

National Grid's relevant statutory duties are:

Section 9(2) of the Electricity Act 1989 (General duties of licence holders)

"It shall be the duty of the holder of a licence authorising him to participate in the transmission of electricity:

(a) to develop and maintain an efficient, co-ordinated and economical system of electricity transmission;..."

Section 38 and Schedule 9 of the Electricity Act 1989

"(1) In formulating any relevant proposals, a licence holder or a person authorised by exemption to generate, distribute, supply or participate in the transmission of electricity:

(a) shall have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest; and

(b) shall do what he reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects."

Section 11A(2) of the National Parks and Access to the Countryside Act 1949 (Duty of certain bodies and persons to have regard to the purposes for which National Parks are designated) (as inserted by the Environment Act 1995)

"In exercising or performing any functions in relation to, or so as to affect, land in any National Park, a relevant authority shall have regard to the purposes specified in subsection (1) of section five of this Act and, if it appears that there is a conflict between those purposes, shall attach greater weight to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area comprised in the National Park."

Section 5 of the National Parks and Access to the Countryside Act 1949 (National Parks)

"(1)The provisions of this Part of this Act shall have effect for the purpose—

- a) of conserving and enhancing the natural beauty, wildlife and cultural heritage of the areas specified in the next following subsection; and
- b) of promoting opportunities for the understanding and enjoyment of the special qualities of those areas by the public."

Section 17A of the Norfolk and Suffolk Broads Act 1988 (General duty of public bodies etc.)

"(1) In exercising or performing any functions in relation to, or so as to affect, land in the Broads, a relevant authority shall have regard to the purposes of—

(a)conserving and enhancing the natural beauty, wildlife and cultural heritage of the Broads;

(b)promoting opportunities for the understanding and enjoyment of the special qualities of the Broads by the public; and

(c)protecting the interests of navigation."

Section 85 of the Countryside and Rights of Way Act 2000 (General duty of public bodies etc.)

“(1) In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.”

Section 40 of the Natural Environment and Rural Communities Act 2006 states that “Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.”

Section 40 of the Natural Environment and Rural Communities Act 2006 (Duty to conserve biodiversity)

“(1) Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.”

Special Conditions 6G of National Grid Electricity Transmission Plc’s electricity transmission licence

This document should be taken as our ‘Mitigating Pre-existing Infrastructure Policy’ submitted in accordance with Special Condition 6G of National Grid’s Electricity Transmission plc’s electricity transmission licence.

Part A (Mitigating Pre-existing Infrastructure Policy) requires the following:

“6G.5 Before making a request to the Authority to specify EPI Outputs under the provisions of Part C of this condition the licensee must submit to the Authority a Mitigating Pre-existing Infrastructure Policy (“Policy”).

6G.6 The Policy required by paragraph 6G.5 of this condition must include:

- a) the licensee’s objectives for delivering EPI Outputs, with reference to how these have been informed by the licensee’s statutory duties and stakeholders’ views on the licensee’s role in delivering EPI Outputs;
- b) details of how the licensee will work with other Transmission Licensees, relevant national and statutory bodies, and other interested stakeholders to maximise the benefits to consumers of EPI Outputs taken forward during the Price Control Period;
- c) a proposed methodology to identify opportunities for benefit-maximizing EPI Outputs on the National Electricity Transmission System;
- d) proposed criteria to evaluate and prioritise EPI Outputs including, but not limited to, visual amenity benefits, value for money, and other environmental impacts;
- e) a description of the potential measures by which the licensee could deliver EPI Outputs to mitigate the impact of Pre-existing Transmission Infrastructure on the visual amenity of Designated Areas; and
- f) an explanation of how the licensee will review and revise the Policy so that it remains at all times consistent with industry best practice.

6G.7 Unless the Authority otherwise directs within two months of the date of submission of the Policy by the licensee in accordance with paragraph 6G.6 of this condition, the licensee must use reasonable endeavours to apply the methodology set out in that Policy.

6G.8 Before revising the methodology set out in the Policy, the licensee must submit a copy of the proposed revisions to the Authority.

6G.9 Unless the Authority otherwise directs within one month after receiving the proposed revisions under paragraph 6G.8 of this condition the revisions will take effect and the licensee must use reasonable endeavours to apply the methodology set out in the Policy as revised.