

Wayleave agreement for Manx Telecom Trading Ltd



Damage and Loss

Manx Telecom will, where appropriate, make payments of agricultural compensation as provided from a mutually agreed Independent 3rd Party Organisation.

Manx Telecom will deal with cases where their contractors fail to resolve with grantors any damage and loss claims in a fair, reasonable and timely fashion through the single point of contact.

Manx Telecom will aspire to avoid damage, and will issue guidance to its contractors based on the Countryside Code (this is the UK Countryside Code issued by the Department for the Environment, Food and Rural Affairs – DEFRA).

Manx Telecom will provide its contractors with a job pack and method statement will include the agreed framework set out in this MOU.

Manx Telecom recognises that it is legally responsible for grantors reasonable losses under established legal principles arising from damage and loss caused by its staff and contractors.

In practice the parties recognise that Manx Telecom has contractual relationships that require its contractors to bear the costs of any damage and loss they cause.

Trees on private land, apparatus on private land

Where the apparatus is subject to a wayleave and the grantor reasonably considers it necessary that lines are temporarily removed to permit the grantor to undertake essential works to trees, where the trees are dead dying or dangerous, and in his view the presence of the apparatus prevents arboricultural work being undertaken without a risk of damage to the apparatus, then:-

Manx Telecom will at their cost send a representative to assess whether dropping the wires is essential for continuity of service or health and safety. If the assessment is that it is necessary to drop the wire or otherwise protect it Manx Telecom will carry out the work at its own cost.

Manx Telecom will reasonably refuse to undertake this work at its own cost where the apparatus was in situ prior to the tree or other plants in question being planted.

Cable Depths

New Cable

Where any new cable is installed under a wayleave agreement it will be located as close to a field boundary as possible. Manx Telecom will supply a plan of the cable with all Wayleaves and record any non standard depth requirements.

However where Manx Telecom undertakes any works to underground apparatus which lies in vulnerable locations (for example in fields which may be ploughed, gateways that may be excavated in the course of repair, or adjacent to ditches which may be cleaned by mechanical diggers) it shall consult with the grantor and take advice as to the appropriate route depth and protection required to avoid interference with normal agricultural operations. If Manx Telecom