



**SP ENERGY
NETWORKS**

17/03/2023

EV Connections Land Rights Guide



Introduction

The purpose of this guide is to help you understand the different types of land rights, inclusive of legal permissions or consents, that may be needed to complete before we can provide your connection for your EV Charging Point. We will explain why these land rights may be required and an indication of timescales involved.

What are land rights and why are they required?

We cannot install any apparatus required for your connection to our electricity network without the consent of the owners and occupiers of any land affected by the work.

This may apply to your land as well as land owned or occupied by a third party. In addition to having permission for the installation, it is important that we have the right to remain on the land, including to ensure it can remain there and access remains available for future operation and maintenance.

We do this by obtaining legal agreements in the form of Wayleaves, Easements or Servitudes for electric power lines, and freehold transfers or leases for Substations. Once completed, these agreements will allow us to install and keep our equipment in situation and maintain it in the future. Planning and other statutory and environmental consents may also be required. We will let you know about these at the earliest opportunity

To see where the obtaining the legal permissions and consents fit into the connections process, please see our Land Rights for connections customers document in the link below

www.spenergynetworks.co.uk/pages/land_rights_for_connections_customers.aspx

There are a number of legal documents and statutory consents that may need to be completed for us to be able to provide your connection. The main ones relate to:

- ✓ Securing rights for our equipment to be installed on the land of a third party.
- ✓ Securing rights for the equipment on your land if not already provided for in the connection agreement
- ✓ Securing all necessary statutory, planning and environmental consents

Types of Land Rights

Types of Equipment necessary for EV Charging Point Connection

EV chargers consume large power and may require network upgrades to accommodate for the additional load. In some cases, where the network area has enough capacity the connection process can be more straightforward and require only a service cable joint. However, if there is a network capacity constraint, upgrades might be necessary and installation of substation may be required.

The following are the types of agreements that we may need to complete with land owners and occupiers to provide your connection

For Overhead power lines and underground cable routes:

Wayleave

A Wayleave is a personal agreement between SP Distribution/SP Manweb (SPD/SPM) and the individual or company granting the right can be used to secure overhead line and underground cable apparatus.

It can also be used to secure agreement with an occupier of land who is not also the owner. These documents set out in simple what SPD/SPM is permitted to do on the land and how the owner/occupier is protected in the event of us causing any damage in exercising the rights granted to us.

We usually make either an annual or one-off payment to the grantor as long as they are not the sole beneficiary of the apparatus. Wayleaves are not registered against the land therefore if the land is subsequently sold the right will not automatically transfer to the new owner.

Easement

An Easement/Servitude is similar to a Wayleave in terms of its use and what it sets out, but is executed as a Deed. This means that the Easement is registered against the affected property at HM Land Registry and is usually permanently affixed to the land.

An Easement/Servitude provides greater security than Wayleave Agreement.

An Easement/Servitude forms a contract between SPD/SPM and the landowner and will include a right of access for inspection, maintenance and future operations.

Servitude/Easements are processed through solicitors and this reflects the greater security of tenure afford to us and also the timescales involved.

Types of Land Rights

For substation sites and accommodation:

Freehold transfer (SALE)

Where a substation is required for your connection, SPD/SPM would prefer a freehold interest in the land where a substation is to be built for a major project, for example a Housing Development.

The land would then be owned by SPD/SPM and the Title would be registered at HM Land Registry.

The transfer would also include associated rights of access to the land and easements for connections such as underground cables.

Lease

In some situations where a substation is required, such as connections to our electricity network for commercial or industrial developments, SPD/SPM would be prepared to secure the substation site by a lease.

This is where a landowner allows us the right to occupy their land or building over a mutually agreed time period. The lease will include rights for us to access the substation building 24 hours a day, every day, together with rights for underground cables or associated apparatus. A lease is legal document that we would wish to register with HM Land Registry.

If it is your land that we wish to acquire, either by freehold transfer or lease, we would recommend that you involve a solicitor to work on your behalf.

Our solicitors are experts in dealing with these types of transactions and they work quickly and accurately to ensure there are no unnecessary delays.

You can plan an important role in ensuring your own solicitor turns things round in the same way so that everything possible is done throughout the legal process to complete the transaction promptly.

Other Types of Consents

As well as land rights, other consents or consultations may be required as part of your connection, and will be carried out before carrying out any physical works. These may relate to:

Statutory planning consents for the construction of an overhead line or substation.

The Electricity Act contains certain provisions for planning relating to the construction or alteration of overhead lines. Consent relating to 33kV overhead lines and below are required under section 37 of the Act.

Consents for the construction of overhead power lines with a voltage of less than 132 kilovolts (kV) or that are less than 2 kilometres (km) in length are regulated by the Department for Business, Energy & Industrial Strategy (DBEIS) under the provisions of Section 37 of the Electricity Act 1989.

Development consent is needed for much of overhead line network lines in England and Wales. The Overhead Lines (Exemption) Regulations 2009 provide for a range of relatively minor overhead power line developments that can be carried out without the consent requirement, although they may be subject to a formal consultation requirement.

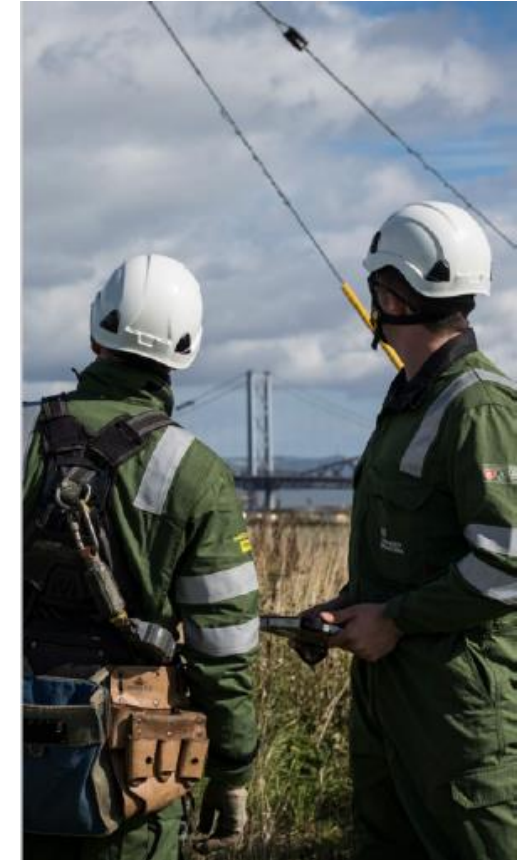
A guidance note on the statutory consents regime for 'Overhead Power Lines in England and Wales' and the measures introduced by the 2009 Exemption Regulations has been produced by DECC. The current version was issued in July 2014, 'Guidance Note - The Statutory Consents Regime for Overhead Power Lines in England and Wales under Section 37 of the Electricity Act 1989'. If you require further information about exemptions and the consent regime you can use the following link to view the DBEIS guidance:

www.assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/336136/section_37_revised_guidance.pdf

SECTION 37 CONSENT

Section 37 consent is granted by the Scottish Ministers in Scotland and the Secretary of State in England and Wales. Whilst applications are made to The Scottish Government / DECC, these consents requires consultation with the relevant local authorities and other statutory bodies. The Secretary of State Scottish Ministers may take in to account the number of land rights that have been granted prior to the granting of the section 37 consent.

The Land Officer appointed to your connection will keep you fully informed as to any consent that may be required to construct the connection.



Planning Consents for Substations

Full planning permission may not always be required as SPD and SPM along with all other DNOs benefit from a range of permitted development rights where a substation is installed on operational land.

Operational land is where SPD/SPM have a freehold or leasehold interest in the land for the purpose of our operational licences.

Many of our substations are small enough to utilise permitted development rights and are usually smaller and have a less significant visual impact.

Please note that all consultations and obligations are followed and the planning authorities are notified.

If a substation is required as part of the customer's connection arrangements, typically for development such as housing or commercial, we expect the customer to obtain planning permission for the new substation. It is the responsibility of the customer to ensure the correct rights are obtained.

We recognise that there are some permitted development rights. Before a lease or transfer for a new substation site can be concluded, you must provide evidence to our solicitor that planning permission has been obtained or all consultations have been satisfied for the new substation.

Substation developments, other than small pole-mounted substations, are regulated by the Town and Country Planning Act 1990 regime and there are cases where we may require planning permission from the local planning authority.



Environmental Consents

In addition to complying with planning consent requirements, we need to consult with other organisations/bodies to meet our environmental obligations.

Other environmental consents, licences or permits which may be required for:

Work in or around water bodies; This is for Flood Defence Consent near rivers or Local Flood Authority or the Internal Drainage Board.

Environment Agency
www.gov.uk/government/organisations/environment-agency

Work in or around certain sensitive ecological habitats or species, some of which may have significant statutory protection such as Scenes of Special Scientific Interest (SSSI) under the Wildlife & Countryside Act 1981.

Natural England
www.gov.uk/government/organisations/natural-england

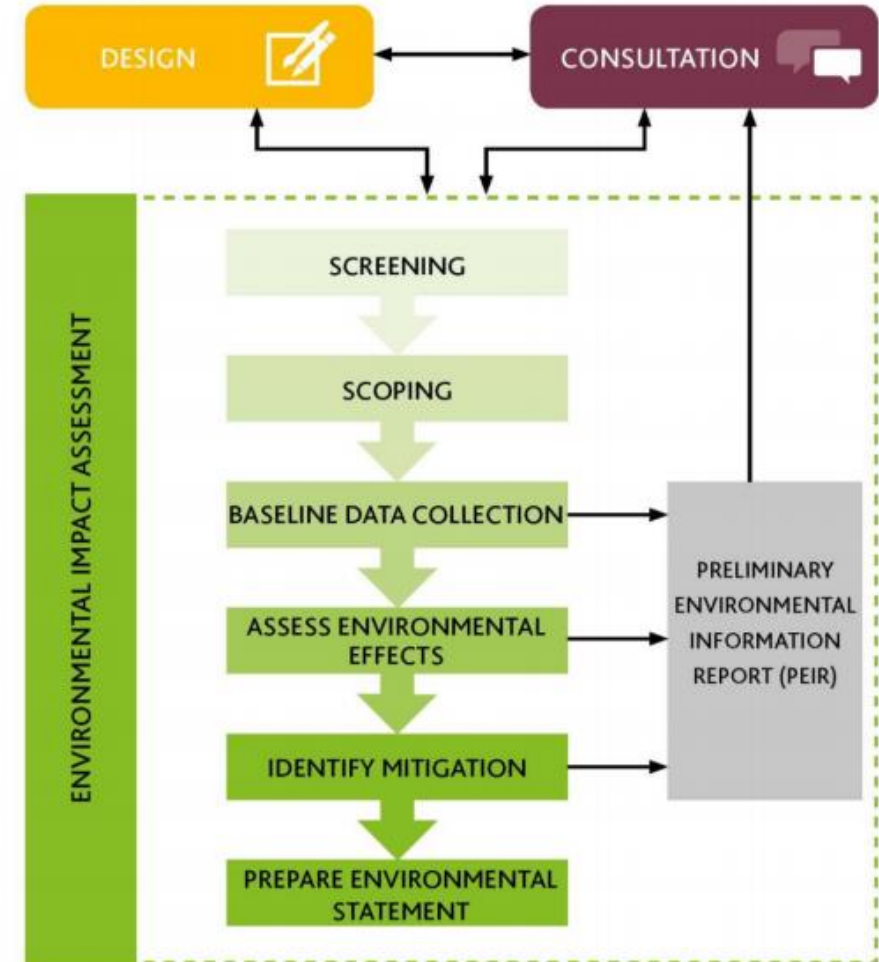
Work in or around buildings and sites of historic importance for designated sights such as Designated Monuments or listed buildings. Obtaining consent takes a minimum of 6 weeks

Natural Resource Wales (NRW)
www.naturalresources.wales

Historic England (formerly English Heritage)
www.historicengland.org.uk

CADW
www.cadw.gov.wales

Under Schedule 9 of the Electricity Act 1989 (our duty as to Preservation of Amenity), before carrying out work such as the construction of overhead lines, substations and laying of underground cables.



In cases where such 'sensitive sites' are encountered these may trigger the need for particular environmental evaluation or the need for full Environmental Impact Assessment (EIA).

How long will it take to obtain Land Rights



As we don't seek consents until you've accepted our quotation, we will of course make every effort to obtain the consent required as quickly as possible, however we are reliant on the cooperation of your neighbours and other third parties so it's worthwhile building this lead time into your project delivery dates.

The time to achieve Land Rights and other necessary Consents will be depending upon the individual circumstances and the ability to reach agreements with the various parties involved. Timescales for the successful negotiations vary greatly but we will try to complete these as efficiently as possible to meet overall project timescales.

Any Statutory or Environmental Consent needed will be, where possible, progressed in parallel to the Land Rights. The timescales for these are in the main out with our control and will also depend on the specifics of the works and the third parties we will have to engage with.

A simple underground connection on your land may take approximately **5 weeks** from the point of the Land Team having all the necessary information. We may seek a Way leave for this. Should you not own the land you are wanting the underground connection for may take as long as **10 weeks**. If the land is owned by an Infrastructure Operator or Local Authority the timescale can be extended to **10 weeks**.

Where permission is required from third party Landowners the timescale can be any time between **18 and 22 weeks**. Third party Landowners can be including an Infrastructure Owner or Local Authority. This timescale also applies in a case where Licence and Permits are required in relation to an environmental site.

An overhead line that is less than 33kV required involving third party Landowners and is requiring a section 37 Consent with an environmental Licence or Permit, it can take up to **20 weeks**.

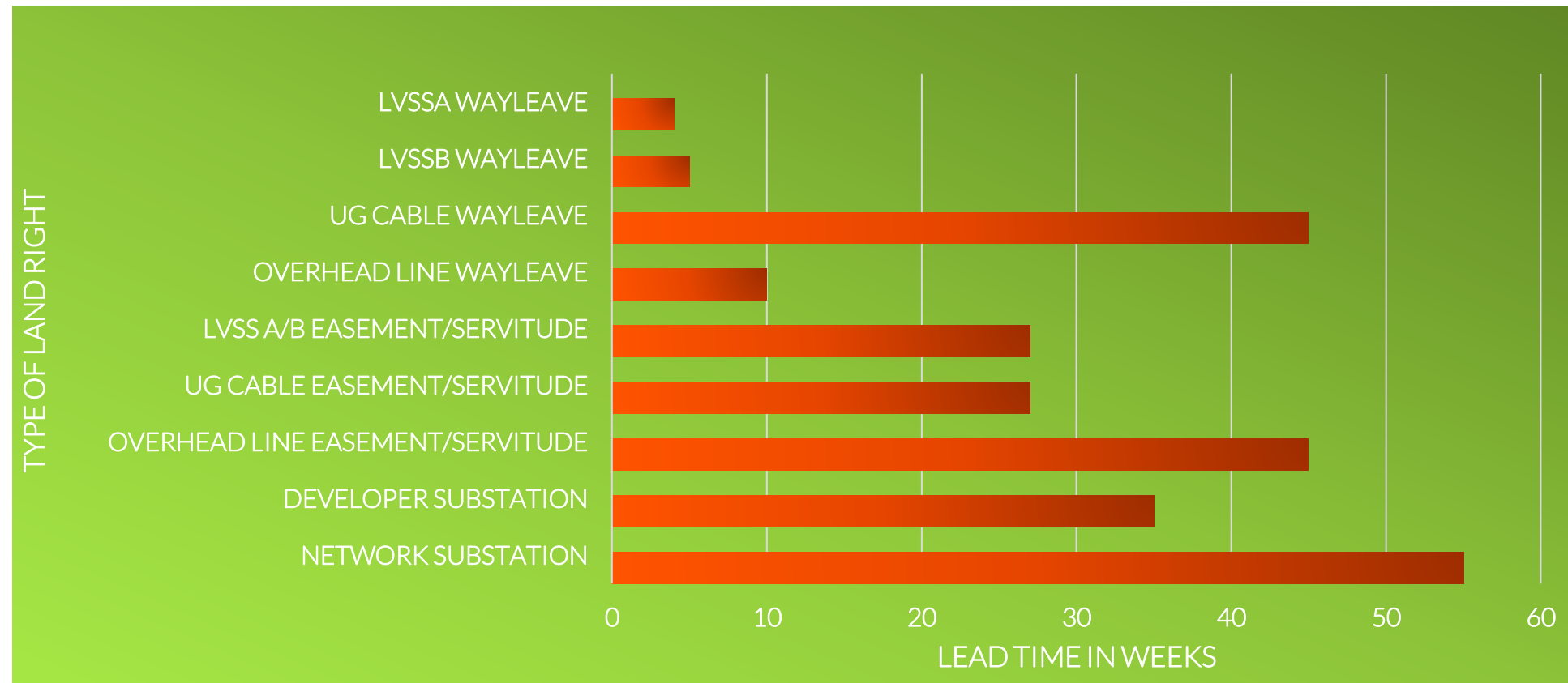
A more complex connection requiring an overhead line of a significant length, involves a variety of third party Landowners and requires section 37 Consents with sensitive environmental aspects, it may take up to **50 weeks** for the consents to be granted.

How can you help speed up the land rights process?

- ✓ Provide us with an accurate site plan to allow us to prepare the Easement/Servitude/Lease/Transfer plan.
- ✓ When you instruct your solicitor, make them aware of the urgency of the transaction.
- ✓ The fastest way to complete a transaction is ensure no amendments are made to our standard terms of agreement
- ✓ Inform your solicitor not to sell any of the land or complete any other endignments over which we are crossing before the transaction we require is completed.
- ✓ If the land is mortgaged your solicitor will need to obtain consent from the lender.
- ✓ Ensure the cable route or substation position match exactly with the plan that has been prepared for the Easement/Lease/Transfer.
- ✓ Provide us with any relevant information you feel might assist us in obtaining consents from third parties

Lead Times

All consents are given voluntarily, and landowners are not obligated to give consent. We strongly recommend that you discuss your plans with affected landowners prior to SP Land Officer making contact. The type of land right required for your connection will be discussed with you by your SPEN Project Manager and will be the most appropriate for your specific scenario. The following table shows the average lead-time for each category of land right as described in this guide.



Developing such connections may require us to place new apparatus on land owned by others. SPEN requires a legal agreement with the landowner before it can install this apparatus to ensure it can be kept there and access remains available for future operation and maintenance.

Roles and Responsibilities

Customer

- Where you are also the landowner see below.
- As part of the connection agreement, requests that land rights are to be progressed to enable your connection.
- Where you are responsible for gaining land rights, ensure you do so as early as possible.
- Discuss and agree with SPEN what land rights you will obtain.
- Ensure you keep the Land Officer informed of your progress in gaining consents.
- If a substation is required as part of your connection arrangements, obtain planning permission for the new substation.
- You must provide evidence to our solicitor that planning permission has been obtained for the new substation before a lease or transfer can be concluded.

SPEN Planning team & Design

- Responsible for the design of the connection
- Responsible for liaison with SPEN Project Manager and Land Officer on any elements of redesign which may be required to achieve a voluntary land right

SPEN Project Manager

- Initiates request to SPEN Land Team
- Advise customer who the Land Officer will be, the process that will be followed and provide an indicative timescale for the delivery of land rights and other consents
- Customer's first point of contact in relation to the development.
- Provide the customer with regular updates on progress of the connection including land rights
- Work alongside the Land Officer to ensure appropriate land rights are being obtained
- Provides technical delivery advice around any land rights activities
- Liaise with customer on any required changes to design to facilitate a voluntary land right or the need for SPEN to rely upon its statutory powers

SPEN Land Officer

- Establish what types of land rights and other consents are required in consultation with Project Manager
- Discuss with the customer and agree what land rights they will obtain
- Progress appropriate land rights, identifying what if any, third party landowners may be affected by the development.
- Make contact with landowners/occupiers and other interested parties
- Agrees terms with landowners/occupiers
- Prepares wayleave documentation and issue to relevant landowners/occupiers
- Instruct and liaise SPEN Legal Services on servitudes/easements/ lease/purchase
- Responsible for consultation with statutory consultees / interested parties to obtain section 37 or planning consent / licences /permits
- Liaise with customer on land rights matters where required

Landowner

- Grant appropriate consents to SPEN.
- Where appropriate instruct solicitor as early as possible to work with SPEN to progress agreements.
- Provide evidence of title.
- Ensure you tell us of any restrictions in your title or any special agreements that may be in place on the land concerned.
- Tell us of any changes to ownership which may affect the agreement as soon as possible

SPEN Legal Services

- Provide advice and support on legal matters to the SPEN team.
- Instruct and liaise with SPEN external solicitors as appropriate
- Progress servitudes/easements / lease or purchase of sites