

GUIDANCE NOTES

Wayleave & Other Utility Agreements and Compensation

What is a Wayleave:

A Wayleave is an annually renewed right of use for apparatus over or under private land for which payment is made. For example, electricity supply companies may put poles on your land or cabling underground and in return they will give you an annual payment. Such an arrangement needs to be renewed when there is a change in property ownership.

An easement is a permanent right a person, company or statutory body has over land they do not own themselves. For example, a Gas Utility organisation may put a pipeline through your land and in return they may pay a single lump payment for this right.



It is considered important to seek professional advice before entering into any formal commitment for the installation of Utility Apparatus.

In some circumstances the easement may already exist (either permanently or for a specific timescale) when you purchase the land, in which case often no payment is made. Alternatively, sometimes, a lease of rights agreement may apply for a fixed period of time.

If you believe you are entitled to receive an annual wayleave payment, we are able to check with certain companies to see if a wayleave agreement exists. If it does, occasionally you may be able to claim up to 6 years' worth of backdated annual payments in one lump sum, and then continue to receive an annual payment.

If a new service is being installed across your land, whether it be a new or replacement water main or electricity poles, in addition to the wayleave or easement /injurious affection payment, Landowners or occupiers will receive compensation for damage /disturbance to the affected land as a result of installing the equipment. For example, when a new water main is laid, if the subject land is severely poached or requires re-seeding, this cost can be reclaimed. Accordingly, it is important that a detailed pre-entry record of condition of the affected access route(s) and working areas is issued by the Utility Company (and a schedule of accommodation works, to mitigate loss -such as temporary fencing or livestock water provision, where justifiable) for agreement before any works commence.

Also the cost of employing a land agent is often re-claimable.

For further information, please contact Davis Meade Property Consultants on 01691 659658 (Oswestry Office) or 01492 510360 (Colwyn Bay Office).

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