

*clarke
willmott



Telecoms

Specialist advice for landowners

Great Service... Great People...

clarkewillmott.com



“CW’s telecoms practice has a **national reach**, attracting great clients from all over the country. They have been involved in some of the most **significant telecoms** cases since the new code. They have extensive experience of dealing with code operators on behalf of landowners and get **great results** for their clients.”

The Legal 500 2024

Our **expertise**

Clarke Willmott LLP is a national law firm with seven offices across England and Wales.

We have over 650 lawyers and support staff, including over 100 partners, and have been awarded the Law Society's Lexcel quality mark in recognition of our compliance and care standards. We invest time in developing relationships with our clients, are known for our high level of service, proactive and straightforward manner, and transparent fee solutions.

Our specialist transactional and litigation telecoms team acts exclusively for landowners against the main Code operators and has advised on telecoms issues for over 20 years. Our reputation is for providing bullish and commercial advice. We have the necessary expertise to stand up to the operators to achieve a better outcome for our clients.

Our commitment to you

- Tailored service to suit you and your agents
- Partner led with clear and regular communication
- Fair and competitive fixed fee pricing
- Effective cost management throughout
- Proactive can-do attitude
- Added value through training, resources, technology



**“We invest time
in developing
relationships
with our clients.”**

Our **expertise** *continued*

We routinely advise on the removal of telecoms masts, approaches made by operators for multi-skilled visits, on rights to install new masts and fibre/broadband cabling, on the renewal of mast agreements and rights to upgrade existing equipment. We have completed many agreements under the Electronic Communications Code (the Code).

Our experience includes:

- Acting for landowners in successfully removing Code protected operators from sites including . securing the removal of telecoms operators from the rooftop of the BT Building in St Paul's, London to enable a multi-million-pound redevelopment to proceed.
- Acting in cases under the Code (including CTIL -v- L&Q [2020] (Maple House – interim and permanent rights); CTIL -v- TGP and Sheffield City Council [2018] EE/H3G v Aviva, Derwent and Xia [2023] LC 89 and EE/H3G v Northumbrian Water [2022] LC 325)
- Acting in one of the few reported cases under the old Code PG Lewins Limited -v- H3G and EE Ltd (2018) which established that Code powers are not a defence to a claim for breach of contract.
- Acting for landowners in claims under the Code against operators seeking interim and permanent rights to install new equipment which potentially impacts on future development and existing installations such as solar panels. Successfully negotiating and completing new agreements which protect landowners' interests.
- Advising the owners of two residential blocks overlooking Hyde Park in relation to their ability to resist telecoms operators' approach to install new apparatus and advising on removal and possibly accommodating a lift and shift to enable a new floor to be added to one of the blocks. We also advised on a proposed multi-site survey agreement.
- Acting for a variety of landowners who are (often reluctantly) "site providers" under the Code in negotiating and agreeing the documents recording Code Agreements, from access requests for multi-site visits to agreements for the installation of new telecommunications equipment, such as masts and antennae and dealing with consents including licences to alter.

"We have
**completed many
agreements** under
the **Code.** "

Our **expertise** *continued*

We have settled a number of matters recently via mediation and/or sensible without prejudice meetings with the operators' solicitors. We have a sensible commercial working relationship with most if not all of the operators' solicitors.

We are very experienced in:

- Advising on the implications of the Code and advising on tactics generally in dealing with operators;
- Acting in the Tribunal in respect of Code issues
- Negotiating the terms of new leases and Code agreements with operators of new and existing sites.
- Obtaining vacant possession from Code protected operators, serving the appropriate notices and bringing proceedings to obtain vacant possession.
- Exercising "lift and shifts" to force operators to re-locate temporarily;
- Advising on the validity of Code notices.
- Mast planning appeals.
- Trespass and dilapidations claims.
- Wayleaves and other easements for the installation of fibre optic cabling.
- Advising on the commercial and contractual side of information technology including drafting commercial IT agreements.

**"Negotiating
the terms of new
leases and Code
agreements."**

What our clients say about us

'The Clarke Willmott telecoms team is excellent. They offer a first class, personal service which is quick and efficient and very knowledgeable. They certainly inspire confidence and trust.'

Chambers, 2024

"We find that the team handling all things telecoms from litigation to transactional matters work extremely well together as a tight unit. Their knowledge of the Telecoms Code across the Team is second to none, not only technically but also commercially – in that they have an excellent understanding of what the other side might be thinking."

The Legal 500 2023

"My company has used Clarke Willmott for the past 5 years. Their responsiveness to my requests is always quick and I never get the feeling that they are prioritising other clients over us. Their breadth and depth of knowledge across the industry in which my company specialises is unrivalled in my experience and I never feel the need to look elsewhere."

The Legal 500 2023

"This is the first time I have dealt with telecoms and the whole team have been very patient in explaining the processes to me multiple times. We have had countless calls, emails and advice notes and nothing has been too much trouble."

The Legal 500 2023

"The practice has a strength in a relatively esoteric area of law which many other practices do not have. This is backed by a full service, property law team to ensure comprehensive expert advice."

The Legal 500 2023

Great service... Great people...

"Showed an excellent understanding of my business which is unique & non-standard."

The Legal 500 2023

Meet our **Telecoms team**



Kary Withers, Partner – Head of Telecoms

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Kary has over 20 years of experience in dealing with property related disputes with telecoms operators. Kary joined Clarke Willmott in 2005 from Pinsent Masons. Kary acts for landowners against all of the main operators. Her clients include local authorities, water companies, investors, developers, social housing providers and other site providers. Her reputation is for providing bullish and commercial advice. Examples of her work include:

- Acting for a national site provider in relation to their portfolio of sites throughout the UK and advising on tactics for the renewal of existing agreements, serving appropriate notices and negotiating new agreements.
- Acting for the landowner in the leading telecoms case of PG Lewins v H3G and EE Ltd (2018) and successfully arguing that the Code is not a complete defence to a damages claim for breach of contract under a “lift and shift” clause.
- Advising a wireless infrastructure provider in dealing with the renewal of mast agreements.
- Acting for landowners in dealing with Code proceedings in the Tribunal.
- Obtaining possession of numerous sites (including many high profile Central London sites) from telecoms operators with rooftop masts enabling developments to proceed.
- Dealing with dilapidations claims against telecoms operators who have removed their equipment but left the premises in disrepair. Successfully challenging the validity of a break notice received from a major telecoms operator.
- Acting for a landowner whose contractor accidentally damaged some fibre optic cabling owned by a leading telecoms operator.
- Facilitating an amicable settlement with a telecoms operator who was initially refusing to temporarily relocate its rooftop equipment which was preventing a landowner from carrying out essential re-cladding works.
- Advising on a landowner’s ability to refuse its consent to an operator’s requests for consent to share a mast with another operator and in dealing with applications for consent to assign to 2 or more operators.

Kary is a member of the Property Litigation Association and participates in the RICS Telecoms Forum. She is also the author of several published articles and a regular speaker on telecoms. Kary is described by one of her clients as providing “first class advice in a concise and easy to understand manner” and by the Chambers directory as “building a reputation for excellence in the sector” of real estate.

“Kary is **very knowledgeable** about her **subject** and is a **good leader.**”

Chambers UK

Meet our **Telecoms team**



Sarah Mogford, Partner

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Sarah acts for landowners in negotiating and agreeing multi skilled visit (MSV) agreements, leases of telecoms sites and wayleave agreements. Sarah also acts for corporate occupiers in negotiating wayleave agreements with landlords and providers, and advises both landowners and occupiers on the Code.



Peter Rooney, Associate

t: 0345 209 1051

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Peter is an Associate in the Commercial Property Team in Bristol. Peter has a wide range of commercial property experience specialising in Landlord and Tenant work. Peter also has particular experience in advising a major telecommunications operator on leases of their telecommunication sites and currently acts for a variety of landowners in connection with the negotiation and agreement of leases of telecommunication sites, wayleave agreements and multi-skilled visit agreements.



Sophie Bedwell, Associate

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Sophie is an Associate in the Commercial Property team in Bristol specialising in Landlord and Tenant work. Sophie has experience in a range of property related matters, including dealing with leases of telecoms sites and wayleave agreements. Sophie regularly acts for landowners in negotiating wayleave agreements with a particular focus on protecting future development opportunities.

"We can always
count on Aimee to
provide us with **excellent
customer service** along
with **comprehensive
legal advice.**"

Matthew George,
The Guinness Partnership

Great service... Great people...



Aman Randhawa, Associate

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Aman deals with the negotiation and agreement of leases of telecoms sites and wayleave agreements for landowners. Aman also acts for corporate occupiers in negotiating wayleave agreements with landlords and providers.



Henry Russell, Associate

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Henry routinely acts for a variety of landowners in connection with issues arising under the Electronic Communications Code, including making and responding to applications to the Tribunal. Henry has particular experience in advising developer clients on their strategy for securing the removal of telecoms equipment in order to facilitate redevelopment, and dealing with the renewal of Code agreements across a portfolio of sites.



Sylvie Ball, Solicitor

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Sylvie is a Solicitor in the Property Litigation team. She assists in advising landowners on the Code, including the relationship between the Old and New Codes, the rights of telecoms operators under the Code, and the renewal and termination of Code agreements.

“Their advice on all matter relating to telecoms is **unrivalled** and I would **never go anywhere else.**”

The Legal 500 2023

Our fees

Clarke Willmott Fees for dealing with requests and agreements under the Electronic Communications Code.

Task	Fee
Initial letter in response to Code notice	£950 plus VAT and expenses
Multi Skilled Visit ("MSV") agreement	£1,850 plus VAT and expenses
Interim Code agreement	£3,000 (estimate) plus VAT and expenses
Permanent Code agreement / new lease	£3,000 (estimate) plus VAT and expenses
Deed of surrender of existing lease (if required)	£450 plus VAT and expenses
Dealing with obtaining lenders consent (if required)	£550 plus VAT and expenses
Drafting and serving a s.25 notice (if required)	£550 plus VAT and expenses
Wayleave Agreement	£1,850 plus VAT and expenses

Please be aware:

- These estimates are based on the assumption that Heads of Terms for each agreement have already been agreed between surveyors.
- These estimates assume that the land is registered at HM Land Registry and that each agreement completes within 3 months of instruction. Expenses include land registry fees and lenders fees.
- Operators often cap their contribution towards legal fees at £1,500 plus VAT for each agreement. This cap can be even lower for MSV agreements. Any excess over that cap is payable by the landowner.

““They offer a **first class**, personal service which is **quick** and **efficient** and very **knowledgeable**”

Chambers UK 2024

Great service... Great people...

Clarke Willmott at a glance

OUR PEOPLE



OUR PERFORMANCE



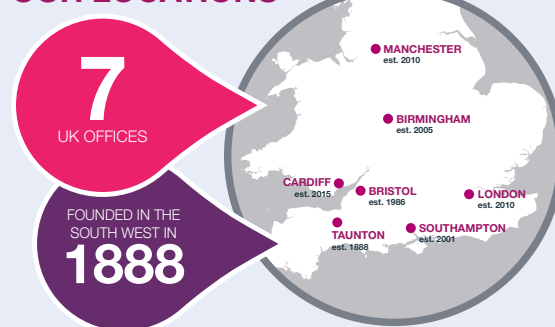
OUR SPECIALISMS



OUR VALUE PROMISE



OUR LOCATIONS



Offices

Birmingham Bristol Cardiff London Manchester Southampton Taunton

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Great service... Great people...

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