

Farmers Guardian

“The reality is no-one wants to kill badgers and no-one wants to kill cattle because of TB. Ridding the country of the disease will take time, money, and, most importantly, courage.”



Emma Penny, Editor

Monday, 02 September 2013

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Farmers urged caution on telephone masts

29 August 2013 | By Joel Durkin

FARMERS are being warned to 'protect their interests' when renting sites for telephone masts.

Law firm Shulmans has claimed telecoms operators are offering farmers reduced rents with the threat of masts being removed if the terms are not accepted. The firm prompted farmers in this situation to question whether the operator had any valid right to break the lease within a contract.

And it urged caution to those using an 'independent' adviser or surveyor.

Luke Maidens, solicitor at Shulmans said: "An 'independent' adviser or surveyor may be operating with a conflict of interest, and may benefit financially if the deal goes through."

The law firm said many telecoms providers were benefiting from outdated leases, and landowners should check their lease renewal and seek expert valuation advice.

Mr Maidens also offered advice to farmers on a number of other issues concerning renting land for telephone masts. He warned farmers to make sure they were receiving up to date site share fees.

He said: "We came across one instance where the operator had not paid rent for 10 years and owed over £90,000 in back rent for one mast. A third of this was irrevocably lost, as rent over six years old cannot be recovered. The lesson is that it pays to be vigilant."

Shulmans advice to farmers who have or are considering phone mast

Independent advice: Check any professional advice is genuinely independent.

Sub-letting: Be wary if an agent offers to lease roof space then sub-let it. They must feel they could make a profit by paying you less than you could get direct.

Capital payments: There are organisations which offer to secure a substantial one-off capital payment for a mast site. But make sure it is offered to the wider market, and not just one purchaser, to get the best price.

Standard forms: Anyone presented with a 'standard form network operator agreement' which has been prepared by, or on behalf of, network operators should take independent legal advice before signing.

Break notices: One tactic operators use is to seek to exercise break rights contained within leases. Often, these break rights contain specific conditions which must be strictly complied with, otherwise they cannot legally be enforced. Seek independent expert advice to check

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