



Policy for Energy Assets

# Land Rights Requirements

2022-2023



**ENERGYASSETS**

## Foreword

For use by managers, engineers and supervisors throughout Energy Assets Ltd and such of its contractors as are obliged by the terms and conditions of their contracts to comply with this document.

## Brief history

The Land Rights Document has been prepared by the Land Rights Department to provide guidance on EA's Land Rights Requirement.

### Document and Version Control

Date	Author	Notes	Version
May 2019	Veronica Burnett	Draft created	V0.1
April 2019	Jayson Whittaker	Document approved	V0.1
2022	Veronica Burnett	Approved by Peter Olsen	V0.2

## Disclaimer

This document is provided for use by Energy Assets Ltd. Where this document is used by any other party it is the responsibility of that party to ensure that this document is correctly applied.

Compliance with this document does not confer immunity from prosecution for breach of statutory or other legal obligations.

## Requirements

In this document:

**shall:** indicates a mandatory requirement to be complied with in full without deviation.

**should:** indicates a requirement that is intended to be complied with and is the preferred option, unless a suitable and sufficient risk assessment is completed to show that the alternative method delivers the same, or better level of protection. Such a risk assessment should be documented.

# Contents

<b>1. Introduction/summary</b>	<b>4</b>
<b>2. Responsibility</b>	<b>4</b>
<b>3. Definitions</b>	<b>5</b>
<b>4. The law explained</b>	
4.1 Gas pipes and electricity cables	6
4.2 Pressure regulating installations (PRI) substations and apparatus	6
<b>5. Requirements</b>	<b>7</b>
<b>6. Purpose</b>	<b>9</b>
<b>7. Responsibility</b>	<b>9</b>
<b>8. Scope</b>	<b>9</b>
<b>9. Design</b>	<b>9</b>
<b>10. Asset value contract</b>	<b>9</b>
<b>11. Land rights/documentation requirements</b>	<b>10</b>
<b>12. Summary of land rights process</b>	<b>11</b>
<b>13. Design variations</b>	<b>12</b>
Appendix 1 DNO legal requirements	13
Appendix 2 Example legal plan 1 (ICP/UIP asset partners)	15

# Policy for EAEN/EAGN/EAFN – Land Rights Requirements

## 1. Introduction/overview

This document sets out where Land Rights are required and the procedure for obtaining these, and details the Land Right requirements of Energy Assets Electricity Networks (EAEN), Energy Assets Gas Networks (EAGN) and Energy Assets Fibre Networks Limited (EAFN).

**EAGN** is an Independent Gas Transporter (IGT). We are afforded Statutory Rights as laid down by Schedule 4 of the Gas Act to lay and maintain gas pipes and apparatus within the **Public Highway and in Private Roads, Streets, Footways, Passageways or Alleys IF** the LP Pipes to be laid supply a property or properties Abutting a **Private Road, Street, etc.** *They do not extend to all elements of Private land.*

Land Rights need to be obtained for any pipes and apparatus laid within land where the Statutory Rights do not extend.

**EAEN** as an Independent Distribution Network Operations (IDNO's) are afforded the benefit of the Statutory Rights under the Electricity Act to lay and maintain electric cables and apparatus within the Public Highway **but these do not extend into Private Roads, Streets, Footways, Passageways or Alleys.**

Land Rights need to be obtained for any cables and apparatus that is laid within land where the Statutory Rights do not extend which are set out in this Policy.

- > There are certain exceptions, e.g. where **gas pipes and electric cables are laid in shared driveways serving no more than 10 properties.**

### SUMMARY

- The examples of land rights EAGN/EAEN/EAFN required
- Land Rights principles, requirements and guidelines
- Working procedures for obtaining Land Rights.

## 2. Responsibility

It is the Landowners responsibility to grant Land Rights.

### 3. Definitions

<b>Pipes</b>	Gas Mains (LP, MP, IP)
<b>Cables</b>	Electricity Cables (LV, 11kV, 33kV)
<b>Fixed Plant/Apparatus</b>	Electricity Substation or Feeder Pillar Gas PRI (Governor) Fibre Cabinet (POP)
<b>Easement</b>	Legal Document to register Land Rights for Pipes and Cables (England and Wales)
<b>Servitude</b>	Legal Document to register Land Rights for Pipes and Cables (Scotland)
<b>Transfer (England &amp; Wales)</b>	Legal Document for transferring the land from the landowner to EAEN/EAGN/EAFN to accommodate an Electricity Substation/ Fibre Cabinet or a Gas PRI
<b>Disposition (Scotland)</b>	Legal Document for transferring the land from the landowner to EAEN/EAGN/EAFN to accommodate an Electricity Substation/Fibre Cabinet or a Gas PRI
<b>Lease</b>	Legal Document to provide EAEN/EAGN the rights to hold land for a specified period (e.g. 99 years) to enable them to operate and maintain a Substation
<b>End Customer</b>	Landowner benefitting from the utility supply
<b>Third Party</b>	Landowner NOT benefitting from the utility/fibre supply
<b>Public Highway</b>	Roads/Streets/Land falling within the New Roads and Streetworks Act 1991 (together with amendments) which is operated and maintained by the Local Authority
<b>Adoptable Highway</b>	Roads/Streets/Land set out in a Plan which is subject to a Section 38 Agreement between the Landowner and the Local Authority to be adopted as Public Highway (2-5 years)
<b>DNO</b>	Distribution Network Operator. Upstream utility company which EA may need to connect to in order to supply its electricity networks. DNO's land rights requirements can vary and MUST be complied with before they will permit energisation of their equipment. Sometimes their requirements can be incorporated within EA's requirements



## 4. The Law explained

### GAS

As a general rule EAGN's criteria for obtaining Land Rights on Gas installations are less stringent. **It is necessary however for them to be checked by the Land Rights Department upon design submission.**

The Gas Act provide Statutory Rights which enable EAGN to lay LP pipes and from time to time repair, alter, maintain or remove these pipes in or under any **Street, Road, Footways, Passageways or Alley**. If the property receiving the LP supply abuts a Street/Road, etc. **No Land Rights are required.**

### ELECTRICITY

The Electricity Act provides similar powers however the Road/Street, etc. must be for "Public Use" e.g. adopted by a Highway Authority. If the property receiving the supply abuts the Highways Authority adopted Street/Road, etc. **No Land Rights are required.**

#### 4.1 Pipes and Electricity Cables

Land Rights for pipes and cables can be covered by an Easement (servitude in Scotland). An Easement provides a legal right of access to a strip of land. The pressure or voltage of apparatus being installed will denote the width of the easement strip required e.g.:

Easement Width			
Gas		Electricity	
Low Pressure LP	3m	Low Voltage LV	2m
Medium Pressure MP	6m	11kV or single 33kV	3m
Intermediate Pressure IP	8m*	Dual 33kV	5m*

\* subject to approval by EAGN and EAEN at design submission

The Easement strip is a protected area around the pipe/cable. It does not allow any construction over the area or planting. It is registered against the Landowners Title and follows with title thereby ensuring it is binding on all future Landowners.

#### 4.2 Pressure Regulation Installations (PRI) (Gas Governors)/Substations and Fibre Cabinets

PRI's (Gas Governors) Substations and Fibre Cabinets require a Transfer or Lease of the site (3m x 3m min) together with an additional 1m on all sides. A Transfer provides the adopting network with ownership of the land as opposed to a Lease which enables them to occupy the land for a period of years (e.g. 99). Ventilation, monitoring systems parking and access rights are also taken into account.

## 5. Requirements

EAEN/EAGN/EAFN as an IGT, IDNO and Fibre Network Operation (FNO) benefit from Statutory Rights extending to areas of land which are designated as Roads/Streets. They can be further described as Publicly Adopted Highways or Private Roads/Streets.

### Publicly Adopted Highways

Both EAGN/EAEN and EAFN as an IGT, IDNO and FNO have Statutory Rights to lay pipes and cables or constructed apparatus, e.g. PRI/Substation/Link Boxes/Cabinets within the areas of any Public Adopted Highways subject to compliance with the requirements of the New Roads and Street works Act 1991 (NRSWA) and relevant consents of the Highways Authority.

### Private Roads/Streets/Footways, Passageways or Alley

EAGN as an IGT benefits from a Statutory Right to install LP pipes within a private road/street/footway/passageway/alleyway providing they are to supply properties that abut that street and **No Land Rights are required.**

EAEN/EAFN are only afforded rights to lay cables within Publicly Adopted Roads/Streets therefore we will require evidence that the land is to become Public Highway in the future (in the form of a Section 38 Plan). **If this is not available Land Rights are required.**

### EAEN/EAGN/EAFN – SHARED DRIVES

**No Land Rights are required** where a cable/pipe is laid through a shared ownership drive supplying less than 10 end customers. **In excess of 10 end customers Land Rights are required.**

### EAEN/EAGN/EAFN – PARKING BAYS

**No Land Rights are required** where a cable/pipe is laid through a parking bay supplying less than 10 end customers except where further development in the area is possible. **HOWEVER THESE AREAS SHOULD BE AVOIDED. In excess of 10 end customers Land Rights are required.**

**Please note that in addition DNO's require evidence of signed Section 38 Agreements and will not rely on a Section 38 plan. They require Land Rights where this is not in place – note any Incorporated Rights/tripartite/ Bi Lateral documentation.**

### Services

**No Land Rights are required for services being laid within land owned by the end customer.**

**Land Rights are required where services cross third party land i.e. land which is in the ownership of that third party and where they are not to be directly supplied. A Conveyancing/Title Boundary plan is therefore required by EAGN and EAEN Land Rights Department at the earliest opportunity to identify such areas.**

### Temporary Build Supply (TBS)

**No Land Rights are required** for a TBS except where the TBS is to be part of the permanent design solution or where the apparatus is to be installed across third party land.

### Temporary Substations

**No Land Rights are required for a Temporary Substation** within the end customer's site.

## 5. Requirements continued

### Flats

**Land Rights MAY be required** for internal pipes, cables, lateral systems, risers and apparatus (**Save for Internal Substations/Gas Governors where Land Rights are always required**) installed to supply multi-occupancy buildings of in excess of 10 end customers. **Land Rights are not required for less than 10 end customers.**

**NB. Apparatus/Equipment should be placed in communal areas where access can be gained at all times.**

### Gardens

**Land Rights are required for mains/service pipes and cables installed or passing through private gardens/land where they are not the only end customer.**

### Open Space/Local Authority (Council) Owned Land e.g. Not Public or Adoptable Highway

**Land Rights are required for all pipes and cables being laid within any land, including parkland, common land, village greens and verges not adopted by the Highways Authority.**

### Housing Association/Management Company/Shared Ownership Land

**There are no special dispensation for these Landowners – Land Rights are required if they fall within the parameters set out in this policy.**

### PRI (Gas Governor) Sites

**EAGN will require a Land Transfer or Lease for all PRI (Gas Governor) sites** being installed within the customer's land or third-party land. A Transfer or Lease will be required for above ground and below ground sites. Minimum land required is 3m x 3m together with an additional 1m on all side. Parking and access needs to be considered and included within the Land Rights unless the site abuts the adopted Highway.

### Substation Sites

**EAEN will require a Transfer or Lease for all Substation sites** within the Landowners land or third-party land. Minimum land required is 3m x 3m. Together with an additional 0.5m on all sides. Parking and access needs to be considered and included within the Land Rights unless the site abuts the adopted Highway.

### Fibre Cabinet (POP Sites)

**EAFN will require a Transfer for all POP Fibre Cabinet sites** within the Landowners land or third-party land. Minimum land required is 3m x 3m. Together with an additional 1m on all sides. Access needs to be considered and included within the Land Rights unless the site abuts the adopted Highway.

### Lift and Shift Clauses

**Lift and Shift clauses are evaluated according to the project by the Head of Land Rights.**



## 6. Purpose

This document provides definition as to where Land Rights are necessary for EAEN/EAGN/EAFN and the DNO (if applicable) and sets out which type will be required.

## 7. Responsibility

The Land Rights Department are responsible for securing the Land Rights on behalf of EAEN/EAGN/EAFN as required.

## 8. Scope

The EA Group invest in the installation of infrastructure nationally. **To ensure that investment is secured it is necessary for The EA Group to retain ownership of and secure access to its infrastructure following its installation.**

## 9. Design

EA's networks should follow Public or Adoptable Highway Land thereby limiting the Land Rights required. Where infrastructure installation is permitted entirely within the Highway EA can rely upon its Statutory Authority to access inspect and maintain and where it is not possible it may be necessary to take land rights for future access inspection maintenance, etc.

The above are general Land Right principles – exact requirements should be confirmed by the Land Rights Department  
legalsean@energyassets.co.uk  
Tel: 0333 666 2008

## 10. Asset Value Contract

Our Adoption Agreement with Asset Value Partners (differs with that of our Competitors whose policies are not always predetermined) state that we will obtain Land Rights if they are required. **We do not charge our Asset Value Partners** for this service **except where Land Rights are required in Third Party Land when costs are imposed by the Landowner. In those circumstances the Land Rights Department will advise at the outset any direct costs which will need to be charged.**

# 11. Land Rights/ documentation requirements

## Fixed Plant (Apparatus)

- Freehold (Transfer/Disposition wherever possible)
- Leasehold acquisition (where it is not possible to obtain freehold) – 99 years minimum
- Land Rights for all utility cables/pipelines associated with the Fixed Plant will where possible be covered with the said Transfer/Disposition/Lease

## Gas PRI (Gas Governor)

- Transfer/Lease for footprint area
- Surrounding Easement of 3m from each outer edge of footprint
- Vehicular access rights from the Equipment to the nearest Public Highway

## Gas Pipelines

- Low Pressure 3m width easement with pipe centric
- Medium Pressure consult with EAGN Asset Manager

## Electric Lines

- Low/High Voltage – 2m width easement with cable centric

## Fibre Lines

- 2m width easement with cable centric

## Electric Substation

- Transfer/Lease for footprint area
- Surrounding easement of 1m (no less than 0.5m) out from outer edge of footprint area
- Vehicular access rights from SS to nearest Public Highway

## POP – Point of Presence – Fibre Housing/Cabinet

- Transfer for footprint area
- Surrounding easement of 1m (no less than 0.5m) out from outer edge of footprint area
- Vehicular access rights from POP to nearest Public Highway

## Utility cables/pipelines with no associated Fixed Plant (Apparatus)

- Easements/Servitudes

## DNO (Distribution Network Operation) Fixed Plant/Apparatus

Where the electric substation is to be owned wholly by the DNO they will determine their own legal requirements which the Land Rights Department will handle.

Where the electricity substation is to be owned by EA, the DNO land rights vary according to the DNO (please refer to Appendix 1).

**Please note all DNO Land Right requirements must be completed before they will permit a full connection.**

## 12. Summary of Land Rights process

### England and Wales

EA manage the Land Rights Process In House for England and Wales where possible only appointing Panel Solicitors where they are not permitted to act under the Incorporated Rights Process on behalf of EA and the DNO (please refer to Appendix 1).

### Scotland

As Scottish Law differs Scottish Managing Agents have been appointed to manage projects in Scotland and a Scottish Based Solicitor is appointed to act both for EA and in connection with the separate documentation that is necessary to be completed for the DNO (There is no incorporated Rights Process in Scotland).

The Asset Partner – ICP/IUP design team will forward the Design Submission Form incorporating Legal Information Form (LIF) to the design and legal teams as follows:

### Dual Fuel/Electricity/Gas and Fibre Legals

Send to:

DesignEAN@EnergyAssets.co.uk

LegalsEAN@EnergyAssets.co.uk

### Gas Legals only

Send to:

Designsubmissions@EnergyAssets.co.uk

LegalsEAN@EnergyAssets.co.uk

### The following information should be included within the design submission for Electricity and Gas:

- Design Submission Form incorporating LIF
- Design Layout Plan with all background in PDF and CAD format
  - Must have – a scale bar, North point, at least two road names (for Land Registry purposes)
- A section 38 plan to show areas to be adopted (where applicable)
- **Land Registry Compliant Legal Plan in PDF and CAD format\***
  - \* **Please note if this is not supplied then the Land Rights Department reserve the right to charge the ICP/UIP £300 plus VAT for its production**
  - ✓ Scale 1:250/1:1250
  - ✓ Electric Cable easements to be 2m wide (coloured blue) (where this is not possible taking the easement into the road as opposed to private garden)
  - ✓ Pipe easements to be 3m wide (coloured red or if there is a Gas Governor (GG) then orange)
  - ✓ If SS min land required 3m x 3m with parking and access shown to the nearest highway in Green. SS area edged in Red with RMU needs to be displayed in Pink within the red boxed area as DNO owned and the remainder EAEN owned (Pull out/Inset of SS necessary so that the ownerships can be clearly viewed)
  - ✓ If PRI min land required 3m x 3m with parking and access shown to the nearest highway. PRI area edged in red with Housing shown in pink
  - ✓ Access Route to be full width of the road from an existing Highways Adopted road to the sited SS
  - ✓ Where a DNO is part of the Land Rights Process their requirements vary and Legal Plans may need to be amended. EA will handle the Legals directly with the DNO to facilitate this process.
  - ✓ Legend Box containing colour key showing if applicable SS/Cable Voltage, e.g. LV or LV/Access/Dual locking for gates allowing 24 hour unrestricted access.

## 13. Design variations

Any design variations affecting the legal requirements must be highlighted to the EA Design Team, copying in LegalsEAN@EnergyAssets.co.uk

Final Legal Documentation as per 11 on Page 10 must be signed by an EA authorised signatory and an Authorised signatory on behalf of the Landowner. EA has a record of Land Rights secured on our Database.

**“Completion” for energisation is when Land Registry Searches have been returned, all consents (if any) are secured and the Land Rights Department has confirmed that legal completion has taken place between the parties. Thereafter registration of EA’s interests take place at the Land Registry and final Office Copies are received.**

# Appendix 1

## DNO Legal Requirements

ESA – External Solicitors Appointed

LIH – Legals In House

<b>UK Power Networks/UKPN</b> <b>South Eastern Power Networks</b> <b>Southern Power Networks (SPN)</b>	Incorporated Rights Transfer or Lease – Access required in and to a SS. HV included IF same landowner	<b>ESA</b>
	Direct Easement to UKPN by Landowner for Electric lines where No Access required to SS. Or is within private land outside the development	<b>LIH</b>
	Direct Wayleave to UKPN by Landowner for Any Link box and any cables leading to Link box (Onsite) from POC	<b>LIH</b>
<b>National Grid Electricity Distribution (NGED) formerly Western Power Distribution</b>	Incorporated Rights Transfer or Lease – Access required in and to a SS. HV included IF same landowner	<b>ESA</b>
	Direct Easement to NGED by Landowner for Electric lines where No Access required to SS. Or is within private land outside the development	<b>LIH</b>
	Direct Wayleave to NGED by Landowner for Any Link box and any cables leading to Link box (Onsite) from POC	<b>LIH</b>
<b>SSE – Southern</b>	Incorporated Rights Transfer or Lease – Access required in and to a SS. HV included IF same landowner	<b>LIH</b>
<b>ENW</b>	Incorporated Rights Transfer or Lease – Access required in and to a SS. HV included IF same landowner	<b>ESA</b>
<b>Northern Power Grid (NPG)</b>	Incorporated Rights Transfer or Lease – Access required in and to a SS. HV included IF same landowner	<b>LIH</b>
	Direct Easement to NPG by Landowner for Electric lines where No Access required to SS. Or is within private land outside the development	<b>LIH</b>

'Incorporated Rights Transaction' – England and Wales

EA incorporate the DNO's legal rights (easements substation and general access) within the agreed precedent Transfer/Lease of EA's wholly owned Substation.

There is only one Legal Plan and the DNO is not a signatory to the Deed. Delays ensue if the DNO agreed clauses are amended.

Delays ensue if the DNO agreed clauses are amended.



# Appendix 1

## DNO Legal Requirements – Scotland

<b>Scottish Power Manweb</b>	Incorporated Rights Transfer or Lease – Access required in and to a SS. HV included IF same landowner	<b>Scottish Managing Agents/Ext Solicitors</b>
<b>Scottish Power Distribution</b>	Onward Lease to SPD (Scottish Law)	<b>Scottish Managing Agents/Ext Solicitors</b>
<b>SSE – Scotland</b>	Onward Lease to SSE (Scottish Law)	<b>Scottish Managing Agents/Ext Solicitors</b>

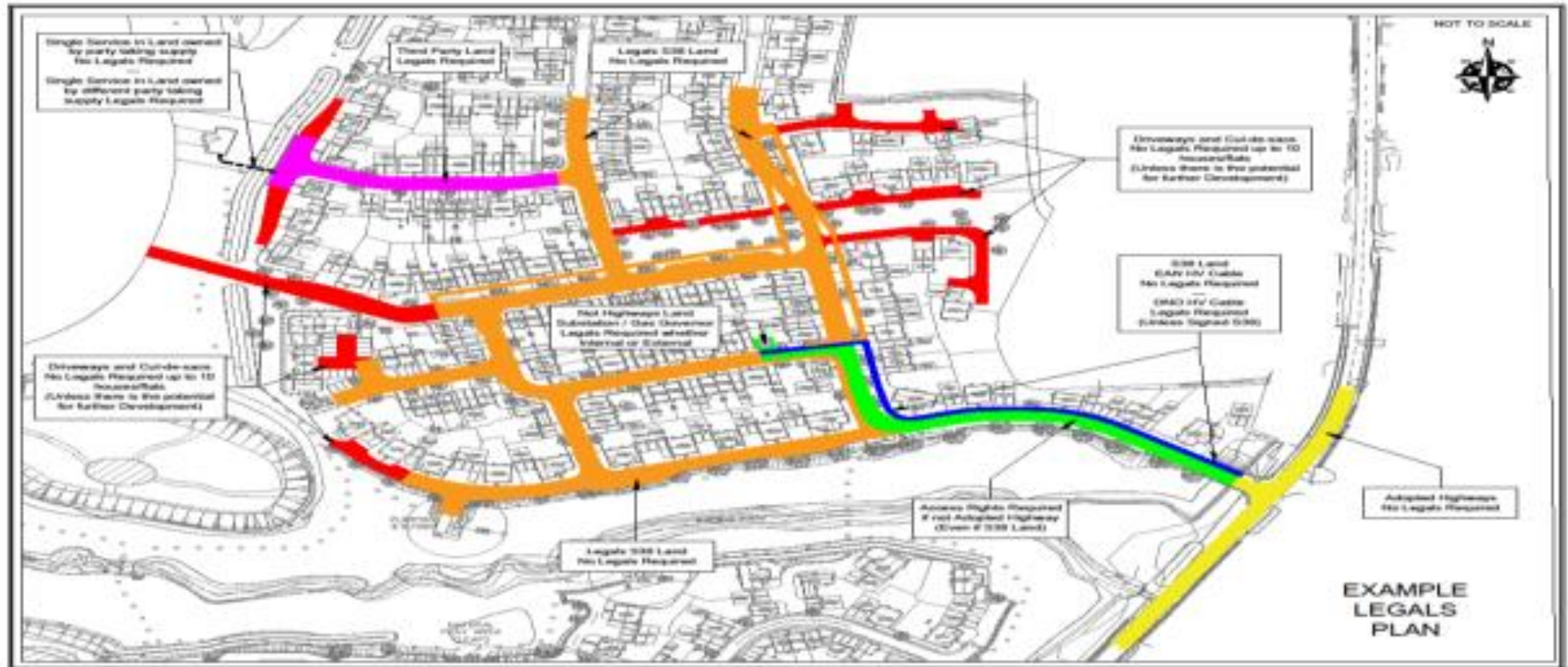
### Comments

Comments and queries regarding the Land Rights Requirement document should be directed to:

Land Rights Department  
 Energy Assets  
 Victory House  
 Business Park  
 400 Pavilion Dr  
 Northampton  
 NN4 7PA

Tel: 0333 666 2008  
 LegalsEAN@EnergyAssets.co.uk

## Appendix 2 Example of Legal Plan



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