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Graham Denison Smith,
Senior Consents Officer,
Major Infrastructure Development,
National Grid,
1100 Century Way,
Thorpe Park,
Leeds,
LS15 8TU

Your Ref: 4196.031
Our Ref: NIC 275
Date: 21 December 2016

Dear Mr Denison Smith,

Section 37 of the Electricity Act 1989

Application by National Grid Electricity Transmission plc ("the Applicant") seeking consent to keep installed a replacement tower and two sections of overhead conductors on the Pentir to Trawsfynydd 400kV Overhead Electricity Transmission Line.

A request for further information from the Applicant.

A 400kV overhead transmission line between substations at Pentir and Trawsfynydd in North Wales ("the 4ZC route") was consented in 1964 and has been in operation since the mid-1960s.

The 4ZC route crosses the Dwyryd Estuary south of Penrhyndeudraeth in the county of Gwynedd. A routine inspection of this crossing was conducted by the Applicant in October 2013. The inspection identified that land around the base of Tower 4ZC030 had become subject to erosion, and in 2013 the tower began to lean. The inspection concluded that Tower 4ZC030 had become structurally unstable, as a result of rapid changes to the course of the main river accelerating sand erosion around its foundation piles.

Given the imperative need to maintain public safety and a route for the export of power generated in North Wales, National Grid made the decision to undertake emergency works. These works involved the removal of Tower 4ZC030 and erection of a replacement tower (Tower 4ZC030T), with a consequent movement of the overhead line to the replacement tower. The emergency works were carried out between October 2013 and October 2014.

The Applicant is now seeking consent under section 37 of the Electricity Act 1989 for the installation and keeping installed of the replacement tower (Tower 4ZC030T, Grid Reference 261528,338186) and the 898m section of 400kV line that it supports (between Towers 4ZC029 (GR 261912,337835) and 4ZC031 (GR261224,338411)) (the "Development").

The Applicant is also seeking a direction that planning permission for the emergency works be deemed to be granted in accordance with section 90(2) or (2ZA) of the Town and Country Planning Act 1990.

The Secretary of State is treating this as an application for the keeping installed of the replacement tower and consequent change to the position of the 400kV overhead electric line.

Habitats Regulations Assessment: Request for further information

The Conservation of Habitats and Species Regulations 2010 (“the Habitats Regulations”) require the Secretary of State to consider whether the Development would be likely to have a significant effect on a European site, as defined in the Habitats Regulations; and, if so, to undertake an Appropriate Assessment of the implications for the European Site in view of its conservation objectives. In light of any such assessment, consent may only be granted if the Secretary of State has ascertained that the Development will not, either on its own or in-combination with other plans and projects, have an adverse effect on the integrity of a European site (regulations 61(5) and 62), unless there is no alternative solution and imperative reasons of overriding public interest apply. Regulation 61(6) provides that when considering whether the Development will adversely affect the integrity of a European site, the competent authority can take into account measures proposed to mitigate such impacts. When combined, these assessments are collectively termed a Habitats Regulations Assessment (“HRA”). There is also a requirement to take account of public opinion where appropriate, in regulation 61(4) of the Habitats Regulations. This letter will be published on the GOV.UK website see: <https://www.gov.uk/guidance/consents-and-planning-applications-for-national-energy-infrastructure-projects> linked to the Energy Infrastructure Portal web page where the letter can be viewed.

The Development lies within the Pen Llŷn a’r Sarnau Special Area of Conservation (“SAC”). In a screening opinion, provided to the Applicant on 6 January 2015, the Secretary of State for Energy and Climate Change concluded that a likely significant effect on this European site could not be excluded. Since then, the Applicant has produced an Environmental Statement (“ES”), dated June 2015, which contains information to inform an HRA. However, before the Secretary of State can complete the HRA, there are outstanding issues on which the Secretary of State now asks the Applicant to provide additional information. These relate to a consultation response which Natural Resources Wales (“NRW”) sent to the Applicant on 17 March 2016, that raised a number of issues in relation to the Pen Llŷn a’r Sarnau SAC.

Habitat Loss

NRW stated that, without further evidence, the loss of SAC habitat within a cofferdam, constructed during the emergency works, should be considered as permanent habitat loss. The Applicant’s ES has concluded that this loss of habitat can be considered as temporary. **Can the Applicant provide any update, in view of recent survey work undertaken on site or any other evidence, to support this conclusion?**

Changes to Flow Dynamics

NRW stated that it could not rely on the Applicant’s predictions for scour hole formation and natural saltmarsh retreat, as described in the Geomorphology Review Note (Appendix 6 of the ES). **Can the Applicant provide any update, in view of recent survey work undertaken on site or any other evidence, to support these predictions?**

The deadline for a response is 17:00 hours on 27 January 2017.

The response should be submitted by email to denise.libretto@beis.gov.uk Please send any hard copy response to Denise Libretto, BEIS, 4th Floor Area C, 3 Whitehall Place, London SW1A 2AW.

Your response will be published on the Energy Infrastructure Portal web page as soon as possible after 27 January 2017.

This letter is without prejudice to the Secretary of State's decision whether or not to grant consent for the Development, and nothing in this letter is to be taken to imply what that decision might be.

Yours sincerely

Denise Libretto

Denise Libretto
Head of Networks