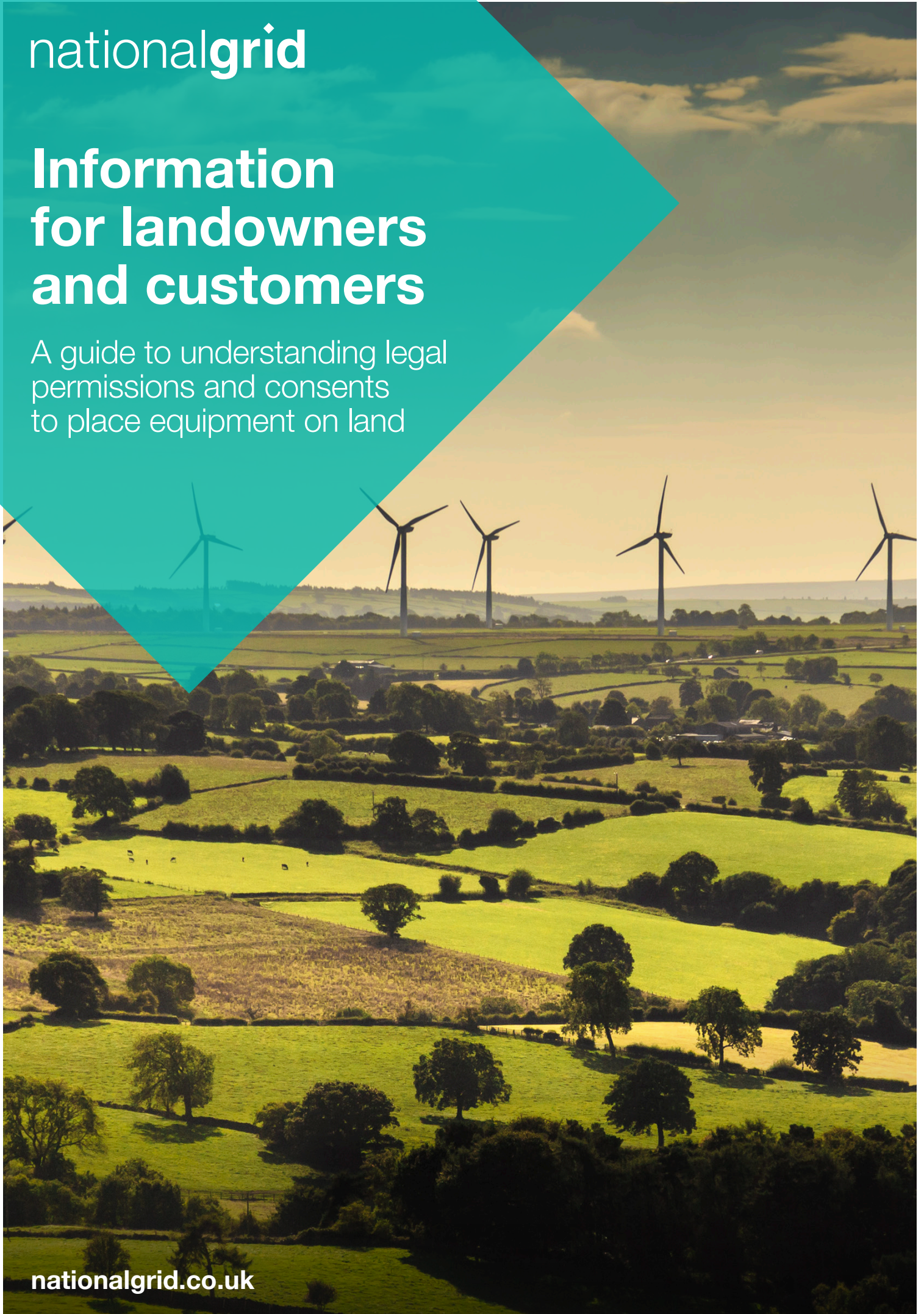


nationalgrid

Information for landowners and customers

A guide to understanding legal
permissions and consents
to place equipment on land

[nationalgrid.co.uk](https://www.nationalgrid.co.uk)



Information for landowners and customers

What will this leaflet tell you?

Who we are and what we do

Why legal permissions are required

Details about wayleaves and deeds

Information about statutory consents and other permissions

The process of obtaining legal permissions

The role of Independent Connection providers (ICPs)

Where to find more information

How to contact us

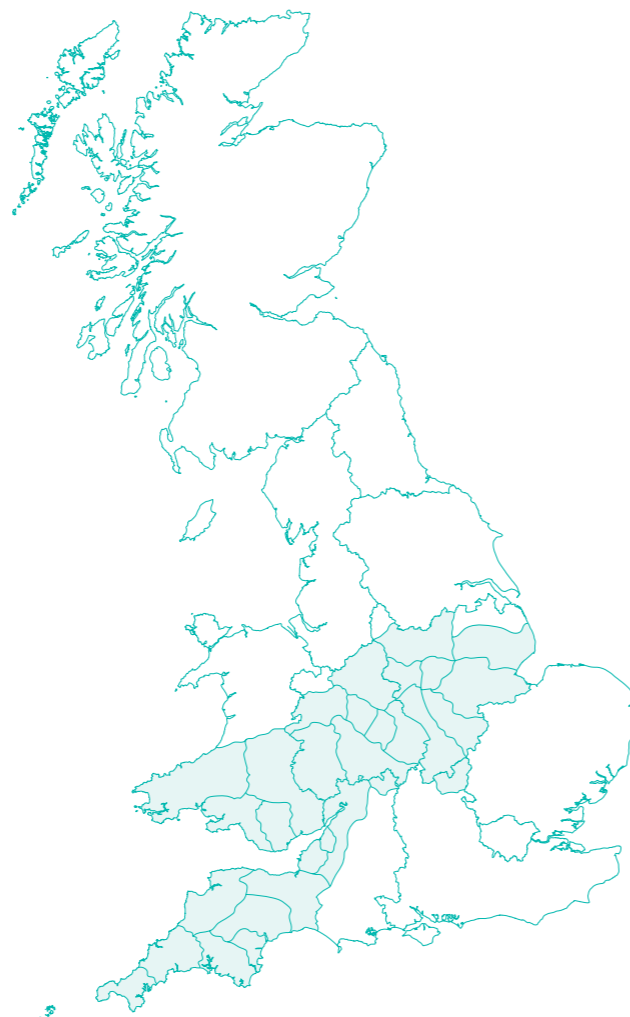
Throughout this booklet, where we refer to 'landowner', we mean if you own the land, or another party if they own the land.

National Grid Electricity Distribution - who we are and what we do

National Grid Electricity Distribution (NGED) owns and operates the electricity distribution networks in the Midlands, the South West of England, and South Wales.

We distribute power to over eight million homes and businesses in the area shown on the map.

It's our job to safely and reliably distribute power through the electricity network of overhead lines, cables and substations.



For more information about National Grid Electricity Distribution, please refer to our website [nationalgrid.co.uk](https://www.nationalgrid.co.uk)

Why do we require legal permissions and other consents?

We have a legal obligation to provide new electricity connections, as well as to maintain and upgrade the existing distribution network in our area.

Doing so sometimes requires us to position equipment such as poles and substations on private land.

When this is necessary we secure our equipment by legal agreement (wayleaves and/or deeds) with landowners. This helps to ensure that the equipment stays where it has been placed and can be maintained when necessary.

To comply with legislation, we may also require other consents (e.g. planning permissions) to work, or place our equipment, on land.

Wayleaves and deeds

We may have to place equipment across the development or site seeking a connection, or on, under or across third party land to provide a new connection or upgrade the network.

Our equipment may benefit others as well as the landowner.

The land may:

- not be owned by the party seeking a connection
- not be an adopted highway
- have the potential to be sold or used by someone else.

In such cases we'll need legal permission from the landowner to install, replace and maintain that equipment.

This is generally achieved using a document called a wayleave or a deed. The type of document will vary depending on the specific details of the installation and our policy.

This leaflet focuses on deeds because they need to be registered against a landowner's title (whereas wayleaves are not registered) and will usually involve solicitors and follow prescribed process.

If we need any wayleaves, deeds or other permissions they must be granted before we can start any work, and this can take time.

If we're unable to negotiate and secure a third party landowner's consent, we may apply to the Department of Energy and Climate Change (DECC) for a Necessary (compulsory) Wayleave but this can be expensive, take a long time to resolve and should be regarded as a last resort

Statutory consent and other permissions

There will be occasions when we need further permissions to comply with legislation that covers the land we're going to be working on.

Such additional consents are usually associated with protected sites, buildings, animals, and plants and some works may require planning permission if new, or modified, overhead lines or substations are required.

A range of bodies may grant such permissions (if they are required) or need to be consulted.

The most common ones are listed below:

- [Local Planning Authorities](#) for substation permissions
- [Department of Energy and Climate Change \(DECC\)](#) for overhead electricity lines below 132,000 volts
- [Planning Inspectorate](#) for overhead electricity lines at 132,000 volts and above
- [Natural England or Countryside Council for Wales](#) for work in or near protected environmental sites
- [English heritage or Welsh Historic Monuments Executive Agency \(CADW\)](#) for work in or near heritage sites or sites with archaeological importance
- [Environment Agency](#) for work in or near rivers.

The process

The process is written primarily with new connections in mind but parts of the process would also apply to works associated with upgrading or renewing the electricity network.

The process will depend on whether legal permissions are only required on the site seeking a new connection (known as 'on-site' consents) or whether consents are also required from third party landowners (known as 'off-site' consents).



On-site consent process

Once we've received the signed acceptance of the new connection quote, we'll instruct our legal partner and/or our Wayleave Specialist to start the legal permission process.

If we need and wayleaves, our staff contact the applicant and liaise with them during the process.

If we need a deed, our legal partner will contact the landowner or landowner's legal representative (e.g. solicitor) and request specific information about the land. They'll also send a draft copy of the deed.

If the landowner has instructed a legal representative to act on their behalf, our legal partner will not be able to speak to the landowner directly unless the landowner's legal representative allows our legal partner to do so.

All communication from our legal partner will be via the landowner's nominated legal representative, who'll be able to provide them with the progress updates.

The landowner's legal representative should contact them upon completion of the agreement. If the landowner hasn't instructed a legal representative then our legal partner will contact them directly.

What does the landowner need to sign to give legal permission?

Where more than a wayleave is required, the landowner will need to sign one of three deeds. The deeds we use can vary, depending on individual circumstances.

These can be in the form of:

- **leases** when the landowner gives us a right to occupy land for a set period of time
- **Deeds of Grant (Easement)** when the landowner gives us a right over land, for example, to lay cables or to enable us to access our equipment.
- **transfers** when the landowner sells land to us. These deeds are also likely to include rights of access and easements for electricity cables. Any rights given us to us will be attached to the land documentation and included if it is sold in the future.

What the applicant/developer needs to do

A deed is legally binding, so we recommended the landowner takes independent legal advice or instructs a legal representative (e.g. a solicitor). Our legal partner would then liaise with landowner's legal representative direct.

Where our legal partner is liaising with the applicant/developer direct on the landowner's behalf or the applicant is the landowner, the deed will be sent to the applicant (instead of any legal representative) for processing. The landowner would need to sign and return the document to them at the following address as soon as possible, along with evidence of title and any other consents:

Geldards LLP, The Arc, Enterprise Way, Off Queen's Drive, Nottingham NG2 1EN.

What does our legal partner do?

Initial contact with customer

Once we instruct our legal partner, a case owner will be allocated to the file. A letter or email will be sent to the landowner or landowner's legal representative, confirming their name and contact details.

Our legal partner will contact the landowner or landowner's legal representative regularly if there is any documentation or information outstanding.

Title investigations

Our legal partner will check the evidence of title to confirm the equipment to be installed falls within the boundary of the land. Our legal partner can only complete the deed with the legal landowners. If you're aware that any equipment to be installed crosses over third party land, please tells us or our legal partner as soon as possible to avoid delays in completing the new connection.

Our legal partner will then confirm whether any consents are required in relation to a charge over the land. They are unable to contact a lender on the landowner's behalf. This should be done by the landowner or their legal representative. Our legal partner will investigate whether there are any other restrictions on title that would stop the landowner entering into a deed, without first meeting their terms.

They will also check to see whether there are any restrictive covenants affecting the land, which would have an impact upon the equipment. Examples of these would be a restrictive covenant preventing any works being done in the area surrounding an existing gas pipe or water main. When appropriate, our legal partner will contact the landowner or their legal representative to resolve any title queries.

Deed

Our legal partner will check the deed has been signed correctly and includes a signed plan. The deed will then be signed by our legal partner on our behalf.

Final search

Once our legal partner is satisfied that all title investigations have been adequately resolved and a correctly signed deed (including a signed plan) has been received, they will carry out their final searches at the Land Registry.

These searches are not submitted until everything is in place as a fee is charged and things can change on the title between searches. The Land Registry search result also gives a priority period, during which no other transaction can be registered against the title.

In the event of queries with the search, our legal partner will contact either the landowner or their legal representative to resolve any problems. Once our legal partner has gained satisfactory results, they will complete the agreement.

How long will it take?

From start to finish, in the majority of cases, we expect to be able to complete an 'on-site' deed or wayleave in about 10-12 weeks from your acceptance of our formal quotation. This is dependent on us receiving all of the required documents and information in a timely manner and there being no unforeseen circumstances.

Any statutory consents we need will be progressed in parallel where possible. The timescales for these are, in the main, outside of our control and will also depend on the specifics of the works and the third parties we have to liaise with. As a result, we'll keep you informed of our progress.

We should always be contacted at an early stage to discuss the likely timescales.

How can the applicant speed up the 'on-site' process?

- Please arrange for the landowner to sign and return the necessary documents and provide the relevant information within seven days of them being requested. Our legal partner cannot complete the process until all documents have been received and any title queries have been resolved.
- If our legal partner is experiencing any delay with the landowner's legal representative, the landowner will be informed to give the opportunity to discuss matters and speed up the process.
- The deed can only be amended in special circumstances and can delay legal completion. If anything changes on your scheme, or you're unsure about anything, please contact your assigned National Grid Electricity Distribution Wayleave Specialist (see the 'contact us' page) and we can amend any details accordingly.
- Tell us if any part of the development has been sold off to a third party so we can change our instruction.
- Tell us of any restrictions on the landowner's title.
- Prove ownership of the land.
- Our legal partner cannot provide legal advice of any kind. If this is required you're advised to instruct your own independent legal representative.

Off-site consent process

If any 'off-site' consents are required (e.g. a deed from an adjacent third part landowner to lay an underground cable across their land) for us to provide a new connection or place equipment to upgrade the existing distribution network, these will also need to be secured and completed prior to the start of any works.

When we need to place new equipment on third party land in order to upgrade the existing electricity network, our staff will make contact with the landowner(s) to negotiate terms, this equipment will be secured on either a wayleave or a deed.

Where new equipment is required on third party land to provide a new connection, either we or staff from an Independent Connection Provider (ICP) will negotiate these consents. More information is given on ICPs later in this leaflet.

Once terms have been agreed in principle (and an ICP is not involved), we will instruct our legal partner and/or our Wayleave Specialist to finalise/complete the legal permissions. The process and timescales will then be similar to the 'on-site' process.

For new connection schemes, the difference is that there will not be any involvement by the applicant; we will liaise directly with the landowners or their legal representatives.

For new connection schemes, where terms cannot be agreed with third party landowners, or we come across land where the ownership is unknown, our staff will contact the applicant to discuss options and to agree how we should proceed.

How long will it take?

- Timescales for successful negotiations (i.e. avoiding the use of any statutory powers) with third party landowners can vary greatly but we will try to complete these as efficiently as possible in conjunction with other scheme timescales.
- Once we have agreement from landowners in principle and we have instructed our legal partner to complete a deed, timescales to complete the legal documentation should be similar to those for 'on-site' consents.
- Any statutory consents we need will be progressed in parallel where possible. The timescales for these are generally outside of our control and will also depend on the specifics of the works and the third parties we have to liaise with. As a result, we'll keep you informed of our progress.
- As an example, a DECC planning consent for a short overhead line extension where there are no objections or other consents/permissions to consider, takes typically 4-6 months from date of application to DECC. Larger or more complex projects requiring wider consultation or upfront planning, may take several months or years to develop. We should always be contacted at an early stage to discuss the likely timescales.
- Where we have to obtain any compulsory rights from landowners, this is estimated to take 9-15 months.

Independent Connection Providers (ICPs)

Under the Competition in Connection (CiC) framework set out by Ofgem (the government appointed regulator of electricity distribution networks), someone requiring a new electricity connection in our network area, can choose for either ourselves (as the licensed Distribution Network Operator or DNO), an Independent Connection Provider (ICP) or an Independent Distribution Network Operator (IDNO) to carry out works to provide that connection. Either we or an IDNO will own and operate the connection once installed.

Where an IDNO is appointed to construct new electricity connections they will retain ownership of the network and therefore have their own deed with the landowner (which may incorporate rights for any of our equipment on the site). They will then be responsible for the future operation, repair and maintenance of the equipment installed, up to the point where they connect to our electricity network.

Where we or an ICP installs the new connection, we will adopt the new equipment (assuming successful installation) and once adopted, the equipment will become part of our electricity network and we will be responsible for future operation, maintenance and repair of the new equipment.

Where an ICP designs and installs equipment under Competition in Connections and the equipment is to be adopted by us, the following is applicable to consents required from landowners:

- where the ICP initially determines the position of equipment and negotiates the terms (e.g. for cables, overhead lines and substations) with landowners, the ICP will need to enter into a separate agreement with the landowner for the construction/installment stage. This includes taking on liability for matters such as reinstatement and damage
- where we carry out the initial discussions with landowners and terms are agreed in principle, National Grid Electricity Distribution will inform landowners that an ICP will be responsible for the installation of the equipment (including agreeing access, reinstatement, repairing damage etc). The ICP and landowner would then need to agree any separate terms to cover the installation of equipment
- in addition to any installation agreement between the ICP and the landowner, we will require separate wayleaves or deeds to be completed in our name prior to adoption of the equipment by us. These agreements will govern the relationship between ourselves and the landowners for access to, and the maintenance and replacement of, the equipment. Once the position/route for any equipment installed by an ICP are agreed in principle and approved by us, we will instruct our legal partner and/or Wayleave Specialist to finalise the legal permissions we require. The process and timescales will be similar to our 'on-site' process.

Where any statutory consents or other permissions are required for ICP works, these would be obtained by the ICP unless otherwise agreed with us or it's a consent that only we can obtain (e.g. Electricity Act section 37 consent from DECC for overhead lines).

We are here to help

- If there are any delays with the legal aspects of your scheme, your nominated contact will have been notified by us to discuss and agree a resolution.
- The landowners legal representative will be able to provide the landowner with updates on progress. Due to Law Society rules, our legal partner cannot speak to the landowner directly unless their legal representative allows them to do so.
- If the landowner hasn't appointed a legal representative and will be representing themselves, they can contact our legal partner direct. They will then contact the landowner with details of the person handling our case.
- If you are the landowner, we can update you if your legal representative gives us written consent to do so. Please contact your legal representative to ask them to do this.
- One of our wayleave specialists will also be happy to help you. Please contact them on the details below.

Contact us

Your Wayleave Specialist is:

[Affix sticker here](#)

For further information regarding new connections please visit our website at [northerngrid.co.uk](https://www.northerngrid.co.uk)

For enquiries:

If you live in the East or West Midlands:

National Grid Electricity Distribution Records Team
6th Floor
Toll End Road
Tipton
DY4 0HH
Telephone 0845 724 0240
wpdnewsuppliesmids@westernpower.co.uk

If you live in Wales:

National Grid Electricity Distribution Records Team
Phoenix Way
Llansamlet
Swansea
SA7 9HW
Telephone 0845 601 3341
wpdnewsupplieswales@westernpower.co.uk

If you live in the South West:

National Grid Electricity Distribution Records Team
Lostwithiel Road
Bodmin
Cornwall
PL31 1DE
Telephone 0845 601 2989
wpdnewsupplies@westernpower.co.uk

If you have a more general enquiry you can call 0845 724 0240 (Midlands), 0845 601 3341 (South Wales) or 0845 601 2989 (South West) or email info@westernpower.co.uk



