

## **MALVERN HILLS CONSERVATORS**

### **POLICY GUIDELINES FOR UNDERGROUND EASEMENTS AND WAYLEAVES**

---

In normal circumstances the Director has plenary powers to grant underground easements or wayleaves. Applicants will be required to enter into a Deed of Grant with the Conservators which sets out the conditions under which the right is given. Prior to permission being granted for an underground easement or wayleave, the following assurances must be provided, to ensure environmental best practice. These conditions apply over the full area of land used as working areas and accesses. These conditions will normally be as follows:

#### **General Policy**

*At the completion of works the area should be reinstated, where work has taken place, to the same condition that it was prior to commencement.*

- a) That the office is notified at least three working days in advance of the commencement of the work.
- b) To undertake works at a time which will cause, where possible, least damage to the land.
- c) Applicants must ensure that all relevant health and safety and other regulations are adhered to and indemnify the Board of Conservators against any third party liability.
- d) The Conservators reserve the right to appoint a Land Agent to act on their behalf to oversee the work. The applicant will bear any additional costs.
- e) Preserve the structure of the soil, by replacing soil as extracted.
- f) To remove and replace, after completion of works, the original turf, unless agreed otherwise with an officer of the Board.
- g) Topsoil to be stripped to its full depth (up to a maximum of 300mm). Topsoil will be stored separately from other excavated materials.
- h) To replace the original topsoil to its original depth. If additional topsoil is required, the contractor must use sterilised topsoil, i.e. a high grade of screen topsoil. An officer of the Board will check on the condition of the reinstatement when completed.
- i) Where reseeded is the agreed option, then topsoil is to be cultivated by means of suitable agricultural equipment to produce a surface substantially free from stones and subsoil. The seedbed should be harrowed to produce a fine tilth of even surface contoured to be compatible with surrounding land, seeded and lightly rolled. To agree seed mix with an officer of the Board prior to commencement.
- j) To remove all tools and equipment and any contaminants brought to the site, and take away any surplus excavated material.
- k) Excavations required for the easement/wayleave must comply with British Standard 5837 when there is any likelihood of tree roots being affected. If tree work or removal is necessary then the applicant must receive all necessary consents from the Local Planning Authority regarding Tree Preservation Orders and Conservation Areas.

- l) If any fence, bank or wall has been damaged to repair or replace it as necessary. If a hedge (or tree) has been damaged to replant with appropriate species and erect a secure, protective fence (and rabbit guards) to allow the hedge to become established. To maintain as required for 12 months following completion of works. Alternatively compensation may be paid or the bond withheld.
- m) That the office be notified when the work has been completed so arrangements can be made for an officer of the Board to visit the site and confirm that work has been carried out to their satisfaction.
- n) That the applicant deposit a bond of £5.00 per linear metre of easement/wayleave (a minimum of £100.00) with the Conservators before commencement of the work. This will be returned upon satisfactory completion of the work.

**Regarding existing land drains:**

- o) The contractor shall ensure that all land drains intercepted by the line of any pipeline laid under the contractor are identified and reinstated. Prior to the permanent reinstatement of land drainage the ends of existing drains should be cleared, where intercepted by excavations, and the applicant shall afford facilities for Malvern Hills Conservators Officers to inspect them and determine the extent of replacement that may be necessary.
- p) The affected land drains shall be cut back into firm ground until, in each case, a section is exposed which is unaffected by the works.
- q) Replacement pipes shall bear on undisturbed ground for at least 500mm at each end. The replacement pipes shall be of the same internal diameter as the sections of drain which they replace and shall be properly connected at each end.

**5<sup>th</sup> SEPTEMBER 2000 (amended 17<sup>th</sup> OCTOBER 2000)**

I hereby agree to the above terms.

Signed .....

Dated .....

**Manor House  
Grange Road  
MALVERN  
WR14 3EY**

**Tel: 01684 892002**