

Affected landowners and occupiers; other interested parties in Northern Anglesey

Promoting choice and value for all gas and electricity customers

Reference number: 153/11

Direct Dial: 020 7901 7436
Email: wil.barber@ofgem.gov.uk

Date: 16 November 2011

Dear Colleague,

Consultation on Horizon Nuclear Power Wylfa's request for consent from the Authority to exercise its exploratory rights under the Electricity Act 1989 (closing date 23 November).

Purpose of this letter

Ofgem has received an application from Horizon Nuclear Power Wylfa for consent to exercise their exploratory rights under the Electricity Act 1989 and SLC 15. As part of our decision making process we would like to invite interested parties to provide us with their views on this request for consent. This consultation will be open for seven days (or five working days).

Background

A generator's rights to access a third party's land for exploration purposes are described in [schedule 4, paragraph 10 of the Electricity Act 1989](#) and Standard Licence Condition 15 of the [Standard Conditions of the Electricity Generation Licence](#).

The Electricity Act allows a generation licence holder to enter and survey any land to establish whether it would be suitable for the construction/extension of an electricity generation station. Under the Act, there are a number of statutory obligations which the licence holder must honour if it exercises this power.

These powers are further restricted by Standard Electricity Generation Licence Condition 15. This Condition requires the Licence Holder to receive the consent of the Authority¹ before it can exercise its powers to enter land under the Electricity Act.

The right to enter the land in question is therefore granted to the licence holder by the Electricity Act rather than the Authority. Our role is to ensure that the access is in relation to the construction or extension of a generation station.

As mentioned above, on 04 November, Ofgem received an application from Horizon Nuclear Power Wylfa for consent to exercise their exploratory rights under the Electricity Act 1989 and SLC 15. As part of our decision making process we would like to invite interested

¹ The Authority is the Gas and Electricity Markets Authority. Ofgem was created by the Authority to support it discharge its duties. Everything done by Ofgem is done in the name of the Authority, and the two terms are used interchangeably.

parties to provide us with their views on this request for consent. This consultation will be open for seven days (five working days).

Documents

For the reference of interested parties we have made available the relevant sections of the Electricity Act, the Electricity Generation Licence and Horizon's application letter requesting consent. These will also be available on the Ofgem website.

Please note that paragraphs 15 and 16 as well as Schedules 1 and 2 of Horizon's application have been redacted as these contain personal and commercially sensitive information.

The Consultation

Interested parties are invited to write to us outlining any issues that should be considered in assessing Horizon's application under Standard Licence Condition 15.

Responses should be addressed to:

Wil Barber
Ofgem
9 Millbank
London SW1P 3GE
or by e-mail to wil.barber@ofgem.gov.uk

Responses should be received by 23 November 2011 so as to allow them to be properly considered in making our decision.

Responses will normally be published on Ofgem's website. However, if respondents do not wish their responses to be made public then they should clearly mark their responses as confidential. Ofgem prefers to receive responses in an electronic format so they can be placed easily on the Ofgem website.

Should you wish to discuss the matter further, please do not hesitate to contact my colleague Wil Barber (on 020 7901 7436).

Yours Sincerely,

A handwritten signature in black ink, appearing to be 'Andrew Wright', written over a horizontal line.

Andrew Wright
Senior Partner, Markets