



1 May 2008
By post and fax: 0207 901 7066

Sarah Harrison
Managing Director
Corporate Affairs
The Office of Gas & Electricity Markets
9 Millbank
London SW1P 3GE

Bond Pearce LLP
3 Temple Quay
Temple Back East
Bristol BS1 6DZ

Tel: +44 (0)845 415 0000
Fax: +44 (0)845 415 6900
DX 200561 Bristol Temple Meads

jonathan.bower@bondpearce.com
Direct: +44 (0)845 415 6863

Our ref:
JCB1/NB1/PERSONAL.JCB1
Your ref:
SH/REB/SLC15CON

Dear Madam

Consultation on proposals for dealing with a request for Authority Consent under Standard Licence Condition 15 of the Electricity Generation Licence

We refer to the consultation issued on 23 April 2008 to establish a process for dealing with a request for Consent under SLC15(4) relating to powers of entry onto land by licence holders.

Bond Pearce LLP acts on a number of energy projects and so is familiar with the licence conditions that generation licence holders are subject to. Whilst the power of entry set out in paragraph 10 of schedule 4 of the 1989 Act is beneficial we also consider that it has significant limitations. It is noted that the power, once limited by standard condition 15(4), only permits entry to assess the suitability of land relating to the construction or extension of a generating system. It does not extend to the land over which electric lines will be installed pursuant to development consents and in accordance with the Generation Licence. As a result, we consider that it is appropriate that the power of entry should be extended by standard licence condition 15(4) to enable it to be exercised in connection with all powers held by the licence holder under the relevant part of and schedule to the 1989 Act.

The limitations can be explained by way of example. Where a project is subject to environmental impact assessment it is not possible where a landowner has refused entry to undertake the necessary surveys of cable routes.

Subject to the above, we agree with the general approach being proposed but question whether or not any decision by Ofgem to confer consent could be made within a shorter timescale on the basis that the licence holder then has to give 14 days notice of intended entry to the occupier.

We would welcome the opportunity to discuss further with you any proposed amendments to standard licence condition 15(4) to widen the scope of the powers of entry.

If you have any questions please do not hesitate to contact the writer, Jonathan Bower whose details are set out above.

Yours faithfully



Bond Pearce LLP