

Customer Guidance

# LAND RIGHTS

This document contains GTC Land Rights principles, rules and guidelines regarding any potential land rights requirements when connecting a property onto one of our existing electric or gas networks.



# THE PROCESS

When there is a request to connect a property onto an existing network, GTC will review and advise whether this connection is feasible and, if so, whether any land rights transactions are required before works are carried out and a connection is provided.

If no land rights are required, then the works can progress and a connection can be provided.

If there is a land rights requirement, the land rights transaction must be completed before any work begins. The GTC Land Rights team will facilitate this transaction and provide regular updates to the customer, advising on any requirements.

However, please note that we do not have complete control over the timescales. Our solicitors will need to coordinate with a third party's solicitor, and the duration of the transaction depends on the other party's response times and the provision of necessary documentation.

**If you have any queries, contact the My Connections team on:**

T: 01359 243360

E: [myconnections@gtc-uk.co.uk](mailto:myconnections@gtc-uk.co.uk)



Scan the QR code to visit our webpage.



**Smell gas?**

Call: 0800 111 999



**Power cut?**

Call GTC on 0800 032 6990 or the National Power Cut number on 105

# FAQS

For ease, we have added some frequently asked questions and replies in relation to this process.

## **What are land rights?**

Land Rights are any formal legal rights over our equipment (pipes/cables) to access private land to install the utilities (pipes/cables) and then inspect, repair, maintain, renew and replace when and if needed in the future.

## **What type of land rights are required?**

As statutory undertakers, GTC's licensed companies for gas and electric have the responsibility to keep the network in good state and repair, through inspection and maintenance to ensure undisturbed supply to the end customers. For this reason, GTC will need to ensure that we always have the necessary legal rights to access private land to first install the mains and then inspect and maintain the network when needed in the future. We will also need to ensure that we have unrestricted access at all times in cases of emergency.

Therefore, GTC will require formal easements to be obtained over its assets that are to be located within private land, to ensure we adhere with our statutory obligations.

## **What is an easement?**

An easement is a legal right that provides the GTC licensed entities with the necessary legal rights to enter the land to install and then inspect, repair, maintain, renew and replace (amongst other) utility mains or services within private land.

An easement is obtained by a Deed of Grant that is agreed between the GTC licensed entity and the landowner. Easements are formally registered to the Land Registry and remain on the title indefinitely, throughout change of ownership.

## **What is the necessary easement width required?**

The necessary easement width over Low Pressure gas pipes or Low Voltage electric cables is two meters cable/pipe centric.

## **What is a wayleave?**

Wayleaves are not formal land rights, but agreements between the licensed entity and the current landowner; these agreements can be revoked at any time and do not remain throughout change of ownership. Therefore, GTC do not enter into wayleave agreements.

## **What is a consent and would this be sufficient instead of an easement?**

Consents are forms whereby a third party landowner permits GTC to enter their land to install gas or electric main in their land.

## **I thought there were statutory powers to install a main within private land?**

Statutory powers enable us to access and lay mains (pipes/cables) within land that is classed as 'adopted', i.e. roads or footpaths that are adopted by the local authority and maintainable at public expense. Therefore, no land rights are required for works and installation of utilities within adopted land. Please note that we will still need to obtain the necessary permits from the relevant Council to carry out works within adopted land.

Statutory powers also enable us to access private land to inspect and maintain existing mains (cables/pipes) that have been previously lawfully placed.

There are no statutory powers to permit access into private land to install new equipment, without the landowner's consent. If the land is private and has not been adopted, then formal rights will need be provided by the landowner prior to any works being carried out.

### **What is third-party land?**

Third-party land is private land that is not owned by the customer but is owned by a different landowner.

### **When are land rights required?**

If the connection is for a single service from the existing main within an adopted road directly into the customer's property without crossing other land, then no formal land rights will be required over this main.

If the service/main needs to cross private land owned by a different party to provide the connection, then formal land rights (easement) will be required over this land before any works take place.

### **Who is responsible to obtain the third-party landowner consent for the works and solicitor details for the transaction?**

The customer is responsible to discuss with the third-party landowners and obtain the necessary consent for the asset to be laid in their land, along with solicitor details for the transaction (please refer to our Land Rights Form). As soon as this information is provided, GTC will then instruct solicitors to make contact with the third-party solicitors and initiate the transaction. The GTC Land Rights team will be providing updates on the transaction throughout, until completion.

### **What can I do if my neighbour does not agree to permit access to lay the service/main within their land?**

Landowner consent is necessary for GTC to enter third party land to install any assets. If the landowner does not provide permission, then the connection route will need to be reviewed and amended accordingly to avoid this land.

### **Is Council land always considered adopted/maintainable at public expense?**

No. Council land (including open space areas, footpaths with public rights of way etc.) are not necessarily adopted. The extent or classification of an area of land as adopted is only evidenced by the relevant 'highways search' that needs to be obtained by the relevant local authority.

### **What happens if there is a 'leasehold' over the land where an easement is required?**

Easements will need to be obtained by the freeholder. Depending on the type/length of the lease, GTC land rights team will confirm if the leaseholder also needs to be a party in the transaction.

### **Who is responsible for the solicitor costs when a deed of easement is required?**

The customer is responsible to cover both GTC's and the landowner's solicitor fees for the transaction. The customer will be responsible for any additional costs (e.g. consideration payment required from a third party, etc.).

