

## Payment of Surveyors Fees

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## Introduction

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Both National Grid Electricity Transmission plc and National Grid Gas plc, which trade under the name of National Grid, have equipment or assets on land owned by third parties. National Grid may wish to work on its assets and sometimes additional land or rights may need to be acquired by National Grid to undertake essential infrastructure works. This document sets out the basis for the assessment of surveyors' fees which would be reimbursed by National Grid, where the surveyors are retained by the landowners/occupiers in question. Please note these fees will be paid directly to the landowner/occupier.

# Fees

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- This Fee document is intended to provide a basis for assessing the appropriate reimbursement to a claimant, by National Grid, for Surveyors' fees reasonably incurred in respect of a claim for compensation for the acquisition of rights or for the granting of voluntary consent following the acquisition of such rights and the carrying out of all works in, on, over or under land.
- Except as set out in Table 3, the Fee Structure will not apply to the acquisition of land, whether temporary or permanent. In such cases it will be up to the parties to agree a reasonable fee on a quantum meruit basis.
- There are three Fee Structures to be applied to different types of work carried out by National Grid.
- National Grid will pay a fixed fee for agreeing access and settling any damage claims for relevant minor site works to include boreholes, trial pits and other site investigation works. Please refer to individual National Grid Gas and National Grid Electricity Transmission Factsheets.
- A fixed fee of £500 will be paid for agreeing injurious affection claims relating to existing apparatus for multiple claims affecting residential properties.
- In addition to as set out in Tables 1 and 2, in certain cases National Grid may choose to reimburse fees on a time charge basis. In all cases accurate time sheets will be required to assist in the assessment of a fee on this basis. Where National Grid chooses to reimburse on this basis it will inform the Claimant/their agent upon receipt of a claim. Where an agent seeks to charge fees on this basis this must be agreed with National Grid prior to commencement of any work. In assessing a fee on a time charge basis, it must be demonstrated that the fees proposed will have been properly incurred. That they are reasonable and proportionate to the complexity of the claim, and be commensurate with the time, effort and expertise required for the claim. This is referred to in the RICS Guidance Note "Calculation of Fees Relating to the Exercise of Statutory Powers in Connection with Land and Property" 1st Edition, December 2006.
- Before the Surveyor undertakes work that does not obviously fall within the definition of either Table 1, Table 2 or Table 3, the Surveyor should contact the relevant National Grid officer, or appointed National Grid agent, to clarify the position.
- In the event that National Grid abandons its works prior to carrying out the works, other than as a consequence of representations made by the claimant, the Surveyor's abortive fee will be reimbursed on a time charge basis. This shall not exceed the fee that otherwise would have been payable.
- The cost of the 'works', whether described as restoration, reinstatement, accommodation or scheme, proposed by National Grid and accepted by the claimant should not be added to the amount of the compensation for the purpose of calculating the fee.
- If one Surveyor were to act in respect of separate interests in the same property, and those interests were owned by connected parties as part of a business arrangement (e.g. family members, trustees/beneficiaries etc.), National Grid will aggregate the compensation for the various interests for the assessment of the Surveyor's fee, if that is equitable in the circumstances of the case.
- The compensation under all heads of claim shall be aggregated and the fee assessed under the appropriate table.

# Fees

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## **Objections to Compulsory Purchase Orders, Necessary Wayleaves etc**

The fee payable under this Fee Structure does not cover work in connection with objections to Notices of Entry, Development Consent Orders, Compulsory Purchase Orders, Compulsory Works Orders and Necessary Wayleave Hearings. National Grid will only reimburse fees incurred in opposing their schemes in accordance with their statutory obligations.

## **References to Tribunals and Courts**

Fees under this Fee Structure are exclusive of preparation of proofs of evidence and attendance at Court or before any Tribunal or Arbitrator.

## **Betterment**

Where an amount of compensation payable has been reduced by set off for betterment the amount of the fee chargeable to the client shall be calculated on the amount of compensation otherwise payable before deduction of betterment.

## **Travelling and out-of-pocket expenses**

Fees are inclusive of general office expenses (e.g. stationery, postage, telephone calls and photocopying). Travelling and other out-of-pocket expenses reasonably and necessarily incurred by the Surveyor in connection with the preparation and settlement of the claim will be payable in addition to the fee.

Except in exceptional circumstances National Grid will not pay for travel incurred outside the region where the work is located, the use of the most appropriate local expertise should be considered.

## **Fees on Fees**

Fees should be calculated on the total amount of the compensation excluding fees incurred solely in connection with the preparation of the claim or settlement of the amount of compensation.

## **Value Added Tax**

Where the Surveyor charges VAT, National Grid will reimburse it in so far as the claimant cannot recover it.

## Fee Structures

**Table 1 is to be used for works carried out by National Grid to inspect, repair, protect, renew, maintain and obtain a new consent for existing assets.**

This table is to be used for agreeing the access routes and the negotiation and settlement of compensation claims on the completion of the works set out above and undertaken by National Grid and where necessary is to include a schedule of condition.

Fees relating only to any recurring crop loss claims i.e. in years following completion of actual construction works will be paid at 75% of this table.

This table is also to be used where the Surveyor negotiates the grant of an easement based only on the standard capitalisation of the annual wayleave payment; and will be paid at 50% of the figures in the table to the right.

Where an easement is negotiated with other heads of claim including injurious affection, then Table 2 should be used.

**Table 1**

Amount of Compensation	Fee
£1-£99	£214
£100-£149	£246
£150-£199	£287
£200-£249	£321
£250-£299	£360
£300-£349	£394
£350-£399	£430
£400-£449	£463
£450-£499	£503
£500-£599	£538
£600-£699	£572
£700-£799	£607
£800-£899	£646
£900-£999	£681
£1,000-£1,499	£715
£1,500-£1,999	£733
£2,000-£2,499	£749
£2,500-£2,999	£767
£3,000-£3,499	£790
£3,500-£3,999	£824
£4,000-£4,499	£842
£4,500-£5,000	£859
Remainder: 2.5% or quantum meruit if deemed reasonably appropriate by National Grid.	

## Fee Structures

**Fees payable under Table 2 will cover all installation work for new assets (excepting those defined by the Planning Act 2008 as Nationally Significant Infrastructure Projects, see Table 3) and apply in certain circumstances on existing assets.**

This includes receiving instructions, inspections, work relating to the route of the assets, conditions and requirements of working, obtaining and collating information necessary to formulate the claim and negotiating a settlement, and advising the client as to the basis and amount of compensation. In particular it covers work done in connection with giving permission for the commencement of the works and the grant of a voluntary consent, or concluding a memorandum of agreement where compulsory powers are not being exercised. It also includes work done in connection with an advance payment, ratification and negotiation of accommodation and restoration works.

The fee is inclusive of any work in connection with a Schedule of Condition and for settling the proposals of National Grid to include any inspections or meetings during the course of the works that might reasonably be expected to be necessary at the beginning of the project. The fee is inclusive of an inspection on completion of the works. Should subsequent inspections reasonably be necessary, an additional fee would be payable on a time charge basis. Where the duration of the project exceeds 12 months National Grid may consider the payment of an interim fee upon request.

This scale will apply to claims for injurious affection, loss of business or any other appropriate Head of Claim under an existing easement or in return for the grant of a new easement.

**Table 2**

Amount of Compensation	Fee
£1-£99	£321
£100-£149	£355
£150-£199	£394
£200-£249	£430
£250-£299	£469
£300-£349	£516
£350-£399	£561
£400-£449	£600
£450-£499	£641
£500-£599	£686
£600-£699	£733
£700-£799	£772
£800-£899	£813
£900-£999	£859
£1,000-£1,499	£892
£1,500-£1,999	£926
£2,000-£2,499	£967
£2,500-£2,999	£1002
£3,000-£3,499	£1019
£3,500-£3,999	£1030
£4,000-£4,499	£1042
£4,500-£5,000	£1058
Next £15,000	2.5%
Next £30,000	1.8%

If the amount of compensation exceeds £50,000 then the whole fee is entirely calculated on a quantum meruit basis.

## Fee Structures

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Fees payable under Table 3 will cover obtaining Option Agreements for Easements for new assets or for temporary agreements e.g. for site compounds, for schemes promoted pursuant to the Planning Act 2008 and defined as “Nationally Significant Infrastructure Projects”.

**Table 3**

Amount of Compensation	Fee
<b>Tower(s):</b> First tower:	Fixed fee of £1,200
Subsequent tower(s) (including associated oversail):	Fixed fee of £120 per additional tower
<b>Oversail only</b> (no tower on land):	Fixed fee of £600
<b>Underground cable only</b> (no other asset on land):	Fixed fee of £840
<b>Access only:</b>	Fixed fee of £720
<b>Permanent Infrastructure</b> (other than a tower):	Fixed fee of £1,440
<b>Temporary Lease/ Licence:</b>	10% of agreed rent of licence fee  Minimum fee of £500 and maximum fee of £5,000
In exceptional circumstances an alternative fee will be agreed by National Grid	



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