

Graeme Baird  
Northern Ireland Electricity Ltd  
PO BOX 2  
120 Malone Road  
Belfast  
BT9 5HT

Date 1 March 2021  
Ref NET/E/TH/324

Dear Graeme,

**RE: Proposed transfer of LOT 34 within Land Bank lands at Camlough**

We<sup>1</sup> write in respect of the proposal - set out in your letter of 13 March 2020 – that that part of land bank lands at Camlough described as LOT 34 be transferred to a third party (on terms advised) in response to a claim for adverse possession of LOT 34 made by that third party.

We would confirm that the proposed disposal of LOT34 was approved (and thereby consented to) at a meeting of the board of the Authority on 17 December 2020 by way of the making of a requisite Direction in the form attached.

We trust you find this to be in order.

Yours sincerely,



Tanya Hedley  
Director of Networks

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<sup>1</sup> The terms “We” and “Authority” are used interchangeably to refer to the Northern Ireland Authority for Utility Regulation

**Direction issued by the Northern Ireland Authority for Utility Regulation (“the Utility Regulator”) to Northern Ireland Networks Limited (“NIE”) pursuant to Condition 23 of NIE’s Licence to distribute electricity**

**TO: NIE**

**WHEREAS:**

- A. NIE holds the Licence granted to it - on 31 March 1992 – to distribute electricity (“the Licence”).**
- B. NIE is authorised by the Licence to participate in the distribution of electricity in Northern Ireland.**
- C. Land Bank lands were established following privatisation of the electricity system in 1992 to ensure that the subject lands would be available for generation as required. NIE holds Land Bank lands subject to directions issued by the Utility Regulator under Condition 23 of the Licence.**
- D. Contained within the Land Bank are certain parcels of lands at Camlough. These lands were subject to a direction (DIR 353) made by the Utility Regulator (under Condition 23) in 2011 directing that the lands be sold (or leased) as part of tender arrangements.**
- E. Lands described as LOT 34 were part of the lands put out to tender under the direction of 2011. No bids were received for LOT 34.**
- F. NIE has received notice of an application for adverse possession made by a Third Party in respect of all of LOT 34. LOT 34 is unlet.**
- G. NIE recommends (and seeks the Utility Regulator’s consent) that the Third Party application for adverse possession be resolved by a proposal that would see NIE sell LOT 34 to the Third Party in exchange for a nominal sum and the grant of an easement – in standard form - for an overhead line (OHL).**
- H. NIE is not in a position to counter the factual statements made by the Third Party in support of his application for adverse possession of LOT 34. The easement for an OHL will protect the interests of consumers.**

H. Condition 23 of the Licence provides, *inter alia*, that the Utility Regulator may make a direction that specifies how NIE shall deal with an application from any (third) person concerning unlet land within the Land Bank.

I. The making of a requisite direction consenting to the NIE recommendation as to how to deal with the Third Party application concerning LOT34 is considered in accord with the Utility Regulator's responsibilities as set out in Article 12 of the Energy (NI) Order 2003

**THEREFORE:**

The Utility Regulator DIRECTS pursuant to paragraph 1 of Condition 23 of the Licence that:-

I. NIE may deal with the Third Party application for adverse possession of the lands described as LOT 34 by selling/transferring LOT 34 to the Third Party for a nominal sum of £1 provided that the said sale/transfer process also involves the grant to NIE of an easement for an overhead line (OHL) across LOT 34.

II. this Direction supersedes any previous direction made by the Utility Regulator in relation to (and only in relation to) LOT 34 but only in so far as any such previous direction is inconsistent with the terms of this Direction.

**SIGNED**



**Director of Networks**

**Duly authorised by the Utility Regulator**

**Dated: 01 March 2021**