

“Legals” explained

Easements (deed/deed of easement) – a legally registrable right, usually permanent, to guarantee the rights of one party over the land of a different party. Signed, witnessed, and then registered against the property at Land Registry and is permanently affixed to the land.

Wayleaves – a permission given by a Landowner to another party to allow them to carry out some form of activity or enjoy a right over their land – temporary or for a fixed term.

Lease or freehold purchase (Substation or Pressure Regulating Installation -PRI) a legal agreement is required for an installation for the following reasons – to give the IDNO/IGT a legal right to place equipment, to protect the apparatus against trespass, to ensure adequate access arrangements to the kiosk and apparatus.

Incorporated rights agreements (bi-lateral/protocol agreements) – ENWL An agreed process where IDNOs and DNOs can obtain their rights relating to a substation at the same time (where the DNO has equipment inside the IDNO substation) to greatly speed up the acquisition of rights. The DNO requires land rights when an IDNO adopts a substation installed on a development site by an ICP. The DNO cable, access and RMU are covered under the Incorporated rights procedure. The DNO requires rights for their equipment installed within a development if they are adopting the substation.

Close coupled lease – an agreed form of lease issued by the DNOs to cover their equipment in an IDNO substation but where no incorporated rights agreements exist between the DNO and IDNO (Scottish Power Area). This process sees completion of an IDNO transfer and then a separate DNO lease (RMU Lease) is completed, which is between the IDNO and SPEN.

Heads of Terms - A document setting out the terms on which a deed or other legal agreement will be negotiated, usually covering the landowner and setting out the rights that will be required in layman’s terms. The signing of the heads of terms initiates the legal process and instruction to legal teams to progress the necessary legal agreements can commence.

Unregistered land – all land has an owner, unregistered land just means the land registry does not know who owns it. if you intend to install a cable in an unregistered area there are ways around the fact that you are unlikely to find a landowner and obtain an easement. You must prove you have taken sufficient steps to locate the land owner and to establish ownership, making enquiries with neighbouring land owners, putting advertisements in papers or local shops etc once no owner comes forward the most common solution is to obtain an indemnity policy from an insurer to protect against a claim should the landowner be established at a later date.