

# Guidance for Independent Connection Providers undertaking Wayleaves and Consenting activities

## Introduction:

Where an Independent Connection Provider (ICP) either directly or through a wayleave contractor appointed by them, undertakes the wayleave and consent function to secure the rights necessary for installation of infrastructure there are certain aspects which are the sole responsibility of the ICP and other aspects which SEPD/SHEPD are required to undertake. To assist the ICP the following guidance confirms responsibilities in each case:



## The ICP is required to:

Identify all affected landowners and occupiers (any unknown landowners to be identified through Land Registry searches) including tenants and confirm boundaries, from the point of connection to the point of supply.

- Prepare a schedule and plan of land interests
- Secure consent in principle from all landowners, occupiers and tenants
- Assess the project route and access against all ecology, archaeology or hydrology sensitivities using all available sources of information such as, but not exclusively:

[pastmap.org.uk](http://pastmap.org.uk)

[map.environment.gov.scot/sewebmap](http://map.environment.gov.scot/sewebmap)

[www.sepa.org.uk/regulations/authorisations-and-permits/application-forms/](http://www.sepa.org.uk/regulations/authorisations-and-permits/application-forms/)

[www.gov.uk/government/organisations/natural-england](http://www.gov.uk/government/organisations/natural-england)

[historicengland.org.uk/](http://historicengland.org.uk/)

[www.gov.uk/government/organisations/environment-agency](http://www.gov.uk/government/organisations/environment-agency)

- Secure written consent from the appropriate bodies who administer the above, Scottish Natural Heritage, Natural England, Historic Environment Scotland, Historic England, SEPA, Environment Agency and others as necessary
- Secure all appropriate specialised environmental surveys and provide follow up written reports. Prepare any screening reports as necessary for submission by SEPD/SHEPD



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- Identify and secure consents from any other affected interest including pipeline operators and other utility interests. Ensure no planning restrictions apply to the project route
- Undertake overhead line or underground cable surveys
- Prepare landowner and occupier land rights / wayleave consents from templates provided on the SSE Connections website or alternatively request SEPD/SHEPD prepare wayleaves on ICP's behalf for the ICP to issue. SEPD/SHEPD to approve wayleave plans and wayleave consents prior to issue.
- Prepare appropriate substation purchase/lease plans if applicable, to Land Registry standard to include substation site area, or area within a building, access and any associated overhead line/underground cable route/s. Provide SEPD/SHEPD with details of landowner/tenant ownership and their legal agent's contact/s
- Upon signature of all land rights / wayleaves documents return these to SEPD/SHEPD for approval
- Pass to SEPD/SHEPD confirmation that all environmental, and any other consents have been secured, and that conditions of consents (e.g. planning conditions) have been complied with/discharged. Forward copies of all environmental reports / assessments to SEPD/SHEPD
- Make good the land following completion of the physical works on the ground. Negotiate and settle all damage and land/crop loss claims during the defects liability period
- Meet all fees incurred by SEPD/SHEPD and those of landowners, occupiers, tenants and Land Agents directly
- Where the works undertaken by the ICP on assets to be adopted by SEPD/SHEPD and these require Form B and section 37 consent, the ICP will confirm that they will undertake all works in compliance with The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 and The Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2017 if applicable, and will comply with all conditions of the Section 37 consent. SEPD/SHEPD will provide the ICP with a copy of such conditions. The ICP should also conform with the requirements of paragraph 3, schedule 9 of the Electricity Act 1989,



The above is no more or less than SEPD/SHEPD would undertake if they were carrying out the wayleave function

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## SEPD/SHEPD is required to:

- In the case of proposed new overhead lines, assess if a Form B planning consent and S37 consent are required. If so SEPD/SHEPD will prepare and submit an application for consent based on the ICP's plans and design. Section 37 consent is generally sought after all wayleaves and tenant consents have been secured.
- Review any screening report prepared by the ICP and submit to the relevant authority.
- Based on the evidence provided by the ICP, review all signed wayleaves and confirm acceptance
- Review all other environmental consents/assessments and confirm suitability
- Review and submit the ICP's substation / easement / servitude acquisitions details to SEPD/SHEPD Legal Services for legal completion.
- If requested by ICP prepare wayleaves and return to ICP
- Offer guidance to the ICP to assist in preparing any consent documents including agreements with other utilities etc

In summary SEPD/SHEPD has published criteria for its minimum requirements for land rights. This can be found at [www.ssen.co.uk/LandRights/](http://www.ssen.co.uk/LandRights/). The website includes template documents, draft offers, leases, servitudes and wayleaves. No derogations from the terms of the documents will be accepted without prior approval of SEPD/SHEPD. All wayleaves, land rights and consent documents must be secured prior to energisation.

It should be noted that the rights of SEPD/SHEPD secured by a wayleave or tenant consent, commence only following adoption of the asset by SEPD/SHEPD. The ICP should satisfy themselves that they have the appropriate permissions in place granted by all third-party owners and occupiers to allow the ICP and their contractors to undertake surveys, construction, and inspection prior to this point.

All works carried out by an ICP for an asset to be adopted by SEPD /SHEPD should be carried out in accordance with the SSE Grantors Charter.

