



Code of Practice in relation to access to land and/or premises

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**Distribution System Operator
ESB Networks**

Contents

1.0	Introduction	3
2.0	General Requirements.....	3
3.0	Specific Requirements	4
4.0	Animal Disease	6
5.0	Wayleaves Policy	6
5.1	What is to be Wayleaved	6
5.2	What is Not to be Wayleaved:.....	6
5.3	Who is to issue Wayleaves	6
5.4	What Contractors can do	7
5.5	How Wayleaves are to be issued.....	7
5.6	When work can proceed	7

1.0 Introduction

This document is intended to provide information to landowners (and premises owners) concerning their rights when dealing with ESB staff or its representatives when entry to land or premises is required by the Distribution System Operator or Transmission Asset Owner in the performance of their duties including for the purposes surveying, construction, maintenance (including network operation) and meter reading.

ESB's statutory powers provide the basis for ESB's rights of access to lands and premises and are required in order that ESB can carry out its statutory duty to provide electricity in Ireland.

ESB employees have right of entry to private property when on ESB business. This right also imposes obligations to act with reasonable care e.g. to ensure that gates are shut properly on leaving. ESB's own desire to ensure the maintenance of good relationships with the owners of land and premises would indicate that courtesy would be extended to the landowner (or premises owner) in other ways also e.g. by notifying the owner of the intention to enter land or premises, by the staff member or contractor identifying themselves before entry onto private land or premises etc.

2.0 General Requirements

General requirements relating to access to land and premises by Distribution System Operator and Transmission Asset Owner staff area as follows:

- ESB staff and contractors acting for ESB will be briefed on their responsibilities before entering private lands (or premises) or dealing with owners.
- ESB will take reasonable steps to contact the owner of the land (or premises) before entering private lands (or premises). ESB staff or contractors will carry identification cards and produce this to the owner of the land (or premises) when introducing themselves.
- The owners of land (or premises) will be dealt with honestly and fairly.
- Queries from the owner of the land (or premises) will be dealt with promptly and courteously.
- ESB staff or contractors will only enter lands or premises for legitimate purposes related to its licensed activities including surveying, maintenance, construction and meter reading.
- ESB staff and contractors will take due care and attention to minimise land damage by crews and equipment.

- Due care and attention will be taken to minimise the risk of spreading any disease to or from farmland.
- ESB staff and contractors will take reasonable steps to ensure that land (or premises) is left in as good (or better) state than when ESB staff or contractors arrived.
- ESB staff and contractors will endeavour to ensure that restrictions on the use of the land (or premises) during construction are minimised.
- In the event of queries from the owner of the land (or premises) for further information, a contact telephone number for ESB will be advised to allow for such queries to be dealt with.

3.0 Specific Requirements

In particular:

Staff shall take great care to close all gates behind them and not to damage excessively fences or hedges. Any non-self restoring damage done to fences or hedges shall be made good by ESB within one month of agreement and any damage which requires urgent attention shall be made good or rectified within one week of notification

Trial holes in advance of the main construction programmes, where necessary, shall be opened only after consultation with the landowner. The method of carrying out this work, shall be such as to cause the least disturbance. The trial holes shall either be opened and filled in on the same day or made safe with fencing. The topsoil shall be stacked to one side separately for reinstatement when refilling the hole. The subsoil shall be properly compacted and the topsoil spread over it neatly. Rock and other debris thrown up by the excavation shall be removed off the site by ESB. Stones thrown up by the excavation shall be removed from the surface.

- Before any construction work commences, a representative from ESB will discuss the entry routes for construction and as far as possible give the landowner the proposed programme of work and the date of commencement of work.
- ESB representatives shall leave with the owner of land or premises, the name and address of the person to be contacted in the event of any queries arising out of ESB's activities on the land or premises.
- Where construction work is to take place and the entry routes have been agreed, if the landowner requires, the agreed route shall be outlined by posts placed at suitable intervals. These marking posts shall not be required in the case of single entry, such as for wood pole erection but must be provided, in the case of multiple entries such as concreting operations.

ESB will cut up any trees that may be felled into transportable lengths and bring them to the farmyard or other adjacent storage place. ESB shall dispose of rubbish and all debris from hedge and tree cutting caused by its activities during line construction and maintenance operations. The landowner or his representative shall be notified in advance of entry by ESB for purposes of hedge trimming and tree cutting in connection with line construction and maintenance

- Fences shall be provided by ESB as necessary for the protection of persons, animals or crops and to prevent trespass. It must conform to the reasonable requirements of the landowner. The type of fencing should depend on its location, purpose and its expected stay in a particular location.
- If a fenced off area crosses existing farm pathways or roadways, or other access routes required by the landowner, ESB shall provide a means of crossing them to the reasonable requirements of the landowner, for passage of persons, machinery and livestock.
- All permanent pathways and roadways affected by the construction shall be restored to their original condition before construction started or alternative arrangements agreed.
- Before construction work or trial boring operations commence, the landowner shall notify ESB insofar as he knows of the position, type and size of all underground services, pipelines, drains and wells.
- All watercourses and water supplies must be protected against pollution arising from the work. All proper steps shall be taken to avoid any interference with water supplies.
- Where construction work interferes with drainage or septic tanks, these facilities shall be maintained by ESB with the minimum of interruption during the course of the work and the landowner shall provide all necessary access facilities to enable ESB to do so. They shall be subsequently restored to the satisfaction of the landowner or an alternative equivalent service provided.
- All ditches, open drains or watercourses interfered with by the works shall be maintained in effective condition during construction and finally restored to as good a condition as before the commencement of works.
- In excavation where rock has been removed from the foundations, priority shall be given to the removal off site of broken rock where it is surplus to back filling requirements, if required by the landowner.
- On completion of works, ESB shall remove all temporary buildings, roadways, surplus soil, stone or gravel and any debris such as trees, brush woods and any material that does not naturally belong on the site and was brought there through the operations of ESB.
- ESB, after consultation with the landowner, shall take all necessary precautions to prevent the straying of livestock.

4.0 Animal Disease

ESB shall comply with any regulation which may be necessary in connection with any Department of Agriculture Disease Eradication Scheme. ESB shall ensure that the local District Veterinary Officer is informed of the entry of ESB vehicles on farms with a disease problem and that the Epidemiology Unit of the Department of Agriculture is made aware of ESB activities in a T.B. affected area.

Where possible the Board shall not drive machinery through farmyards or other places where there is an accumulation of animal manure. If this is necessary, the Board shall take adequate precautions to disinfect vehicles before and after entering the land, especially on farms with a disease problem (or with neighbouring farms having a disease problem), or where the ESB vehicles have recently been in a farm with a disease problem.

5.0 Wayleaves Policy

5.1 What is to be Wayleaved

All lines and all cables at all voltages crossing land which is not a public highway/ railway/ tramway should be wayleaved and a record of the wayleave kept for the life of the line.

All lines/ cables/ fixtures attached to walls or buildings.

5.2 What is not to be Wayleaved

Timber Cutting under lines is not wayleaved as only notification to the occupier of ESB's intention to lop the trees or shrubs is required.

On network renewal work where structures are being replaced in approximately the same position no Wayleaving is required as it can be taken that the line was wayleaved when originally constructed. However if interpolating is taking place so that new structures in new locations are being introduced then these new structures should be wayleaved.

Local Authorities are not issued with Wayleave forms when ESB wish to lay cables/ lines on public path. ESB are obliged, however, to consult with the Local Authorities prior to carrying out the work as there may be specific conditions which the Local Authority are entitled to impose e.g. traffic requirements limiting work to certain hours.

5.3 Who is to issue Wayleaves

Wayleaves are always served by ESB Authorised Officers.

5.4 What Contractors can do

Contractors can where appropriate negotiate the position of poles/ stays/ masts with the landowners, establish the ownership of land, prepare Wayleaves for issue (but not serve them) and discuss objections to Wayleaves with the landowners.

5.5 How Wayleaves are to be issued

Where Wayleaves are served by post, the post used is ordinary post (not Registered) and a certificate of posting is kept.

5.6 When work can proceed

Work can proceed after the 7 days notice has expired and no objections have been received or earlier by agreement with the landowner.