



Making a positive difference
for energy consumers

Electricity generation licence
holders and other interested
parties

Direct Dial: 0203 263 9662
Email: mark.copley@ofgem.gov.uk

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Dear colleague

Update to Ofgem procedure for dealing with requests for Authority consent under standard licence condition 15 of the electricity generation licence

Standard Licence Condition 15 of the electricity generation licence (SLC 15) requires licence holders to apply for Authority approval before exercising exploratory rights granted to them for certain purposes under the Electricity Act 1989 (the Act).

To reflect the modifications to the generation licence that took effect on 23 October 2015¹ we have made the necessary minor update to our procedure for dealing with these requests².

In particular, the modifications to SLC 15(4) extended the ability of generation licence holders to exercise compulsory entry powers to survey suitability of land, with consent from the Authority, for the additional purpose of electric line works. SLC 15(4) now provides:

"Paragraph 10 of Schedule 4 to the Act³ shall apply to the licensee if it obtains the consent of the Authority before exercising its rights of entry on land under that paragraph for the purpose of ascertaining whether the land would be suitable for:

(a) the construction or extension of a generating station; and/or

(b) the installation, inspection, maintenance, adjustment, repair, alteration, replacement or removal of electric lines specified in paragraph 3 above, electrical plant associated with them and any structures for housing or covering such plant, including, for the avoidance of doubt, whether these activities are carried out by the licensee or another licence holder."

We have amended paragraph 1(a) of the guidance in the appendix to this letter to reflect this specific change.

¹ The results of the consultations and reasons why we made the changes to the generation licence can be found in our decision letter and modification notice <https://www.ofgem.gov.uk/publications-and-updates/modification-decision-changes-standard-licence-conditions-14-and-15-electricity-generation-licence>

² <https://www.ofgem.gov.uk/publications-and-updates/update-ofgem-procedure-dealing-requests-authority-consent-under-standard-licence-condition-15-electricity-generation-licence>

³ Paragraph 10(1) of Schedule 4 to the Act provides "subject to the following provisions of this paragraph and without prejudice to any other right of entry, a person authorised in writing by a licence holder may, at any reasonable time, enter upon and survey any land for the purpose of ascertaining whether the land would be suitable for use for any purpose connected with the carrying on of the activities which the licence holder is authorised by his licence to carry on".

If you have any queries regarding the information contained within this letter please contact Michelle Murdoch on 0207 901 3898 or michelle.murdoch@ofgem.gov.uk.

Yours sincerely

Mark Copley
Associate Partner

Appendix: Ofgem procedure for considering request for consent under SLC 15 of the electricity generation licence

1. A licensee requesting Authority consent should provide –

a) evidence that the licensee is intending to exercise the right of entry only for a purpose set out in SLC 15(4) of the electricity generation licence (this might be information about the land, where it is and the purpose under SLC 15(4) that the licensee is considering). If it is an extension, the name and location of the generating station to be extended;

b) details of contact with the occupier of land made to gain access. If a request has been made and refused, details of the refusal;

c) details of the information that would be included in the notice required under paragraph 10 of Schedule 4 to the Electricity Act 1989. (This should give more detail about what is proposed, whether there is any intention to bore to ascertain the nature of the subsoil, who the occupier is and when the exploration is due to take place); and

d) details of how long the exploration process will take.

2. Ofgem would expect a licensee to approach the landowner in the first instance. Where an approach for access to land has been refused, Ofgem may consider whether it would be appropriate to contact the occupier directly. The licensee may also provide information as to why it considers such contact may not be appropriate.

3. Before making a decision Ofgem will hold a four week consultation to provide all stakeholders with the opportunity to comment on the application for consent. These responses will be used to inform our final decision.

4. Once Ofgem is satisfied it has all the necessary information, it will make a decision whether or not to confer consent within 10 working days of the close of the consultation