



Broadband for the Rural North Ltd, Station Yard, Melling, Carnforth LA6 2QY
Registration no. 31352R

Policy on the consequences of the refusal of a wayleave

Background

It is not unknown for a landowner/property owner, who has initially refused access for B4RN duct and fibre, subsequently to change their mind. Similarly, there have been situations where a landowner/property owner has sold their property, sometimes several years after the network has been installed in a parish, and the successor in title wishes to take service from B4RN.

B4RN's policy in these and analogous situations is as follows:

1. B4RN remains committed throughout to providing service to everyone within a parish who wishes to receive service.
2. In situations such as those described above, or analogous situations, B4RN will seek to do all it reasonably can, at whatever the standard commercial cost may be at the time when the issue arises, to take service to the relevant property/properties. It will not normally seek to involve the local B4RN activists who were involved in the initial dig/installation in the parish - rather it will employ contractors, or use its own staff, to undertake the necessary work at the current standard commercial rates.
3. In addition, given that the community at the time of the initial dig was required to raise additional funding in order to meet the additional costs incurred as the result of the refusal of a wayleave, these costs will need to be covered by the person who wishes to take service from B4RN at the subsequent date. B4RN would wish to emphasise that there is no element of penalty in the levy of such a charge - any charge will represent a genuine estimate of the additional commercial costs occasioned as a result of the initial refusal to grant a wayleave. These costs will be met by the payment of the relevant cash sum to B4RN, on receipt of an appropriate invoice from B4RN.
4. In all situations where a wayleave is refused, B4RN will write to the landowner/property owner concerned to explain B4RN's position and to set out the future consequences of the decision not to grant a wayleave. It will be made clear by B4RN that the landowner/property owner is fully entitled to adopt the position which they have chosen, but the nature of the financial consequences of such a position will be emphasised, should there be a subsequent change of mind. It will also be emphasised that it is the responsibility of the landowner/property owner to inform any potential successors in title of their property of the decision that they have taken and of the consequences for the successor in title of that decision.
5. B4RN will maintain a register of letters which it has dispatched in pursuance of this policy, and it will inform landowners/property owners to whom this policy relates that such a register is maintained, and will notify them that they should make reference to this correspondence in relation to any pre-contract enquiries on the disposal of any property to which the correspondence refers and to which this policy may relate.



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6. Should B4RN be approached by any potential purchaser of property in relation to which there is an entry on B4RN's register, it will inform them that there has been correspondence with a landowner/property owner concerning the consequences when a wayleave has not been granted over the property and will refer the purchaser to the landowner/property owner for an explanation. In the event that an explanation is not forthcoming, B4RN will explain the costs involved in providing service to the property concerned, as set out in this policy.

Policy approved by the Directors of Broadband for the Rural North Ltd, 13th March 2018