractor may from time to time seek to obtain from the relevant highways authority.

7.7.2 These highways orders will be required in respect of the overhead electricity line removal works which are programmed to take place after the new cable tunnel has been commissioned. Given the programme for those works, the orders are not proposed to be sought by NGET until nearer the commencement date.

7.7.3 In any event, the highways orders and other consents are standard consents, and are unlikely to present an impediment to the delivery of the Project.

SSSI Assent

7.7.4 As the Snowdonia VIP Project is likely to affect Sites of Special Scientific Interest ("**SSSI**"), the assent of NRW must first be obtained under section 28H of the Wildlife and Countryside Act 1981.

7.7.5 Pylons 4ZC 028 and 027 are within the Ysbyty Bron y Garth SSSI. Pylons 4ZC 030 and 031 are within Morfa Harlech SSSI. It is considered that the effects can be suitably mitigated, and Gwynedd and NRW respectively have confirmed that in terms of development the effect is not likely to be significant and that EIA is not required.

7.7.6 As with the highways orders noted above, the SSSI Assent is a standard consent, and is unlikely to present an impediment to the delivery of the Project.

8 SPECIAL CATEGORY LAND & STATUTORY UNDERTAKERS

8.1 Special Category Land: Common Land & Open Space

8.1.1 Sections of the Snowdonia VIP Project will pass through Common Land and Open Space. These terms are defined in the 1981 Act as:

(a) Common Land - "*any land subject to be enclosed under the Inclosure Acts 1845 to 1882, and any town or village green*"; and

(b) Open Space - "*any land laid out as a public garden, or used for the purposes of public recreation, or land being a disused burial ground.*"

8.1.2 Whilst no freehold interest is intended to be acquired in the Common Land or Open Space, rights above ground in Common Land and Open Space are sought for Electric Line Dismantling and Removal Rights and Water Discharge Rights, and also Overhead Line Rights in respect of Open Space.

8.1.3 These rights engage section 28 and paragraph 6(1)(a) of Schedule 3 to the 1981 Act and accordingly an application for a certificate in relation to Common Land will be made to the relevant Secretary of State on the basis that "*the land, when burdened with that right, will be no less advantageous to those persons in whom it is vested and other persons, if any, entitled to rights of common or other rights, and to the public, than it was before*". An application in relation to the Open Space will be made to the relevant Secretary of State on the same basis.

8.1.4 In these circumstances, the Electric Line Dismantling and Removal Rights are only required for a temporary period for removal of the existing overhead line, affect only a limited part of the total Common Land and Open Space in the area and ultimately result in the removal of the existing overhead lines and pylons. Users of such land are amongst the beneficiaries of the Snowdonia VIP Project, as set out in Paragraph 3.7 of this Statement (Snowdonia VIP Project Landscape & Visual Impact Assessment).

8.1.5 Similarly, the Water Discharge Rights which allow for the construction, use, maintenance, replacement and removal of a water discharge pipe (either at surface level, buried or within a drainage ditch) will affect only a limited part of the total Common Land and Open Space in the area, and given the nature of these rights, the land will be no less advantageous following the acquisition of the rights.

8.1.6 The same is true of the Overhead Line Rights which are required in Open Space and will enable the installation and operation of the replacement overhead electric lines and associated infrastructure, including a pylon (relocated from the adjacent plot of land). The rights affect only a limited part of the total Open Space in the area and, following a temporary period of installation, access to the Open Space will be as before and the land will be no less advantageous following the acquisition of the rights.

8.1.7 The certificate applications will be made shortly after the Order is made. They will be advertised as required by the relevant Secretary of State and there will be a period for representations to be made in respect of the application for the certificate.

8.2 **National Trust Land**

8.2.1 The Order also includes land owned by the National Trust, some of which is held inalienably, over which Electric Line Dismantling and Removal Rights are sought. Table 2 in the Schedule to the Order also identifies rights which benefit the National Trust in plots which themselves are not owned by the National Trust, but which may relate to land held by the National Trust inalienably.

8.2.2 The land owned by the National Trust has been included in the Order to ensure that the necessary Electric Line Dismantling and Removal Rights can be obtained from both the National Trust and any other parties with rights and interests in the National Trust Land to remove the existing overhead lines and pylons. It is anticipated that the necessary rights will be acquired by agreement as the National Trust as part of the SRG are supportive of the Snowdonia VIP Project.

8.3 **Crown Land**

8.3.1 There are no proposals to compulsorily acquire any Crown interest in the Order Land and the interests of the Crown have been excluded from the Order (although the interests of any other parties in land owned freehold by the Crown remain in the Order).

8.3.2 In accordance with section 63 of the Electricity Act 1989, the Crown's authority to acquire such other interests as is necessary is being sought. Active discussions continue with the agent for the Crown Estate, and NGET is confident that neither obtaining such consent nor the acquisition of necessary rights from the Crown will impede delivery of the Snowdonia VIP Project.

8.4 **Local Authorities & Statutory Undertakers**

8.4.1 Interests are held by the following local authorities and statutory undertakers in land affected by the Snowdonia VIP Project: Welsh Government, Network Rail Infrastructure Limited, Ffestiniog Railway Company, Gwynedd County Council, Gwynedd County Council Highways Authority, Dwr Cymru Welsh Water, Wales & West Utilities, and Scottish Power.

8.4.2 NGET's discussions and negotiations with each of these parties is ongoing.

8.5 **Scottish Power Assets**

- 8.5.1 The existing overhead line which is proposed to be removed as part of the Snowdonia VIP Project, carries 400kV transmission conductors, as one circuit down one side of the pylons. In addition, NGET has allowed the local distribution network owner/operator (SP Manweb and SPEN respectively) to use the other side of NGET's transmission pylons to accommodate lower voltage (132kV) distribution network conductors.
- 8.5.2 NGET has agreed with Scottish Power in principle (and is in the course of agreeing the formal legal arrangement), that in removing its transmission pylons as part of the Snowdonia VIP Project, NGET will then accommodate the DNO equipment in the newly provided tunnel. Clearly without this agreement, the existing pylons and some conductors would need to be retained, thus undermining the purpose of the Project. NGET confirms here that Scottish Power is fully supportive of the Project.

9 **FUNDING AND DELIVERY**

9.1 **Timetable for delivery**

- 9.1.1 Subject to securing necessary planning consents, NGET is proposing to award the contract for tunnelling works in July 2020 with contractors going on site and commencing construction in 2021.
- 9.1.2 Subject to securing all necessary approvals and consents, NGET currently estimates that on-site works forming part of the Snowdonia VIP Project will commence in 2021, and will take approximately five years to complete.
- 9.1.3 NGET's intention is for the underground connection to be operational by late 2025, and for the existing pylons and overhead lines to be removed in 2026.

9.2 **Funding**

- 9.2.1 As noted above, the Snowdonia VIP Project forms part of the NGET's wider visual impact provision programme.
- 9.2.2 The RIIO-T1 framework covers the period from 1 April 2013 to 31 March 2021, and the deadline for all funding request applications to be sent to Ofgem is 18 June 2020. NGET will be submitting its funding application to Ofgem shortly after the date of the making of the Order.
- 9.2.3 In order to be eligible for the £500m provision, visual impact provision schemes must be approved by Ofgem and written into NGET's transmission licence by 31 March 2021.⁵ Once written into the licence, they will become a licence condition with which NGET must comply.
- 9.2.4 Accordingly funding would be available by the time that the Order enabled the exercise of compulsory acquisition powers. Furthermore NGET have significant financial standing with a net asset figure on the balance sheet of the 2018/19 Accounts being £3,985 million which ensures that sufficient funding could be made available immediately to cope with any acquisition arising from a blight notice.

⁵ NGET understand that there may be some flexibility in this deadline due to the impact of COVID-19. However, as at the date of this Statement, the position remains as stated.

- 9.3 **Statement Justifying Extent of Scheme to be Disregarded for the Purposes of Assessing Compensation in the No Scheme World**
- 9.3.1 Section 6A of the Land Compensation Act 1961 ("**LCA 1961**") provides that *"the no scheme principle is to be applied when assessing the value of land in order to work out how much compensation should be paid by the acquiring authority for the compulsory acquisition of land."*
- 9.3.2 For the purposes of s.6A, it is therefore a requirement to include in a Statement of Reasons the extent of the Scheme to be disregarded for the purposes of assessing compensation in the 'No Scheme World'.
- 9.3.3 In most cases the 'scheme' means the scheme of development underlying the acquisition and provided for by the Order unless it is shown that the underlying scheme is larger than, but incorporating the scheme provided by the Order.
- 9.3.4 In the case of the Snowdonia VIP Project, the 'scheme' is the Snowdonia VIP Project which is the proposed development scheme enabled by the Order.

10 **ALTERNATIVES TO THE ORDER**

10.1 **No Action**

- 10.1.1 The Snowdonia VIP Project forms part of the VIP Schemes through which works are intended to be carried out by NGET in order to help reduce the landscape and visual impacts of existing electricity transmission lines in National Parks and AONBs in Wales and England.
- 10.1.2 As such, the Snowdonia VIP Project would provide landscape and visual amenity benefits to the public as detailed in Paragraph 3 (*Need*) of this Statement and widely consulted upon by NGET.
- 10.1.3 If the Project was not to be delivered, then these benefits would not be realised.

10.2 **Options Appraisal**

- 10.2.1 Paragraph 3 (*Need*) of this Statement explains how the Snowdonia VIP Project was shortlisted and selected for promotion.
- 10.2.2 This Paragraph summarises the options that were considered in developing the detailed proposals.
- 10.2.3 An initial baseline assessment of factors that would affect the development options was undertaken. This included landscape and visual factors, designated sites for nature conservation, the historic environment, air quality, geology and topography, land use and soils, hydrology and flood risk, tourism and socio-economic factors, traffic and transport constraints, and the presence of existing infrastructure and services.
- 10.2.4 A number of underground cabling options were then investigated, involving one or more of the following techniques:
- (a) direct or ducted burial;
 - (b) horizontal directional drilling;
 - (c) pipe jacking; and

(d) tunnelling methods.

10.2.5 Initial investigations resulted in certain options being ruled out:

- (a) Cable circuits routed along public highway, over Pont Briwet and through Penrhyndeudraeth: due to insufficient space, concerns as to the structural integrity of Pont Briwet, limits on the bending radius of cables, proximity of services, likely major disruption to traffic and residents, and underlying geological conditions.
- (b) Cable circuits routed north from Cilfor within public highway: due to the significant length of works (>5km) and likely major disturbance to traffic within Snowdonia National Park and Penrhyndeudraeth.

10.2.6 Three options were then taken forward for further investigation, based around three search areas for SECs or tunnel head house sites:

- (a) Cable Tunnel from a point in the vicinity of the existing Garth SEC to Cilfor (full tunnel option);
- (b) Trenchless Drilling Techniques from the West of the Dwyryd Estuary to Cilfor, drilling between a search area in the vicinity of Pylons 4ZC033 and 4ZC034 and a search area near Cilfor; and
- (c) as per Option (b) (above) but with the addition of a direct buried route to extend the underground route to the existing Garth SEC.

10.2.7 Having carefully assessed the options, NGET proposes that the option of a Cable Tunnel from a point in the vicinity of the existing Garth SEC to Cilfor is the clear and compelling design solution, and that now forms the basis of the Snowdonia VIP Project, as shown on the Order Maps.

10.3 **Tunnel Head Houses**

10.3.1 At each end of the Cable Tunnel, a Tunnel Head House will be required.

10.3.2 The following new infrastructure is required on the western side of the Dwyryd Estuary in the vicinity of the existing Garth SEC in order to connect the tunnelled electricity cable into the existing electricity transmission network:

- (a) a tunnel head house (sited above the tunnel shaft, if required);
- (b) direct burial of a short section of underground buried cable to connect into the SEC from the tunnel head house;
- (c) reconfiguration of equipment at the existing Garth SEC (this will include the removal of the current gantry at Garth SEC); and
- (d) a permanent vehicular access.

10.3.3 A key factor in siting the tunnel head house was the need to ensure that the tunnel head house and any tunnel shaft are in close proximity to the existing Gath SEC, thereby avoiding the need for a long stretch of direct burial cable or an additional stretch of overhead line.

10.3.4 As part of the option appraisal process, land in the vicinity of the existing Gath SEC has been reviewed taking into consideration environmental and engineering

constraints. Having considered the alternatives, NGET is promoting the site identified on the Order Map as being the appropriate design solution, for which there is a clear and compelling case.

10.3.5 The following new infrastructure is required on the eastern side of the Dwyrdd Estuary in the vicinity of Pylon 4ZC027 in order to connect the tunnelled electricity cable into the existing electricity transmission network:

- (a) a new SEC to connect the new underground conductor to the remaining existing overhead line;
- (b) a tunnel head house (sited above the tunnel shaft);
- (c) the removal of Pylon 4ZC027 and replacement with a new Terminal Pylon 4ZC027R;
- (d) conductor span from the SEC to Pylon 027R and from Pylon 027R to Pylon 028; and
- (e) a permanent vehicular access.

10.3.6 The search area for siting this infrastructure included level fields on both sides of the A496 road. Having considered the alternatives, NGET is promoting the site identified on the Order Maps as being the appropriate design solution, for which there is a clear and compelling case.

10.4 **Water Discharge Rights**

10.4.1 Due to the proximity of the Snowdonia VIP Project to the sea, it is possible that ground water being pumped out of the shaft or tunnel during construction, or at any time during operation, may be saline. The design has allowed for such water to settle in attenuation ponds and then to be discharged through pipes into appropriate land such that livestock drinking points will not be negatively affected.

10.4.2 An alternative which was considered by NGET was to remove such water from site in vehicles (tankers). However, this approach was not considered to be economic or efficient over the design life of the Snowdonia VIP Project, and carried associated risks whereby vehicles could not reach site.

10.5 **Environmental Mitigation Measures**

10.5.1 In addition to the onsite mitigation within the operational site boundaries of the tunnel head houses at Cilfor and Garth, and also mitigation works to be undertaken within Garth SEC, further environmental mitigation work is required to offset any impacts on the environment from the Snowdonia VIP Project. Essential habitat mitigation is proposed by NGET at Cilfor and Garth on land adjacent to the tunnel head house site, which would involve acquisition of this land.

10.5.2 Alternatives to the acquisition of the essential mitigation land were considered, including leasing arrangements or management contracts with the landowner, but were considered to risk the deliverability of the mitigation work.

10.6 **Removal of Existing Electricity Lines & Pylons**

10.6.1 There are limited alternatives available in terms of the removal of the existing overhead line.

10.6.2 The Order provides for a very limited but necessary degree of flexibility in terms of access routeing, scaffold positions and associated temporary dismantling infrastructure. However, the precise micro-siting will be carried out to minimise the impact on land interests, the environment, the local transport network and in order to accord with NGET's statutory duty to be economic, efficient and co-ordinated.

11 **HUMAN RIGHTS, EQUALITY ACT 2010 & WELL-BEING OF FUTURE GENERATIONS CONSIDERATIONS**

11.1 **Human Rights Implications**

11.1.1 The European Convention rights potentially applicable to the making of the Order are Articles 6 and 8 and Article 1 of the First Protocol (as contained in Schedule 1 to the Human Rights Act 1998).

11.1.2 Relevant parts of Article 1 of the First Protocol of the Convention provide:

"Every natural or legal person is entitled to peaceful enjoyment of his possessions" and "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".

11.1.3 Relevant parts of Article 8 of the Convention provide:

"1. Everyone has the right to respect for his private and family life, his home and his correspondence.

2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of ... the economic well-being of the country ..."

11.1.4 The Order has been made pursuant to Section 10 and Schedule 3 of the 1989 Act which authorises NGET to acquire land and new rights compulsorily subject to following the procedures laid down in the 1981 Act.

11.1.5 NGET is taking a proportionate approach to compulsory acquisition. Rather than acquiring the freehold title to all land comprised within the Order limits, NGET is seeking to acquire a combination of freehold title (including for the two tunnel head house sites), and permanent rights (such as the right to install and operate the tunnel, and the right to remove the existing overhead line).

11.1.6 NGET is seeking to acquire only those parcels of land and/or new rights which are absolutely necessary to facilitate delivery of the Snowdonia VIP Project.

11.1.7 NGET considers that there is a compelling case in the public interest that the new rights and land referred to in the Order be acquired in order to achieve the purposes described in this Statement.

11.1.8 If the Secretary of State agrees with NGET that there is a compelling case in the public interest, he or she may confirm the Order.

11.1.9 If the Order is confirmed, compensation may be claimed by persons whose interests in land have been acquired or whose possession of land has been disturbed proportionate to any losses that they incur as a result of the acquisition.

11.1.10 In the circumstances, if the Order is confirmed, it is considered that the compulsory acquisition of the land and new rights referred to in the Order will not conflict with

Article 1 of the First Protocol or Article 8 of the European Convention as any interference with the rights will be in accordance with the law, justified and proportionate.

11.1.11 Relevant parts of Article 6 provide that:

"1. 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."

11.1.12 So far as the Order is concerned, any owner, lessee or occupier of land included in the Order will be notified and may have the opportunity to make representations to the Secretary of State and to be heard at a public inquiry before a decision is made as to whether or not the Order should be confirmed, and would in any event have legal rights under the 1981 Act to challenge any order made on the relevant statutory grounds.

11.1.13 NGET is satisfied that there are no planning or financial impediments to the implementation of the Snowdonia VIP Project and that the Snowdonia VIP Project is therefore likely to proceed if the Order is confirmed.

11.1.14 For the reasons set out above, there is considered to be a compelling case in the public interest to proceed with the Order to facilitate the removal of the existing overhead line and pylons which currently span the Dwyryd Estuary.

11.2 **Equality Act 2010**

11.2.1 As a non-public body exercising public functions, NGET has a statutory duty under Section 149 of the Equality Act 2010 to have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

11.2.2 The relevant protected characteristics are: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

11.2.3 NGET's use of the tunnelling method (as mentioned above) for the Snowdonia VIP Project will keep the disruption to those living along the route to a minimum; this will not cause differential impacts to those individuals or groups of individuals who share a relevant protected characteristic.

11.2.4 As mentioned in Paragraph 6 (*Acquisition Strategy and Progress to Date*) above, NGET has undertaken extensive negotiation with landowners impacted by the Snowdonia VIP Project and has made particular efforts to avoid the need to use compulsory purchase powers by negotiating by private treaty.

11.2.5 NGET has carried out extensive community consultation. Nothing arose from that consultation that caused NGET to become concerned that the Snowdonia VIP Project would have a disproportionate effect on any individuals or groups of individuals with protected characteristics.

11.2.6 In light of the above, NGET considers that it has given due regard to the public sector equality duty set out in Section 149 of the Equality Act 2010 in promoting this Order for the Snowdonia VIP Project.

11.3 **Well-Being of Future Generations (Wales) Act 2015**

11.3.1 The Well-Being of Future Generations (Wales) Act 2015 (the “**2015 Act**”) places a duty on public bodies in Wales to carry out development in a manner which is sustainable and therefore compatible with the overriding goal of ensuring that present-day needs are met without compromising the ability of future generations to meet their own needs.

11.3.2 The 2015 Act does not however apply to certain acquiring authorities, including utility companies and electricity licence holders.

11.3.3 As an electricity transmission licence holder, NGET recognises the continued importance of sustainable development in Wales and is fully supportive of all efforts made by other acquiring authorities to whom the 2015 Act does apply to exercise powers of compulsory purchase in accordance with the prescribed well-being goals.

12 **CONCLUSION**

12.1 This Statement sets out in Paragraphs 1 and 2 the nature of the Snowdonia VIP Project.

12.2 It summarises in Paragraph 3 the need for the Snowdonia VIP Project and, in particular, at Paragraph 3.7 the public benefits that the Snowdonia VIP Project will secure to improve the landscape and visual setting of part of the Snowdonia National Park, and the involvement of national and local stakeholders in bringing this project forward. This establishes the compelling case in the public interest for the use of compulsory acquisition powers by NGET.

12.3 In NGET’s view, this compelling case in the public interest justifies the proportionate interference with, and the overriding of, the private interests of those in the Order Land as considered in Paragraph 11 given that NGET are seeking a proportionate approach to compulsory acquisition as described below.

12.4 In the majority of cases, the interests sought to be acquired are permanent subterranean rights within land which are not anticipated to be used by the respective landowners, and rights to access and dismantle the existing overhead electricity line, the latter of which will only be utilised on a temporary basis in order to remove the existing overhead line.

12.5 Accordingly whilst these rights interfere with the ownership rights of the existing landowners, they do not deprive owners of their land and post-construction there will be little or no impact on the majority of the Order Land.

12.6 There is some limited freehold ownership being sought at the two head house sites at Garth and Cilfor.

12.7 As detailed in Paragraph 6, NGET has been in negotiations with parties affected by tunnel rights since September 2019 and has been negotiating for the freehold ownership of the acquisition sites since December 2019. NGET already has rights in relation to most of the dismantling of the existing overhead line and has issued terms for those areas where additional such rights may be required.

- 12.8 Notwithstanding the good progress made to date, NGET has planned a compulsory acquisition timetable as a contingency measure to provide certainty that all necessary land rights can be acquired within a reasonable timescale to enable the Snowdonia VIP Project to proceed, and also to address any unknown land rights and interests.
- 12.9 NGET has explained in Paragraphs 3.3 and 9 the funding basis for the Snowdonia VIP Project, addressing how sufficient funds will be available to both acquire all necessary land and rights, and also to enable the Project to proceed for the wider public benefit of the area.
- 12.10 In Paragraphs 7 and 8 it has been explained why there are no planning or other impediments to the Snowdonia VIP Project proceeding.
- 12.11 Whilst a number of other consents and certificates are required, these are either subject to outstanding applications which will be concluded shortly or will be determined in conjunction with the Order (such as Special Category Land Certificate applications and GEMA Consent). Alternatively they are of the type which it is usual for contractors to obtain from the relevant local authority at a later stage in the construction programme.
- 12.12 Accordingly, and given that NGET is in active negotiations with all relevant parties including the Crown, National Trust, Scottish Power, Network Rail, the Welsh Government and other statutory undertakers, NGET does not anticipate any impediments to the Snowdonia VIP Project proceeding.
- 12.4 In light of all of the above considerations and in accordance with the statutory and all applicable policy tests, NGET has made the Order and will submit the Order to the Secretary of State for confirmation.

Dated: 15 June 2020

Bryan Cave Leighton Paisner LLP

**Governor's House
5, Laurence Pountney Hill
London, EC4R 0BR**

Solicitors to National Grid Electricity Transmission Plc

LIST OF DOCUMENTS:

In the event of a public inquiry being held in respect of the Order, NGET would intend to refer to or put in evidence the following documents:

- 1 The National Grid Electricity Transmission Plc (Snowdonia Visual Impact Provision Project) Compulsory Purchase Order 2020 dated 15 June 2020.
- 2 Map showing the proposed route and position of the Snowdonia VIP Project.
- 3 National Grid: Visual Impact Provision: 'How we intend to reduce the visual impact of existing electricity transmission lines in National Parks and Areas of Outstanding Natural Beauty'.
- 4 Such other documents as NGET considers necessary to respond to any objections.

Copies of these documents have been made available on the Snowdonia VIP Project website (snowdonia.nationalgrid.co.uk) and are also available on reasonable request made to VIP Snowdonia Project, Bruton Knowles, Olympus House, Olympus Park, Quedgeley, Gloucester, GL2 4NF or by email to NationalGridVIP@brutonknowles.co.uk or by telephoning 01452 880000.