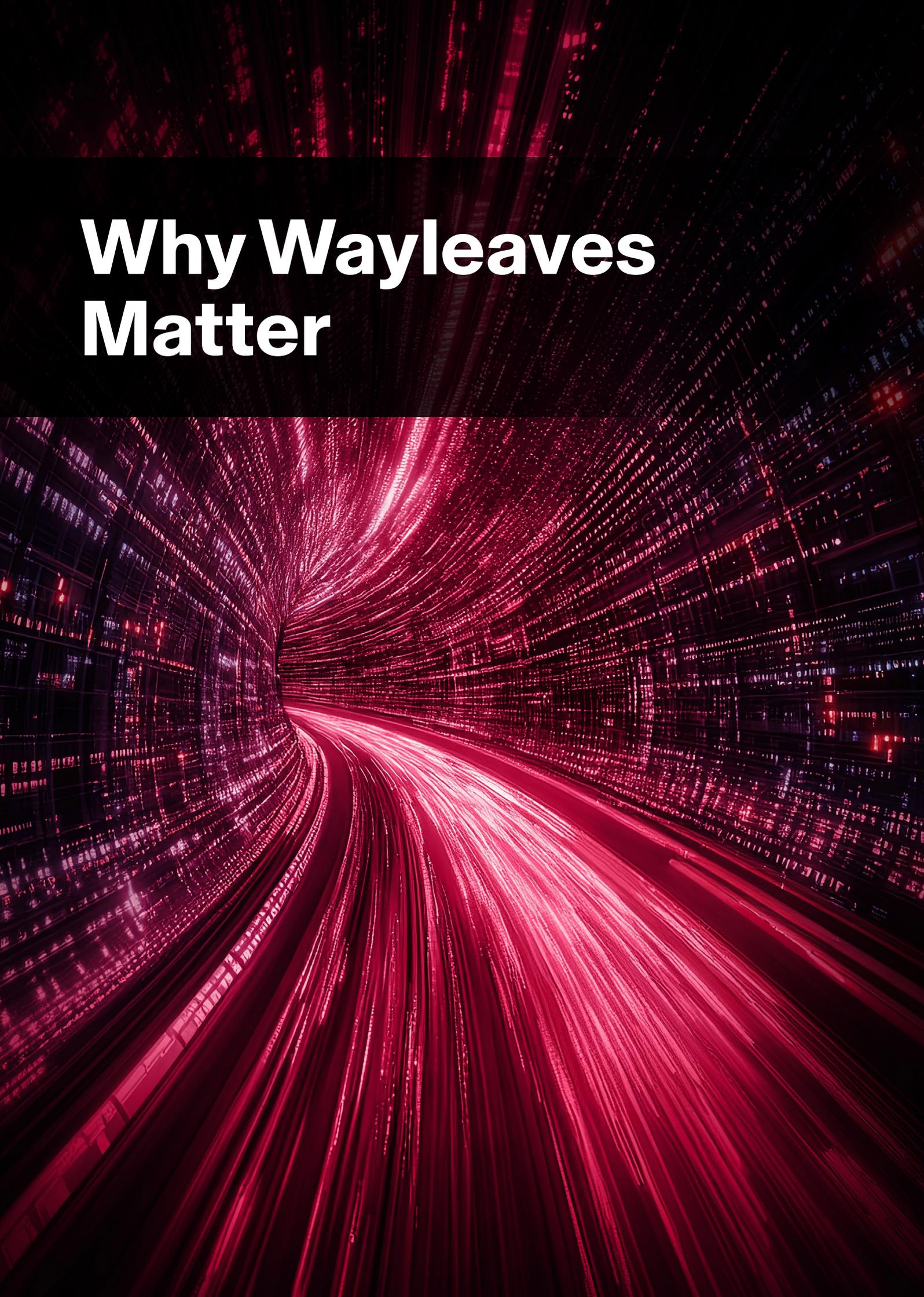# Why Wayleaves Matter

Executive summary

The UK Government has set targets for at least 99% of UK premises to have access to gigabit capable broadband coverage by 2032.

However, wayleaves (legal agreements granting access to private land or buildings) are a critical barrier to achieving this. Without these agreements, many properties—especially flats, new developments, and homes not adjacent to public highways—cannot be upgraded with these new connections.

Prepared in partnership by:

The scale of the challenge should not be underestimated. Between 20-30% of the UK housing stock (5.1 million to 7.6 million) is estimated to be wayleave dependent.

Failure to secure wayleaves results in:

Properties being left out of fibre upgrades creating localised gaps in otherwise upgraded areas.

Increased residential complaints from residents and businesses left with slower non-future proofed connections.

Reduced property values (estimated to be up to 20% in some cases).

Increased risk of digital exclusion

Saying yes to wayleaves brings numerous benefits including future-proofed connectivity, higher property values, better digital inclusion and cheaper and more competitive broadband services.

Despite the numerous benefits of saying yes to wayleaves, barriers persist. Many landlords and housing authorities lack awareness, resources, or technical understanding to engage in wayleave discussions. Legal, governance, and regulatory complexities, as well as unreasonable fees and delays (especially with Building Safety Regulator sign-off), also continue to impede progress.

Recent legislative changes have helped, but gaps remain. The Digital Economy Act 2017 and Telecommunications Infrastructure (Leasehold Property) Act 2021 have strengthened provider rights, but implementation challenges persist.

Local toolkits and master wayleave agreements (e.g., Kent Wayleave Toolkit, GMCA Social Housing Wayleave) have also proven effective in reducing delays and should be more widely adopted.

Solutions

There is a need to:

1. **Raise awareness and build capacity** among landlords, housing authorities, and property professionals about the importance of wayleaves and digital connectivity.

2. **Ensure new government consultations** on wayleaves cover all property types, not just leasehold flats, to prevent further gaps in provision.

3. **Encourage the wider adoption of master wayleave agreements** for local authorities and housing associations, with active monitoring and intervention where progress stalls.

4. **Streamline Building Safety Regulator approvals** to prevent unnecessary delays in high-rise and high-risk buildings.

5. **Address cost barriers** by developing fair cost models and considering a 'small claims' process for low-volume wayleave disputes.

6. **Support network competition** by preventing exclusive access arrangements and encouraging multiple providers .

7. **Fund regional Digital Champions** within local authorities to facilitate digital infrastructure rollout and strengthen relationships with telecoms providers.

8. **Develop effective remedies for tenants and residents** in wayleave-dependent properties where access is refused, including considering mandated wayleaves or streamlined legal processes.

Conclusions

Connecting wayleave-dependent properties is essential to achieving the UK's digital ambitions and ensuring no one is left behind. A joint taskforce involving the Department of Science Innovation and Technology, ADEPT (the Association of Environment, Economy, Planning and Transport, INCA (Independent Networks Cooperative Association) and other stakeholders is recommended to address these barriers and deliver the full benefits of the fibre revolution to all types of housing.

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Introduction

Digital connectivity is essential. Increasingly, nearly every aspect of our lives requires a mobile or broadband connection, whether for learning new skills, running a business, managing health or staying connected with friends and family.

The Government has set out targets for at least 99% of UK premises to have access to gigabit-capable broadband coverage by 2032.

To achieve this target, all types of housing stock – whether they are single dwellings, multiple dwelling units, social or market-led housing - will need to be upgraded with new gigabit-capable (e.g. fibre-to-the-premise) connections . Unlike the older broadband services, these require new fibre connections to be installed to each premise as they do not utilise the existing copper phone lines.

However, certain types of property will require the telecom provider to obtain a wayleave before they can install these connections, when there is a need to cross or access land or buildings owned by a private landlord, landowner, housing association or council.

> **We need to ensure every property in the UK is upgraded to Full Fibre infrastructure to meet the growing digital demand — and no one should be left behind when it comes to world-class connectivity.**
>
> **Jeremy Chelot**
> Group CEO, Netomnia and YouFibre

[1] The UK Gigabit broadband target includes existing legacy cable (DOCSIS 3.1) services that utilise Hybrid Fibre Coaxial (HFC) as well fibre-to-the-premise connections. HFC connections are being phased out in favour of Full Fibre (fibre-to-the-premise) solutions.
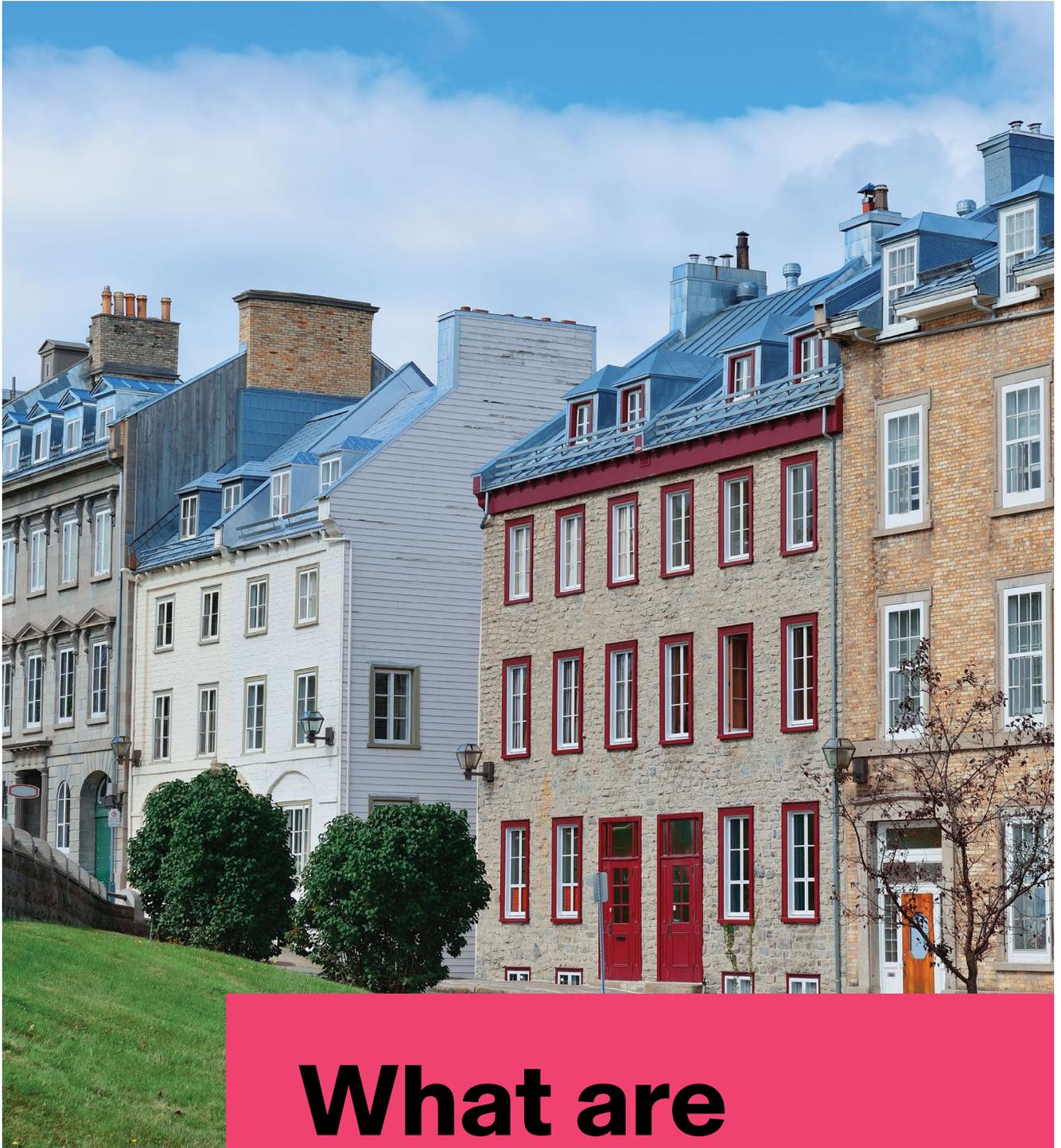
What are wayleaves?

What is a wayleave?

A wayleave is a legal access agreement between a landowner or landlord and a telecommunications provider. This agreement gives permission to the provider to access the building or land to install and maintain their equipment that is sited on, over (lines), or under (ducts) their land. **Without a signed wayleave, the operator cannot proceed with the connection.**

Wayleaves are typically required for:

a. **Multi Dwelling units (MDUs):** Connecting flats or MDUs where a wayleave from the landlord is necessary to provide gigabit-capable services to tenants.

b. **Private land:** When an operator needs to access or cross private land to install the connection.

Increasingly, many properties have been developed in wayleave dependent locations which are not adjacent to the adopted public highway, including:

i. **Housing developments** where the land and local access roads are overseen by property management companies. Indeed in some locations, the developer has also operated as a communications provider supplying the relevant development.

ii. **Backland development** (i.e. garden grabs) – where new properties have been developed in former back gardens

iii. **Other types of residential properties** where the connection needs to cross a shared driveways or private drive/access road.

This means that wayleave-dependence is not just an urban issue and, in some towns, and villages, over a third of properties require wayleaves for the installation of Full Fibre connections.
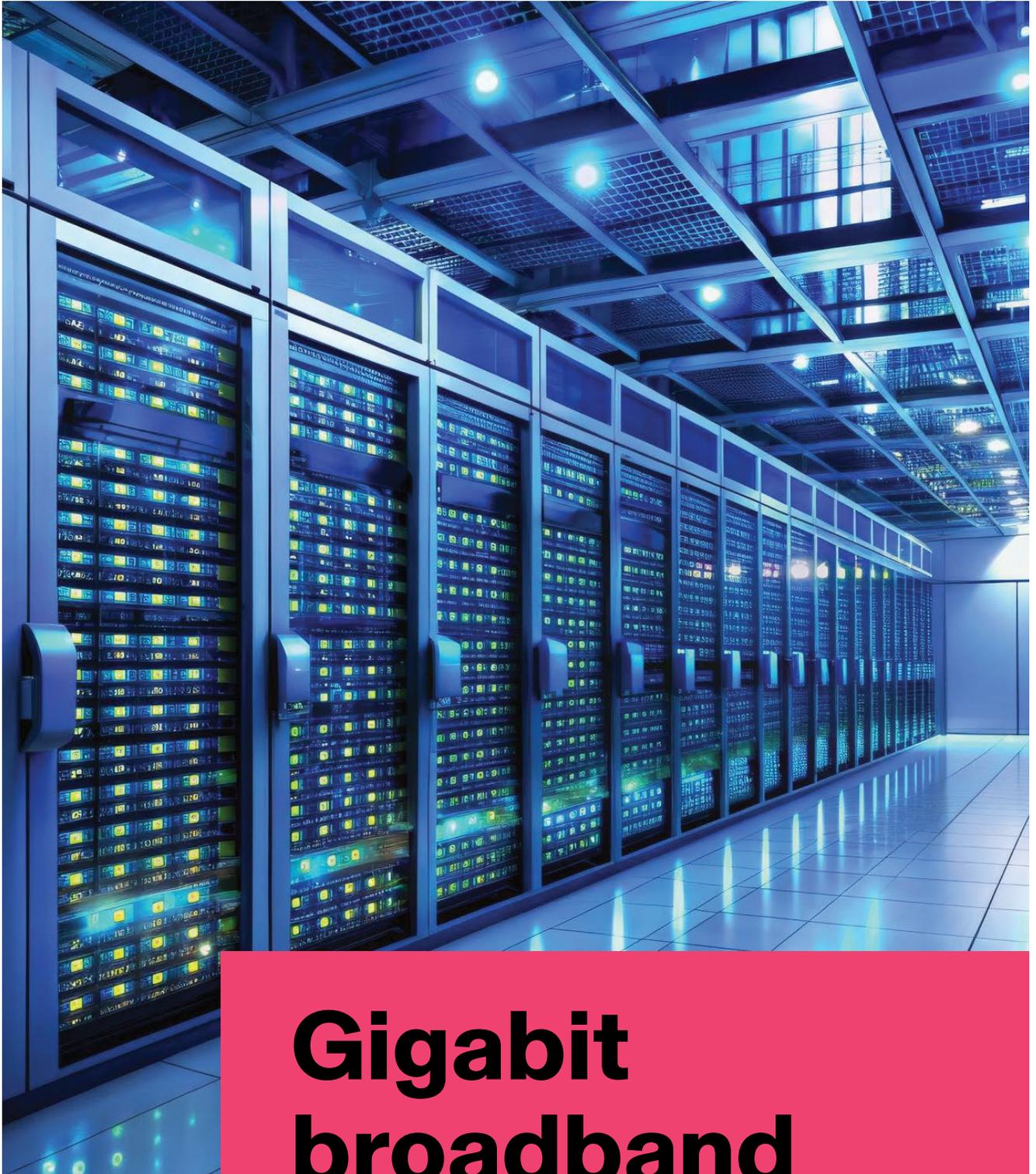
Gigabit broadband technology

# What are gigabit-capable broadband connections and why do we need them?

Gigabit capable connections offer download speeds of at least 1 gigabit-per-second (1Gbps) or 1000 megabits per second (Mbps) and are usually delivered through fibre to the premise (FTTP) connections.

These faster and higher capacity connections are increasingly required to ensure that the UK's digital infrastructure meets future needs and are replacing the slower superfast fibre to the cabinet (FTTC) broadband services defined as offering a download speed of at least (30Mbps).
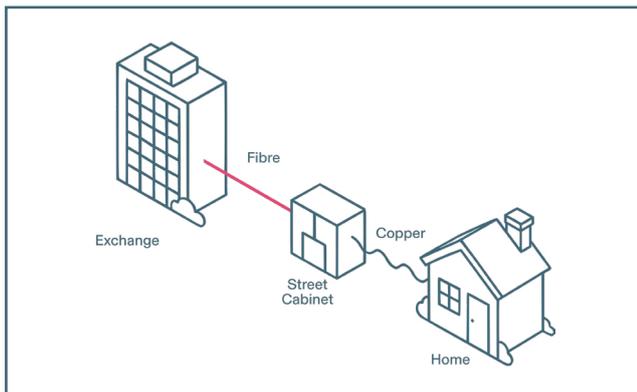
Fibre to the Cabinet

With fibre to the cabinet, fibre optic cables run from the telephone exchange to street cabinets before using standard copper telephone wires to connect to homes. Some people can have trouble with copper connections where they are too far from the street cabinet (for example, more than 2 kilometres) to get a fast-enough service.
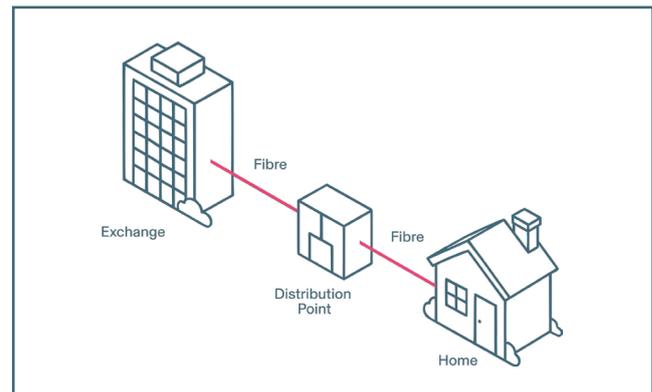
Fibre to the Premise

In contrast, fibre to the premise broadband uses fibre optic cables for the entire route between the premise and exchange and does not use the old copper telephone connections. Full Fibre connections can deliver much faster speeds – up to one gigabit per second download – as well as symmetrical upload speeds. Fibre optic cables can be run overhead via a nearby telegraph pole or underground if there is an existing duct to utilise.

Higher speeds: Fibre optic cables can transmit data much faster than traditional copper cables and offer faster upload speeds which are important for HD video-conferencing, cloud-based working and streaming.

More future-proofed infrastructure: As internet usage continues to grow, fibre to the premise FTTP technologies can easily accommodate increasing demands. They are also vital for supporting emerging technologies such as artificial intelligence (AI), augmented reality and high quality streaming, which require high-speed, low-latency connections to process large amounts of data in real-time.

Better reliability: Fibre to the premise is less susceptible to interference and signal degradation ensuring more stable and reliable internet connections.

Impact of wayleaves

The impact of not securing wayleaves

Whilst Ofcom's Connected Nations data states that 75% of properties[2] across England [UK] can currently access Full Fibre broadband, local connectivity maps are increasingly showing lots of gaps where wayleave-dependent properties have been missed out.

Saying no to a wayleave means that:

- Localised gaps emerge in areas that have been upgraded to Full Fibre where residents and tenants cannot access a faster, future-proofed fibre to the premise connection.

- Property prices are impacted – in some cases, flats have been reported to lose up to £32,000 or face a 20% reduction in value due to poor broadband speeds, especially when building owners block infrastructure upgrades.[3]

- More complaints from residents and tenants about the unfairness of not being able to access a Full Fibre broadband service, particularly if this is available to nearby properties and they have to resort to more expensive wireless services.

- Uncertainty about whether the property will be upgraded in the future, particularly if telecom-operator investment is no longer available because their build has since concluded in the local area and the build teams are no longer available.

Saying yes to a wayleave results in:

- Future proofed connectivity.

- More attractive (and valuable) property assets.

- Better digital inclusion for residents, business owners and tenants – not only is best-in class connectivity now available but many providers offer a range of offers, including social access packages.

- Cheaper connections – particularly if more than one infrastructure provider has been granted access enabling greater service choice and competition.

- Landlords benefiting from the free, industry-funded connections that are currently available in many areas from telecoms providers.

- Increased connectivity to support wider local and national objectives.

[2] Connected Nations update: Spring 2025 - Ofcom
[3] House price falls and unrentable homes: building owners block flats from better broadband; How poor broadband can impact property prices & rents - The Property Voice

> ❝
>
> **In some cases, flats have been reported to lose up to £32,000 or face a 20% reduction in value due to poor broadband speeds, especially when building owners block infrastructure upgrades.**
>
> ❞

Why we need network competition

In many parts of the UK, homes and businesses have access to multiple infrastructure providers e.g. the Openreach network, Virgin Media and Alt-Nets such as Netomnia and CityFibre.

Full Fibre broadband network competition is considered highly desirable in the UK as it has accelerated rollouts and encouraged providers to go further with their own investment plans. More importantly, multiple providers in an area or building leads to lower prices for consumers and business customers and encourages better service levels and service offerings.
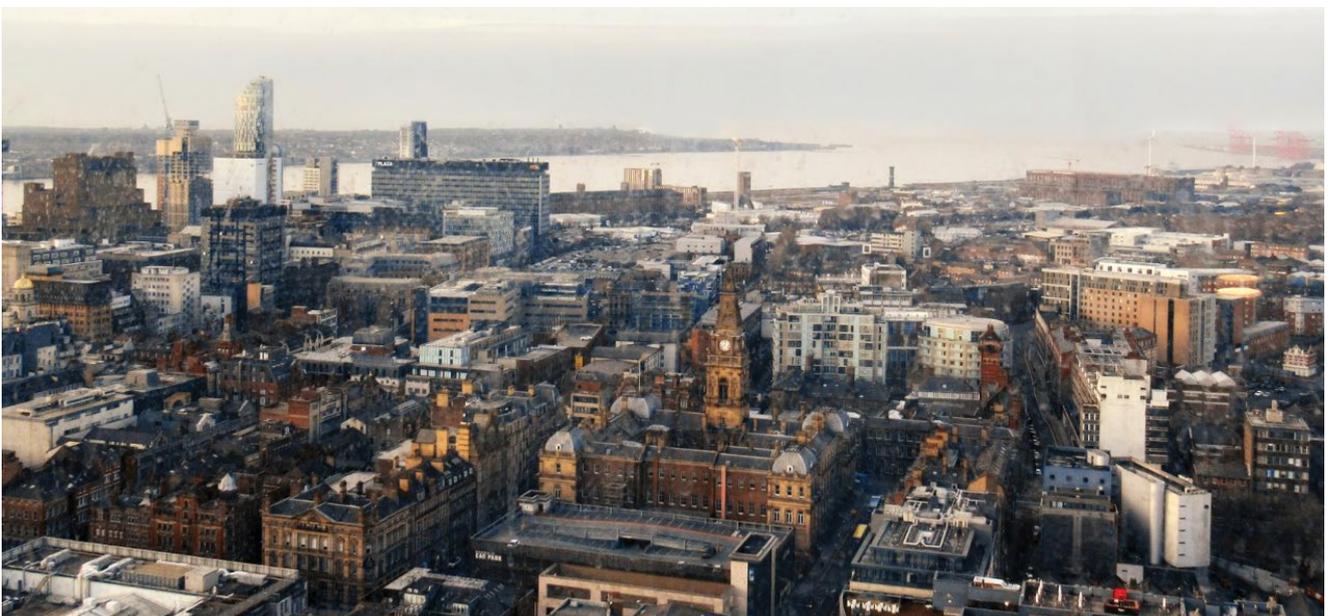
The case for sustained network competition

INCA, representing the UK's independent network providers (Alt-Nets), is clear that genuine network competition must remain central to government and regulatory strategy. Alt-Net have already delivered 16.4 million premises passed by the end of 2024, including 3.68 million in Ofcom's so-called Area 3 – areas previously assumed too rural or costly for competition. Nearly three quarters of a million customers switched to an Alt-Net in 2024 alone, demonstrating both demand and consumer benefit from competitive networks.

Government's own Project Gigabit programme has repeatedly funded Alt-Nets to serve areas where Ofcom assumed only BT would build. This makes it inconsistent to default to a monopoly provider model to connect harder to reach premises. Without sustained Alt-Net investment and competition, the UK risks recreating a de facto monopoly, reducing innovation, driving up consumer prices, and undermining both Project Gigabit and wider digital inclusion objectives.

The benefits to consumers of having network competition are increased service levels and price competition. INCA's State of the Alt-Net report showed a clear correlation of lower prices and higher speed offerings when Openreach and at least one Alt-Net had network present at a premise.

Digital inclusion

Wayleaves are essential for Digital Inclusion

One of the most significant barriers to digital inclusion remains the lack of adequate digital connectivity in homes. Without reliable connectivity, individuals are unable to fully participate in the digital economy or access essential online services.

Research from the Good Things Foundation reveals that households with the lowest levels of digital capability are over six times more likely to experience hardship following a financial shock. This underscores the critical link between digital access and economic resilience.

The expansion of connectivity through mechanisms such as wayleaves presents a valuable opportunity to support digital inclusion initiatives. By enabling broader access to digitally enabled technologies, these efforts can contribute meaningfully to economic growth. According to the Lloyds Consumer Digital Index 2024, individuals with the highest digital and financial capability save four times more frequently than those in the lowest capability groups—amounting to an average of £1,100 in annual savings. Furthermore, the Digital Poverty Alliance estimates that equipping people with essential digital skills could generate up to £17 billion in additional yearly earnings across the UK.

"

Those with the highest digital and financial capability are saving four times more often, and saving on average, £1,100 a year more than those in the lowest groups. This is £180 more than the same time last year.

(Lloyds Consumer Digital Index 2024)

"

Barriers to connection

Despite the clear benefits of Full Fibre broadband connections, many telecoms providers still struggle to obtain wayleaves for fixed broadband connections. This is because:

- **There remains poor awareness** amongst many landlords, managing agents and social housing providers about the need and importance of granting wayleaves – and sometimes, the need for Full Fibre connectivity. Further education and awareness raising is required to resolve this.

- **Some housing authorities and housing associations do not have the capacity , resource or technical understanding** to enter into wayleave discussions, despite the digital inclusion benefits for their tenants.

- **The recent changes to legislation around wayleaves remains poorly understood** and there is often the perception that exclusive access can be granted to one provider.

- **It can be difficult for telecoms providers to identify who to approach to obtain wayleaves**, leading to further delays. GDPR legislation can often further compound these challenges.

- **Property owners can be concerned about the risk of damage** to their property as a result of the required works.

- **Building Safety Regulator (BSR) sign off is increasingly being required by landlords for all planned Full Fibre installations in higher-risk buildings** (typically those over 18 metres or with over 7 storeys). The timeframes involved in securing sign off from the BSR is resulting in many installations being abandoned or seriously delayed.

- **Recent changes to Ofcom's Code of Practice and the Electronic Communications Code legislation have eased the deployment of mobile infrastructure but the picture is more mixed when seeking to deliver fixed broadband connections.** The costs of taking legal action against uncooperative or unresponsive landlords and landowners is cost prohibitive when a relatively small number of connections are involved, compared to the thousands of customers that would benefit from a new mobile phone mast. As such, many landowners or property owners have realised that they can continue to refuse access with little risk of legal action being taken against them.

- **Unreasonable legal and agent fees frequently being sought for wayleaves (sometimes for a single property) making the costs of connection cost-prohibitive and unviable.** The economics of connecting flats with a small number of units are very different than premises with many premises.

- **Protected and unnecessarily complex governance processes that create avoidable delays** in securing wayleave agreements. Authority to enter into wayleave agreements needs to be delegated wherever possible to reduce the risk of areas falling out of local build plans.

- **Frequent unwillingness to provide access to Altnet providers** as the benefits of network competition can be poorly understood.

What's really the problem?

Feedback from telecoms operators and local digital infrastructure champions continues to highlight case-after-case where wayleaves cannot be secured to install fibre to the premise connections.

Common issues include:
- Some local housing authorities and housing associations refusing to respond to multiple requests for wayleaves to connect social housing stock.
- Unreasonable legal and other professional fees being sought making proposed commercial build plans for wayleave dependent properties unviable.

- Landlords and landowners only being prepared to grant access to one provider and refusing connection requests by Alt-Net providers, reducing competition and choice for tenants.
- A lack of awareness about the need for Full Fibre connections or the need to enter into wayleave agreements.

The Government has announced plans, in the new UK Infrastructure Strategy to consult on proposals to ease the process of deploying gigabit connections in multiple dwelling units. We would also like to see similar consideration given to other types of wayleave dependent properties (i.e. where land-access agreements are required) within these consultation proposals to reduce the risk of further gaps in provision emerging.

There is a particular need to:

- **Raise further awareness raising amongst housing and property professionals** – about the need for gigabit capable connections and the importance of responding positively to wayleave requests. Further engagement with professional bodies, articles in professional magazines etc. could help remove the barriers to deployment by building further understanding on this technical subject.

- **Ensure that new consultations** on Multiple Dwelling Units (MDUs) and wayleaves cover all types of wayleave-dependent properties, not just leasehold flats.

- **Require local housing authorities and housing associations to have master wayleaves in place** – whilst progress made by many councils and housing associations is to be applauded, issues remain in some areas where wayleave requests have been denied or ignored. It would be helpful for the DSIT national barrier busting team could actively monitor current progress and intervene where local efforts to broker a solution have failed.

– **Address wayleave costs and the Fibre Cost Model** - delays and additional costs in securing wayleaves disproportionately affect Alt-Nets. These challenges compound the underlying cost disadvantages already highlighted by INCA in their submission on Ofcom's Fibre Cost Model[4]. Streamlined wayleave frameworks, coupled with fair cost modelling, are essential if Alt-Nets are to continue investing at scale and competing effectively with the incumbent.

Fund the creation of a regional network of Digital Champions within local authorities to support the rollout of digital infrastructure and strengthen relationships between councils and telecoms providers. This would benefit all types of digital infrastructure including mobile as well as fixed connections to wayleave dependent properties. Good examples include the Digital Infrastructure Champions in the Swansea Bay City Region which has been co-funded by the Welsh and UK Governments.

– **Develop more effective remedies to support tenants and residents in wayleave dependent properties**, where landowners or property owners refuse to enter into wayleave agreements. Solutions could include:

- **Mandated wayleaves** where legislation is introduced to provide a mandated form of wayleave for electronic communications infrastructure negating the need for a lengthy negotiation period. This could also include provisions placing an obligation on the operator to install a shared infrastructure solution that could be used by other network providers looking to provide a service.

- **Developing a 'small claims' court style process** for fixed broadband connections or allowing aggregated low volume applications to the small claims court for fixed broadband connections to overcome the cost-hurdles associated with taking legal action for premises with a small number of units.

[4] Ofcom's current assumptions can understate the cumulative costs of lead-in connections and rely too heavily on BT's economies of scale. This creates an artificial picture of market viability and makes it harder for Altnets to demonstrate a fair bet return to their investors.

Building Safety Regulator (BSR) approvals

Since the Building Safety Act 2022 came into force, Full Fibre installations in high-rise and high-risk buildings have increasingly required Building Safety Regulator sign-off by landlords. While well-intentioned, the process has become a major barrier to broadband rollout. Alt-Nets report projects being abandoned due to delays in gaining approval, leaving residents ineligible for gigabit connectivity even where wider area networks are ready.

Unless this issue is addressed quickly, national gigabit and digital inclusion targets will be missed. We urge Department of Science, Innovation and Technology (DSIT) to work with Ministry of Housing Communities and Local Government (MHCLG) (formerly DLUHC), the Building Safety Regulator, Association of Directors of Environment, Economy, Planning & Transport (ADEPT) and Independent Network Cooperative Association (INCA) to develop a streamlined and proportionate approval process for telecoms works in higher-risk buildings. Fibre connections are not discretionary extras – they are essential infrastructure for safety, economic participation and community resilience.

How to overcome these problems

Making it easier to connect wayleave-dependent properties.

National changes that have been introduced to support connections to wayleave-dependent properties include:

Legislative changes - new legislation has strengthened the rights of telecoms providers to gain access to private and publicly owned property and obtain wayleaves,

- **The Digital Economy Act 2017, most frequently referred to as "The Code"** defines electronic communication services as essential and grants telecom providers the legal right to install their equipment on private land and buildings. This legislation also makes provision for access by multiple providers, preventing landlords from restricting or granting exclusive access to telecoms providers.

- The **Telecommunications Infrastructure (Leasehold Property) Act 2021** amends the electronic communications code to facilitate telecom companies' access to leasehold properties when a tenant requests service, even if the landlord is unresponsive. The Act allows courts to impose agreements granting telecom operators the rights to install infrastructure on land connected to leased premises if landlords do not respond to repeated notices.

- **Development of master wayleave agreements** e.g. City of London template, the Kent wayleave toolkit for non-metropolitan areas and the Great Manchester Combined Authority (GMCA) Social Housing Wayleave.

- **Government encouraging local authorities to sign master wayleaves to enable the connection of social housing stock** – the Government has encouraged local authorities and housing associations to enter into master wayleave agreements to encourage the connection of their housing stock.

- **Barrier busting** – through the work of the Department of Science, Innovation and Technology's 'barrier busting team' and local digital infrastructure champions, engaging with telecoms providers and property owners to try and broker better access to wayleave-dependent properties.

Successful regional access agreements

Kent Wayleave Toolkit

The Kent Wayleave Toolkit has been developed for non-metropolitan areas. It was developed to minimise the amount of time required to agree wayleaves, and remove the barriers to installing Full Fibre connections in Kent's social housing sector. It includes guidelines on communication, processes, and asset protection requirements i.e. asbestos, fire stopping, health and safety, planning and building regulations. While the toolkit was originally designed to facilitate connections for social housing stock, it is also applicable for use with privately owned multi-dwelling units.

The wayleave has reduced the time that it can take to agree access. For example, Netomnia and Folkestone and Hythe District Council used the wayleave to connect 751 multi dwelling properties which resulted in a 75% reduction in the typical time taken to agree a wayleave. This timesaving is critical when local build teams are already working in an area.

GMCA Social Housing Wayleave Agreement

The Social Housing Wayleave Agreement was developed by the Greater Manchester Combined Authority (GMCA) in partnership with telecommunications industry stakeholders and local social housing providers. Its purpose is to streamline the wayleave process and remove barriers to the deployment of Full Fibre broadband across the city region's social housing stock.

The toolkit has since been adopted by the Liverpool City Region Combined Authority (LCRCA), demonstrating its scalability and value in accelerating fibre rollout across other UK regions. LCRCA is working closely with its network of social housing providers to encourage uptake of the standardised wayleave, supporting the delivery of gigabit-capable broadband across the city region.

This cross-regional adoption highlights the toolkit's adaptability and effectiveness in addressing shared challenges faced by housing associations. It also contributes to wider goals of reducing digital exclusion and ensuring that all residents can benefit from improved connectivity and the opportunities of the digital age.

Conclusions & recommendations

Good digital connectivity is essential for residents, businesses, and government at all levels. To achieve the Government's ambition to connect at least 99% of premises with gigabit-capable connections, it's crucial to connect wayleave-dependent properties, which make up at least one in five UK homes.

Without resolving wayleave processes and Building Safety Regulator approvals, these targets won't be met.

We recommend that DSIT form a joint taskforce with ADEPT, INCA, and relevant departments to address these barriers, as part of the Government's proposed call for evidence on wayleaves, to ensure that all types of housing, not just leasehold flats, benefit from the Full Fibre revolution.