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**MODIFICATION PROPOSAL ENW/2008/008**

**Electricity North West Limited**

**Proposal to clarify our Land Rights and Acquisitions methodology within our  
Licence Condition 4B statement.**

**Date of Issue: 18th January 2008**

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For approval by the Gas and Electricity Markets Authority

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## 1. Description of the modification

Electricity North West Limited proposes to clarify its Land Rights and Acquisitions methodology, associated with connections to its electricity distribution network.

The aim of our proposal is to improve the clarity and ease of use of our methodology in this area.

## 2. Reasons for the change with an explanation of how the proposed change better meets the relevant objectives

Our proposal will better meet the relevant objectives in the following ways:

- it provides clarity and ease of understanding of our methodology to those parties who are involved in the area of Land Rights and Acquisitions, for both Section 16 and Competitive connections.

## 3. Proposed Land Rights and Acquisitions Methodology

### Contestable works

1.15 Where ~~you elect to obtain the Developer is responsible for obtaining~~ ~~Land Rights yourself~~, the acquisition ~~of land rights~~ must be carried out by a qualified agent ~~appointed by you, and subject to the written agreement of approved by United Utilities Electricity North West's agent United Utilities Electricity Services~~. Land ~~Land Rights~~ must be obtained in accordance with ~~United Utilities' Electricity North West's~~ policies and standards. All legal documentation must be submitted to ~~United Utilities Electricity North West's agent United Utilities Electricity Services~~ in such time as to allow the documents to be examined and approved prior to energisation of the new connection.

Table 1 Summary of options and responsibilities table

\*\* Any easement/wayleave obtained by ~~you or your contractor~~ ~~the Developer~~ will have to be transferred to ~~United Utilities Electricity North West~~ as part of the adoption process. If the use of compulsory powers to acquire land rights is necessary, the connection scheme will need to be treated as a statutory connection.

### What to expect after you accept the quotation

#### Statutory Connection

2.30 Any quotation for a statutory connection will be conditional on Electricity North West's agent United Utilities Electricity Services obtaining all Land Rights necessary for Electric Lines and Electric Plant.

Before Electricity North West's agent United Utilities Electricity Services will begin its construction works, it will require as the case may be:

- The transfer of the freehold or alternatively the grant of long leasehold of any substation site on which is to be sited Electrical Plant that is comprised in the connection. These Land Rights shall be obtained by Electricity North West's agent United Utilities Electricity Services from the Developer in all instances.
- The grant of a permanent easement (deed of grant) for any Electric Line that is comprised in the connection. These Land Rights shall be obtained by Electricity North West's agent United Utilities Electricity Services from the Developer or any third party landowner as the case may be in all instances.

A deed of grant will be necessary for any Electric Line which is to be installed in, on or over any part of the Developers land which will not form part of an adopted or prospectively adopted highway. Where Electric Lines that are comprised in the connection are installed on private land outside of the perimeter of the development site it will be necessary to acquire a deed of grant from the third party landowner(s). In some cases Electricity North West's agent United Utilities Electricity Services will acquire a wayleave from the third party landowner(s).

Whether Electricity North West obtains a freehold transfer, a lease, an easement or a wayleave, these are all legal agreements that will be between Electricity North West, the Developer, a third party landowner and any occupier where applicable.

### **Competitive Connection**

- 2.31 Before Electricity North West's agent United Utilities Electricity Services will energise the connection of the Contestable works to Electricity North West's existing network, it will require all Land Rights to have been obtained.

Electricity North West's agent United Utilities Electricity Services may assist the Developer, where appropriate, in the acquisition of Land Rights from third party landowners.

For Electricity North West's post adoption security requirements, Electricity North West's agent United Utilities Electricity Services will acquire from the Developer all necessary Land Rights for any Electric Lines or Electrical Plant comprised in the connection within the development site. The Developer will be responsible for the acquisition of Land Rights needed from third party landowners outside the development. Electricity North West will be a party to such agreements with third party landowners for the purpose of its post adoption security but will not negotiate directly with third party landowners in respect of Land Rights. The Agreement to Adopt will inform Developers of this requirement.

## General

- 2.32 In instances where Land Rights cannot be obtained by negotiation; Electricity North West may exercise its powers of compulsory purchase under the Electricity Act 1989 or apply under the Act to the Secretary of State for a 'Necessary Wayleave'. If Electricity North West need to exercise its compulsory powers, it will be necessary to treat the whole of the connection as a statutory scheme, if that is not already the case.

## 4. Proposed illustrative structure and charges

There is an attachment to this document with the relevant areas to be changed highlighted in track changes. This should make it easy to see how the areas of change sit within the Condition 4B statement.

## 5. A timetable for the implementation of the modification and charges changes

Date	Activity
18 January 2008	Modification proposal submitted to Ofgem for approval.
1 April 2008	Electricity North West Limited's proposed implementation date.