

SGN Third Party Connections Briefing Note 18

(Guidance on Easements & Servitudes)

1. What is an Easement/Servitude?

An Easement/Servitude is a legally binding agreement between a landowner and SGN to permit access to replace, renew, inspect and maintain gas pipelines installed in private land and restricts certain types of activity in the vicinity of buried gas pipelines.

An Easement is applicable to English Law and a Servitude is applicable to Scottish Law.

Why is an Easement/Servitude required?

Without an easement or servitude, SGN has no formal right to assets installed in private land. This increases the risk of trespass, future financial liability for refused access, for relocation or removal of the pipeline and therefore this puts at stake the security of supply for customers. Easements/servitudes give certainty as to rights/covenants over the land and this provides security to SGN's network.

Easements and servitudes also put some limits about what the landowner can do within the strip, including preventing buildings being erected, soil being added or removed over the pipe, and prohibits certain types of trees being planted over the pipe.

Easements/servitudes provide SGN with the necessary rights to protect and manage the apparatus thereafter.

2. When is an Easement or Servitude is required

SGN require an Easement/Servitude to be in place when a main is being installed outside the remit of the public highway and in certain circumstances where a service pipe is installed in private land.

Where an Easement/Servitude is required to be in place for proposed UIP-installed SGN to adopt asset, SGN will require the installing UIP to enter into an agreement with SGN and any relevant landowner/s (*Freeholder and any Leaseholders*).

2.1 UIP Installed pipework

An Easement/Servitude will be required when a UIP is installing pipework for SGN adoption which meets the following criteria:

- Mains pipework installed in private/shared land, including car parking bays, of any pressure tier and of any diameter
- Mains pipework of any pressure tier and of any diameter installed in a Private Road deemed not part of the Public Highway (*A Highway extent search can determine the status of a road/footpath*)
- Intermediate pressure services installed in third party land of any diameter
- Medium pressure services installed in third party land of any diameter
- Low pressure services installed in third party land greater than 63mm in diameter*
- Any pipe, of any pressure tier, of any diameter laid in land belonging to certain landowners, such as:
 - Network Rail/Railtrack
 - MOD
 - National Trust
 - Church Commissioners

- Any pipe, of any pressure tier, of any diameter laid in land categorised as:
 - SSSI
 - Common land
- Any other exceptional circumstances where SGN deem an easement or servitude to be required

**Note – LP Services equal to and less than 63mm in diameter will not require an Easement/Servitude and will be covered by acquisition of Consent, which must be obtained by the Requesting Customer (UIP) and submitted to SGN Third Party Connections on a standard Consent Form*

2.2 iGT CSEP sites

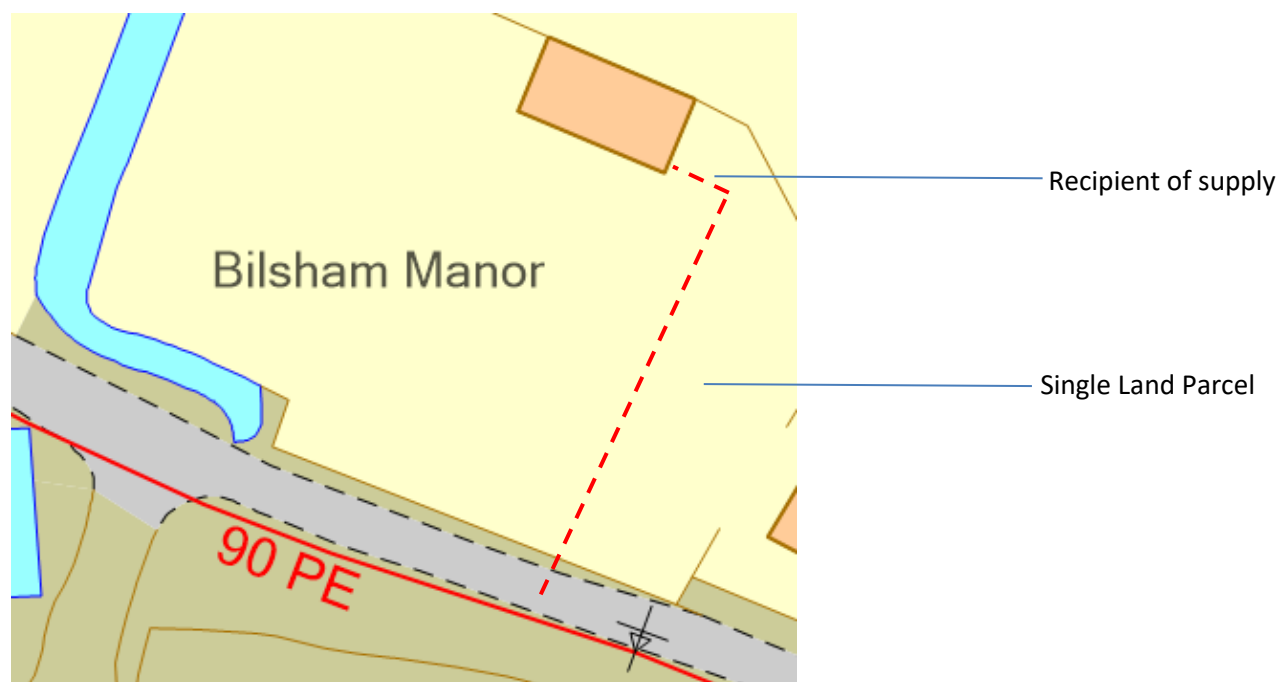
iGTs should ensure that pipework to be owned and operated by them under their GasTransportation License follows relevant Internal legal processes.

Where SGN are to own no pipework downstream of the connection point, no further legal processes are required and SGN will not enter into tripartite agreements.

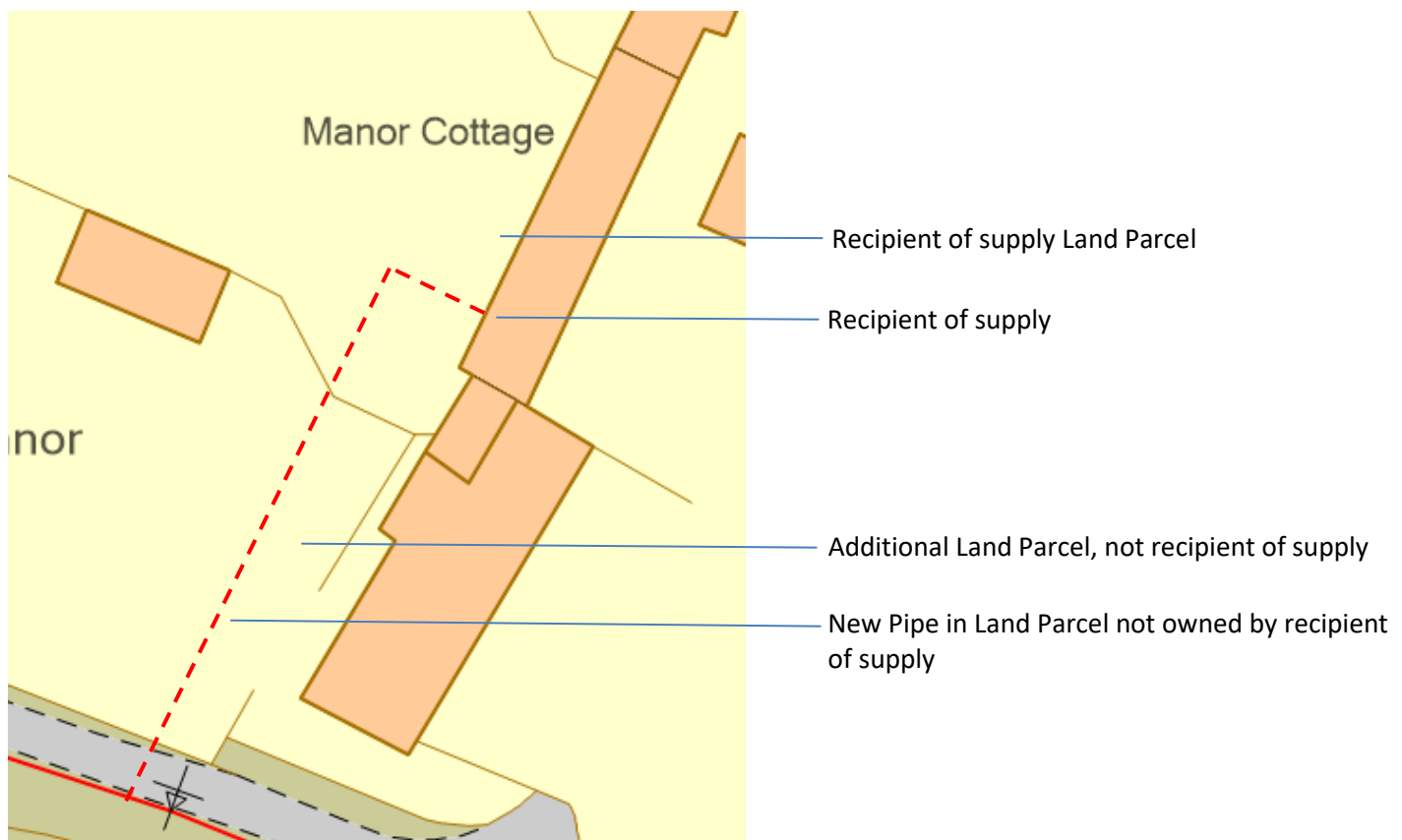
Where an iGT is making a connection into SGN's system which requires operating pressures to be subsequently regulated and the iGT do not wish to adopt the Governor (*PRI*) and SGN have agreed to adopt the regulator, processes under steps 3, 4 and 5 should be followed accordingly (*for a Transfer of Part over gas governors*).

2.3 On Site & Third Party Easement/Servitude

- An Easement/Servitude associated with a land parcel which is owned by the recipient of a proposed service or main is called an **On-Site Easement/Servitude**.



- An Easement/Servitude associated with a land parcel not owned by the recipient of a proposed service or main is called a **Third-Party Easement/Servitude**.



Whenever apparatus is identified as requiring an easement/servitude and installed through Third Party land and into site boundary of the gas recipient; two separate easements/servitudes are going to be required, an Onsite easement/servitude (*for within the site boundary*) and a Third-Party easement/servitude (*for any Title/s outside of the site boundary*).

3. Requirements to start Easement or Servitude process

Easements/Servitudes will be registered against the landowner's title deeds, leaseholder(s) will be included where and when applicable, at the Land Registry/Registers of Scotland and therefore subsequent drawings must comply to appropriate Land Registry & Registers standards.

Land Registry and Registers compliant Drawings (*associated plans*) must include:

- Up to date Ordnance Survey mapping with suitable identifiable geography/marker points
- Industry standard scale: 1:500 for smaller scale areas and 1:1250 for urban areas or 1:2500 for rural areas
- Green coloured strip showing the required Easement/Servitude, at the appropriate width
- If required: a red circled area to evidence the transfer of part we are taking and visible in the key/legend
- North point
- Scale bar based on metric measurement
- Inset plan, showing zoomed out area (if needed, typically on larger scale plans)
- Not shown as '*for indicative purposes only*'
- No gas asset or colours other than the apparatus requiring an Easement/Servitude/Land Transfer

Once SGN has confirmed that an Easement or Servitude is required for the new infrastructure, to assist in the production of a Land Registry compliant Plan SGN will provide the relevant documents required to initiate the process; for Easements only a “*Easement Drawing Land Info Template*” (in A4 or A3 format) will be provided for attachment to Easement drawings.

The documents required to raise a new Easement or Servitude instruction with the relevant SGN Legal Team are:

- South/Scotland Legal Instruction Form
- Easement/Servitude plan which is Land Registry/Registers of Scotland compliant
- Title Register and Title Plan or Title Deed, for each affected land parcel(s)*
- SIM Search for Easements only (South)** <https://www.gov.uk/government/publications/official-searches-of-the-index-map/practice-guide-10-official-search-of-the-index-map>

**Note – Official copies of the Title document should not be older than 3 months*

***Note – SIM Searches are a mandatory requirement for Southern projects, this is to ensure plans submitted are suitable and acceptable by the Land Registry. SIM Searches highlights all titles affected by the easement strip. Please refer to the separate How To guide for a step by step on submitting a SIM Search with HM Land Registry*

These documents are required as mandatory minimum information and without all the above, SGN Third Party Connections will not be able to raise the new instruction with SGN Legal Team and will therefore delay the application.

4. Easement Widths

UIPs should provide SGN with Land Registry/Registers compliant drawings of proposed pipelines and above ground regulating equipment showing Easement/Servitude widths appropriate to the below table.

New pipelines should be laid central to the Easement/Servitude strip for each pressure tier and SGN will seek its preferred widths as seen below (*subject to physical space available, any land boundaries and/or engineering difficulties*).

Pressure	Tier	Material	Easement/Servitude Width (m)
≤ 75 mbar	LP Main	PE/Steel	3
≤ 75 mbar	LP Service	PE/Steel	2
75 mbar-2 bar	MP	PE/Steel	6
2-7 bar	IP	Steel	6
2-7 bar	IP	PE	Variable from 10m to 30m*

**Note – Easement or servitude width for IP PE pipelines is variable from 10m to 30m. This is dependent on site circumstances, subject to SGN’s consultation.*

Note – SGN do not adopt >7bar assets from third parties

Where an SGN-adoptable PRI/Governor is to be installed, the land parcel where the PRI/Governor is to be located must be purchased by SGN. The size of this should be calculated based on the MOP of the regulator and then compared with the above table to ascertain a minimum Easement/Servitude width around the PRI. The Land Acquisition area should be indicated by a red boundary line or be coloured in red.

5. Transfer of Parts: Land Transfers for gas governors/kiosks

- **What is a Land Transfer?**
 - A Land Transfer is where SGN takes ownership of part of the land, where it is proposed to site above ground apparatus.
- **Why do we seek a Land Transfer?**
 - An easement typically only applies to below ground apparatus.
 - SGN will seek a transfer of land for any above ground apparatus subject to the criteria below as this land is no longer capable of being “enjoyed” (*cannot be used/walked over/through*) and provides the necessary rights in order for SGN to successfully access, protect and manage the above ground gas apparatus.
- **Criteria for a Land Transfer**
 - SGN would typically seek a land transfer for mains gas governors, gas governors in third-party owned land and any walk-in kiosks/buildings.
 - Any special circumstances.
- **What area do we take ownership of?**
 - SGN will typically seek a transfer of part subject to the size of the kiosk/base that houses the governor/above ground apparatus – SGN has no need to secure a size larger than needed.
- **How to denote a Land Transfer:**
 - It should be made clearly visible on the Land Registry compliant Plan the area of land SGN requires ownership over, using the standard colour, red i.e. circling/squaring an area. HM Land Registry may ask for an insert showing the area at a smaller scale if the Plan is too large/hard to see the area we are transferring/taking a lease.

6. Tripartite agreement

A tripartite agreement is a legally binding deed between three parties; SGN, the UIP (*installer of associated asset or party that is responsible for Project Management under GIRS for associated works*) and the landowner of the land in which the asset is installed.

- **SGN** - Require access to install, replace, renew, inspect and maintain gas pipelines
- **UIP** - (*Project Managing under GIRS*) – Require access to install, replace, renew, inspect and maintain gas pipelines where warranted under sections 7.3 and 7.4 of the SGN Final Connections Agreement
- **Landowner** – Required to ensure the correct details are logged against the Land Registry to permit relevant parties access to private land parcels, where warranted and to protect against further works over pipelines within land.
 - Including any leaseholders/tenants (*if any*).

Tripartite agreements impose a warranty on UIP-installed assets and if any elements of the system fail within the 2-year from commissioning, then the UIP is contractually bound to undertake remedial works.

SGN's Legal Team have standard draft paperwork which must be used and helps to streamline the legal process.

SGN Legal Fees will be payable by the requesting party and are as follows:

- Easements in England: £1,500 + VAT (*where applicable*)
- Servitudes in Scotland: £1,100 + VAT (*where applicable*)

Correct as of Fiscal Year 24/25

Legal Process/Steps:

- A) Upon receipt of all required documents for a new Easement or Servitude, the matter is passed to SGN solicitors to progress.
- B) Once the legal paperwork has been agreed, SGN Legal will be able to produce engrossments (*final draft of legal paperwork*) for signing.
- C) SGN's Legal Team will require full and satisfactory replies to standard enquiries (*queries relating to the land that are not visible within the Title Deeds*).
- D) SGN's Legal Team will require any consent/s to satisfy any restrictions against the Title/s (*if any*).
- E) Once engrossments are signed/in the process of; SGN Legal, will submit a pre-completion search (OS2) to HM Land Registry.
- F) Completion of the easement/servitude is typically forthcoming upon SGN Legal receiving the signed paperwork and SGN signing its part; subject to any comments from HM Land Registry (OS2), along with SGN's Legal Team having received any required consents (*if applicable*) and full satisfactory replies to standard enquiries.
- G) As soon as completion of the easement/servitude is confirmed by SGN's Legal Team to the solicitors acting for the landowner/s and the UIP/s, including TPC, Third Party Connections shall confirm the same to the UIP and confirm the works can go ahead.

7. Additional guidance

UIPs should make their customers aware that negotiating Easements/Servitudes can be very timeconsuming and may delay their works being connected and commissioned. It can take up to 16 weeks to conclude negotiations to enable proposed works to proceed but will vary for every job.

To ensure Easements/Servitudes are concluded as quickly as possible, UIPs should:

- Ensure all parties involved are kept up to date and each landowner liaises with their own solicitor as easement/servitude progresses
- Ensure all relevant documents (*detailed in Section 3 of this document*) are provided
- Ensure the SGN Legal Instruction Form is completed in full, including solicitor details for the UIP, Landowner(s) and possible Leaseholder(s)
- Ensure Easement or Servitude “drawings” are fully Land Registry/Registers compliant
 - *Significant delays are caused as a result of plans being non-compliant*
- Advise landowners that an Easement/Servitude is in perpetuity (*we cannot accept short-term agreements*)

Tips on expediting the legal process:

- The landowner's solicitor will be your/your clients first point of contact throughout the legal process.
- It is imperative that the landowner maintains regular correspondence with their own instructed solicitor; for any updates as needed (*as part of their instructed responsibilities to their client*) throughout the process and to chase them to respond to SGN Legals correspondence ASAP – **this is the fastest means of expediting the legal process.**
- The landowner's solicitor will explicitly be aware of and able to confirm any outstanding to you throughout the process, but SGN would recommend routinely asking the landowner's solicitor the following questions in **red** below, as these are the common sticking points for them to action:
 - **Has the paperwork been agreed and signed/returned to SGN's Legal Team for signing?**
 - **Have full and satisfactory replies to standard enquires been returned to and accepted by SGN's Legal Team?**
 - **If any consent/s are required (e.g. from a mortgage lender), what is the current progress on securing and have these been returned to SGN's Legal Team?**

- SGN's Legal Team use the same draft paperwork/documents to standardise and streamline the legal process; typically providing responses within a maximum of 48 working hours
- If the property has been recently purchased and applications are still pending against the Title/s at HM Land Registry, please be aware that SGN's Legal Team will be unable to complete the required easement until registration of the land has successfully updated at HM Land Registry. If not already, SGN would recommend the Landowner's solicitor make a request to HM Land Registry, for registration of the land to be expedited, helping to reduce potential delays to completion of the legals further down the line.

Delays can be caused by:

- Incomplete SGN Legal Instruction form or non-compliant Easement/Servitude drawings
- The landowner details from the Land Registry/Registers of Scotland not matching those provided on the Legal Instruction form
- SGN requiring consent from the lender if money is owed on the land (*E.G. via a mortgage*)
- Slow responses from the landowner(s) and/or solicitor(s)
- Changes to the draft easement/servitude proposed by SGN Legal team
- Other consents being required (*E.G. other utilities crossing proposed Easement/Servitude strip*)
- A land agent being involved, as this tends to extend the negotiation process
- The UIP not appointing a legal representative/solicitor
- Poor communication between all parties involved

8. Further information

Further guidance on Legal drawing compliance can be acquired from the Land Registry for South and from the Registers for Scotland:

South:

<https://www.gov.uk/government/publications/preparing-plans-for-land-registry-applications/guidance-for-preparing-plans-for-land-registry-applications>

Scotland:

<https://kb.ros.gov.uk/land-and-property-registration/mapping-requirements/deed-plan-criteria>