



Electricity: What is Injurious Affection

Injurious Affection occurs where land and property is adversely affected by statutory schemes causing a decrease in the freehold market value. Commonly, for the electricity sector, Injurious Affection forms part of an easement payment made in relation to overhead power lines. An easement is a permanent right granted by the landowner for the electricity company to install and maintain overhead lines.

Whilst most new agreements for overhead lines take the form of an easement, the vast majority of historic agreements for overhead lines were agreed in the form of a wayleave. A wayleave is an annual right for which a small annual rental sum is paid. This means that landowners with a wayleave document have not had the opportunity to claim for Injurious Affection.

Injurious Affection, particularly where it applies to power lines in close proximity to residential properties, can be financially significant. The process for claiming Injurious Affection will usually involve the landowner completing an easement document after negotiation of the appropriate values.

The various electricity companies adopt widely different approaches to settling claims for Injurious Affection. Utilising a specialist such as, Sherwill Drake Forbes, in this area enables landowners to achieve the best possible negotiating position.

Each claim for land and property will involve consideration of the individual factors influencing the market valuation and Injurious Affection. In addition, the successful negotiation of appropriate easement terms requires a detailed understanding of the underlying compulsory acquisition rights of the electricity company.

Sherwill Drake Forbes would be pleased to offer assistance if you are affected by these issues.