



SCOPE OF SERVICES

# Neighbourly Matters Services

England and Wales  
May 2022

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# Neighbourly Matters Services

For use with the RICS Short Form of Consultant's Appointment for Designated Services

## Additional notes

- These Services should be completed by inserting a 'tick' in the box next to the Service to be provided. These Services can be used with the Designated Form, but care should be taken in the selection of the correct form for the relevant Service. For further information, refer to the explanatory notes for the relevant RICS Form of Consultant's Appointment.
- All other Services that are not ticked shall be deemed to be Additional Services under the terms of this Appointment.
- Any bespoke Additional Services agreed between the Client and the Consultant should be inserted in Section 13.
- A schedule of 'typical' meetings is included with these Services in the Appendix. Completion of this schedule is also recommended.
- This form of appointment will deal with those matters until the appointment of an expert witness when RICS Expert Witness and Single Joint Expert Witness Services (England and Wales) should be adopted.

## 1 Boundary investigation and dispute

- 1.1 Carry out, or obtain a measured survey of both sides of the zone of land/building in dispute to a suitable level of data capture detail for the future demarcation of a boundary line position in accordance with the HM Land Registry Practice Directions.
- 1.2 Review of paper title deeds, agreements, and similar documents that have been made available.
- 1.3 Provide a consultant's opinion on the reasonable line of the legal boundary and a report explaining the documentary and physical evidence to support that viewpoint.
- 1.4 In liaison with the client solicitor undertake negotiation with the neighbour to seek to establish an agreed line.
- 1.5 Prepare the necessary technical drawing showing the agreed line for registration with Land Registry.

## 2 Measured surveys

- 2.1 Carry out, or obtain, a measured survey of the site and/or the project and prepare 2D survey drawings and other documents to include as required:
  - 2.1.1 floor plans
  - 2.1.2 sections
  - 2.1.3 elevations
  - 2.1.4 site layout
  - 2.1.5 levels
  - 2.1.6 services and drainage
  - 2.1.7 trees and other features and
  - 2.1.8 land topography.

## 3 Schedule of Condition

- 3.1 Undertake a site inspection and prepare a pre-construction works schedule of condition for those areas assessed as at risk from the

proposed construction activity. Issue the schedule to agreed parties.

- 3.2 Undertake a post works inspection of the works and compare against original schedule. Prepare a schedule of damage and repair, if necessary.

## 4 Zone of Influence surveys

- 4.1 Advise on the potential effect of a development on the adjacent property or properties and report accordingly.
- 4.2 Consider the risks posed by the development including the possible movements and settlement and seek advice from a suitable engineer if necessary.
- 4.3 Undertake a condition survey as appropriate as above.
- 4.4 Advise on likely requirement for implementation of the *Party Wall etc. Act 1996* or other neighbourly advice, including access agreements and other neighbourly discussions.

## 5 Rights of light

### 5.1 When acting as a developer's consultant

Note: This section should be read in conjunction with the current edition of *Rights of light*, RICS guidance note.

- 5.1.1 Carry out, or obtain, a measured survey of the site and/or the project plus external features of all surrounding neighbouring buildings, prepare a 3D survey model of the massing suitable for rights of light analysis purposes. Should the surveyor suspect after cross referencing to publicly available satellite imagery of the site that due to access or sightline this has prevented capture of any key windows. Suitable reservation should be marked on the survey and model.
- 5.1.2 Undertake an initial desk top review of the proposed design and using simple 2D methods establish the potential zone of impact of the design.
- 5.1.3 Undertake a review of the title information from Land Registry sources and/or the bundle provided by the client/solicitor of all surrounding properties within the zone of impact of the proposed new massing. Provide technical comments on all rights of light related deeds, agreements and covenants that are linked either directly to the easement of light or new massing potential in liaison with solicitor who will comment on legal matters.
- 5.1.4 Undertake an initial review of the likely All Risk Investment Yield (ARIY) for the affected properties within the potential zone of impact or seek advice from the client or client team. Consider the potential market rental levels for all surrounding properties. This research is to inform the formal compensation exercise.
- 5.1.5 Provide a reserved initial opinion before computer study report on potential risk and compensation levels. This report will be based on a site inspection and desk only study.
- 5.1.6 Undertake an analysis of the site on a before and after basis using computer analysis via a 3D land survey model on the potential impact of the scheme on all identified properties.
- 5.1.7 Provide an opinion after completion of the 3D computer study report on potential risk and compensation levels. This report is for use by client and design team and should be reserved only on the internal layout of any neighbouring building. When the internal layout has been assumed or is based on layouts shown within publicly available information (planning records) the reserved areas should be clearly identified.
- 5.1.8 Undertake an internal layout inspection of all neighbouring properties and capture to

survey standard configuration of windows, cill, head and room shape/size.

Or:

- 5.1.9 Undertake reasonable and discrete searches to identify or estimate internal layouts of neighbouring properties without making contact with adjoining owners/occupiers.

Prepare a report suitable for funders or insurance underwriting purposes.

- 5.1.10 Provide a report based on the revised technical assessment of either the whole site or a specific building once negotiation is opened and full internal access has been provided.
- 5.1.11 Prepare a book value compensation assessment on all affected properties.
- 5.1.12 Undertake a cut back exercise showing the areas of massing necessary to be removed to achieve a safe no risk massing design from compensation claim.
- 5.1.13 Advise the client and client team on the information to use for them to undertake a development profit compensation exercise based on the logic undertaken in the cut back exercise.
- 5.1.14 Make contact with neighbouring property owners and seek to open negotiation for the release of any potential claim. Meeting with surveyors on site, issue of technical study and survey data, exchange of compensation assessment data. Seek to agree compensation sums.
- 5.1.15 Liaison with solicitors on proposed Heads of Terms with neighbouring property owners, review of proposed draft of Deed of Release, preparation of any supporting drawings taken from the 3D model in the format of site plan and profile images necessary to support Deed.

## 5.2 When acting as a neighbouring owner's consultant

- 5.2.1 Pre-contact from developer – undertake an initial desk top review of the proposed design and using simple 2D methods establish the potential zone of impact of the design.
- 5.2.2 Undertake a review of the title information from Land Registry sources. Provide technical comments on all rights of light related deeds, agreements and covenants that are linked either directly to the easement of light or new massing potential in liaison with a solicitor who will comment on legal matters.
- 5.2.3 Provide an initial opinion before a computer study report on potential right of light injury and compensation levels. This report will be based on a site inspection and desk only study.
- 5.2.4 Undertake an analysis of the site on a before and after basis using computer analysis via 3D land survey model on the potential impact of the developer's scheme on the client's property.
- 5.2.5 Prepare a report suitable for legal litigation funding and/or legal expenses insurers.
- 5.2.6 Request from the developer or undertake a cut back exercise showing the areas of massing necessary to be removed to exclude injury.
- 5.2.7 Make contact with the developer and seek to agree rights of light technical analysis.
- 5.2.8 Advise on any compensation offer received and if required seek instruction to open negotiation for the release of any potential claim.
- 5.2.9 Liaison with solicitors on proposed Heads of Terms with developer, review of proposed draft of Deed of Release and deed drawings prepared by the developer.

## 6 Daylighting and sunlighting

### 6.1 General

Note: This section should be read in conjunction with the current edition of *Daylighting and sunlighting*, RICS guidance note.

- 6.1.1 Undertake a site inspection of the proposed site and walk the surrounding area to assess potential amenity impact.
- 6.1.2 Carry out, or obtain, a measured survey of the site and/or the project plus all surrounding neighbouring buildings and prepare a 3D survey model suitable for environmental natural light analysis purposes. Should the surveyor suspect after cross referencing to publicly available satellite imagery of the site that due to access or sightline this has prevented capture of any key windows suitable reservation should be marked on the survey and model.
- 6.1.3 Undertake an analysis of the site on a before and after basis using computer analysis via a 3D land survey model on the potential impact of the scheme on all identified properties.
- 6.1.4 Prepare a report for planning application or Environmental Impact Assessment (EIA) purposes in accordance with the Building Research Establishment (BRE) Report requirements suitable for planning purposes on daylight, (VSC & DD), Sunlight (APSH) and, if necessary, sun on ground to amenity and garden areas for all surrounding properties within the zone of impact.
- 6.1.5 Prepare a report for environmental design accreditation (BREEAM, etc.) purposes in accordance with the declared scheme requirements on the natural light levels within the proposed design scheme.
- 6.1.6 Support the design team in the creation of a natural light sensitive scheme in accordance with the recommendation of the British Standard.

### 6.2 Advice to local authority

- 6.2.1 Review applicant's daylight/sunlight report or environmental statement chapter in order to advise local planning authority on compliance with required standards and reporting of impact assessments by reference with local planning standards. Assessment to be based on applicants report without separate check of technical analysis.
- 6.2.2 Review applicant's daylight/sunlight report or environmental statement chapter in order to advise local planning authority on compliance with required standards and reporting of impact assessments by reference with local planning standards. Assessment to include independent computer analysis to check applicant's technical results.
- 6.2.3 Attend planning committee and/or meetings at the local authority offices to provide advice to officers or committee as requested.

### 6.3 Advice to adjacent owners

- 6.3.1 Review applicant's daylight/sunlight report or environmental statement chapter in order to advise the adjacent owner on compliance with required standards and reporting of impact assessments by reference with local planning standards. Assessment to be based on applicant's report without separate check of technical analysis.
- 6.3.2 Prepare a simple objection letter on the client's behalf to send to the local planning authority.
- 6.3.3 Prepare a full computer technical assessment and a report on the client's behalf to the local planning authority.

## 7 Artificial lighting pollution

### 7.1 General

- 7.1.1 Carry out, or obtain, a measured survey of the site and/or the project plus all surrounding neighbouring buildings and prepare a 3D survey model suitable for artificial lighting pollution analysis purposes.
- 7.1.2 Inspect site and general area for contextual statement during both the hours of daylight and darkness.

### 7.2 Light source property owner

- 7.2.1 Prepare a consultant's report in compliance with the requirements of the Institution of Lighting Professionals (ILP) guidance with recommendations on corrective measures to achieve compliance.

### 7.3 Developer

- 7.3.1 Prepare a consultant's report at pre-application stage in compliance with the requirements of the Institution of Lighting Professionals (ILP) guidance with design recommendations on corrective measures to achieve compliance.
- 7.3.2 Prepare a planning application consultant's report and/or Environmental Impact Assessment Chapter Report suitable for issue with the application in compliance with the requirements of the Institution of Lighting Professionals (ILP) guidance.

### 7.4 Affected property

- 7.4.1 Prepare a consultant's report at suitable for issue to Environmental Health Officer (EHO) in compliance with the requirements of the Institution of Lighting Professionals (ILP) guidance with recommendations on enforcement, both public and private, together with an opinion on potential corrective measures that a reasonable developer could adopt to achieve compliance.

## 8 Access to Neighbouring Land Act matters (maintenance and repair access only)

- 8.1 Undertake a site inspection of the property in need of defect and want of repair and report to the client confirming the reasonableness of the requirement for neighbouring access to facilitate the proposed works.
- 8.2 Report on the technical implications of the repair access required. For a commercial property owner who requires access to a neighbouring property, give advice on the potential compensation payment required under the statutory valuation.
- 8.3 Comment on possible costs of seeking an access order.
- 8.4 Request access and seek to agree access on reasonable terms and agree and document an access licence.
- 8.5 Draft licence agreements.
- 8.6 Liaise with the client's solicitors on drafting of the licence.
- 8.7 Visit site to confirm and report on compliance with the licence terms.
- 8.8 In the event of rejection of the reasonable request, prepare a report suitable for obtaining a County Court Access Order – See Expert Witness Service.

## 9 Tower crane and similar temporary air access rights negotiation

- 9.1 Review proposed design, risk assessment, method statement and programme and report on the potential need and design implications of crane arc and other forms of temporary construction for air access across the legal boundary with a neighbouring property. The review should consider access



for the primary design plus short-term access needs for any associated facilitation works. Consider proposed design at erection, operation and dismantle stages. Report on implications to scheme in the event of an access request being rejected or placed in a ransom.

- 9.2 Review leases, historic Deeds, agreements for reciprocal access rights, primary access rights or similar facilitation clauses. Report on the design implications of these documents and liaison with solicitor.
- 9.3 Prepare a schedule of condition of areas at risk during either erection, operation or dismantle phase.
- 9.4 Assess potential compensation sum and consideration requirements due to a reasonable negotiation party.
- 9.5 Open negotiations with neighbouring land owners, draft Heads of Terms, and comment on draft Deed of Release.
- 9.6 Draft licence agreements.
- 9.7 Liaise with the client's solicitors on drafting of the licence.

## 10 Scaffolding/construction access rights negotiation (development)

- 10.1 Review proposed design, risk assessment, method statement and programme and report on the potential need and design implications of construction zone of access for works facilitation, scaffolding, hoarding and protection requiring physical operative access onto neighbouring land or property. Consider proposed design at erection, operation and dismantle stages. Report on implications to scheme in the event of an access request being rejected or subject to unreasonable terms.

- 10.2 Prepare a schedule of condition of areas at risk during either erection, operation or dismantle phase.
- 10.3 Assess potential compensation sum and consideration requirements due to a reasonable negotiation party.
- 10.4 Open negotiations with neighbouring land owners, draft Heads of Terms, and comment on draft Deed of Release.
- 10.5 Draft licence agreements.
- 10.6 Liaise with the client's solicitors on drafting of the licence.

## 11 Party wall legislation matters

Note: this section should be read in conjunction with the current edition of *Party wall legislation and procedure*, RICS guidance note.

### 11.1 General

- 11.1.1 Provide advice on the topic of the application of the *Party Wall etc. Act 1996* prior to the service of formal notice:
  - 11.1.1.1 Site inspection to assess the potential requirement for the operation of the legislation.
  - 11.1.1.2 Preparation of a schedule of surrounding owners with associated HM Land Registry Searches.
  - 11.1.1.3 Technical review of any available design information from the project's lead designers, architects and structural engineers linked to the potential operation of the legislation.
  - 11.1.1.4 Technical review of any available construction phase risk assessment and method statement (RAMS) information available linked to the potential operation of the legislation.

## 11.2 Acting for the building owner

- 11.2.1 Undertake local searches to obtain ownership details, if not already done. Undertake liaison with project design team. Prepare and submit the necessary notices to adjoining owners, where required prepare a schedule of condition for agreement with adjoining owner's surveyor, prepare or obtain from the client, professional team and/or contractor all necessary ancillary drawing, RAMS and safeguarding information for monitoring post notice necessary to prepare the award.
- 11.2.2 Agree the selection of a third surveyor with the adjoining owner's surveyor and communicate the name of this selection to the two owners.
- 11.2.3 Conduct negotiations with the adjoining owner's surveyor to facilitate an award.
- 11.2.4 In the event of further dispute prepare a submission to the third surveyor.
- 11.2.5 Negotiate and agree any awards necessary during the works to deal with design changes or adjustments to the original award.
- 11.2.6 At completion of the project, review all awards, the schedule of condition and agree any remedial works necessary.

## 11.3 Acting for Adjoining Owner (Direct Appointment)

- 11.3.1 Agree with the building owner's surveyor the selection of a third surveyor. Communicate the name of this selection to the two owners.
- 11.3.2 Examine notices submitted by the building owner's surveyor, visit the site and/or the project, examine and negotiate the award. Prepare and/or agree a schedule of condition and monitor the work during the course of the building contract to ensure

compliance with any agreed safeguarding matters agreed within the award.

- 11.3.3 Conduct negotiations with the building owner's surveyor.
- 11.3.4 Undertake reasonable liaison and communication with the Adjoining owner on progress of the award negotiation.
- 11.3.5 In the event of an escalation in the dispute, make representations to the third surveyor.
- 11.3.6 Appointment and liaison with advising engineers or other advisors required to complete the technical review.

## 11.4 Acting as third surveyor

Note: These terms should be issued to both the building owner and adjoining owner before the release of the award.

- 11.4.1 In the event of the two appointed party wall surveyors failing to reach agreement to resolve the dispute the confirming of your selection and acceptance of the appointment.
- 11.4.2 Undertaking a site inspection.
- 11.4.3 Examining all evidence and submissions from both sides.
- 11.4.4 Preparing an award determining the dispute.
- 11.4.5 Issue of communication confirming the readiness of the award and invoice for payment of fees in advance.
- 11.4.6 On receipt of payment, publish the award to both parties to the dispute and provide a copy to the two appointed surveyors.

## 11.5 Acting for the adjoining owner (Section 10(4) Appointment)

- 11.5.1 Agree with the building owner's surveyor the selection of a third surveyor.

Communicate the name of this selection to the two owners.

- 11.5.2 Examine notices submitted by the building owner's surveyor, visit the site and/or the project, examine and negotiate the award. Prepare and/or agree a schedule of condition and monitor the work during the course of the building contract to ensure compliance with any agreed safeguarding matters agreed within the award.
- 11.5.3 Conduct negotiations with the building owner's surveyor.
- 11.5.4 Undertake reasonable liaison and communication with the Adjoining owner on progress of the award negotiation.
- 11.5.5 In the event of an escalation in the dispute, make representations to the third surveyor.
- 11.5.6 Appointment and liaison with advising engineers or other advisors required to complete the technical review.
- 11.5.7 Review of ten day letter.
- 11.5.8 Consideration of notice and validity of process to impose appointment.
- 11.5.9 Communication to adjoining owner introducing and explaining process.
- 11.5.10 Meeting with adjoining owner.

## 12 RICS Dispute Resolution Service (DRS) neighbour dispute scheme

Note: This section is for use for appointments created under the neighbour dispute service operated by the RICS Dispute Resolution Service (DRS).

### 12.1 Stage 1 – Expert evaluation

- 12.1.1 Undertake a site inspection and produce an expert evaluation with brief

reasons in a written report to be jointly issued to both parties.

### 12.2 Stage 2 – Negotiation and compromise

- 12.2.1 Act as a facilitator in an attempt to obtain a settlement. Before any meeting is conducted both parties will be invited to provide written statements giving individual perspectives on the current position.

### 12.3 Stage 3 – Expert witness report

- 12.3.1 Undertake the necessary adjustments to the expert evaluation report, previously undertaken by the appointed surveyor, to make compliant with the requirements of the Civil Practice Rules (CPR) and the current edition of **Surveyors acting as expert witnesses**, RICS practice statement and guidance note.
- 12.3.2 Attendance at additional meetings or at court for the purposes of providing oral evidence will be undertaken in accordance with the hourly rates in the Appointment Particulars within the RICS Short Form of Consultant's Appointment for Designated Services.

## 13 Bespoke Additional Services

- 13.1 Enter or attach bespoke Additional Services agreed with the client.

# Appendix A: Schedule of meetings to be attended by the Consultant

## 1 Client meetings

Attendance: Partner  Director  Associate  Project surveyor   
 Other  (please specify) \_\_\_\_\_

Frequency: Daily  Weekly  Monthly  Quarterly   
 No attendance required  Other

Please specify requirements: \_\_\_\_\_

## 2 Design team meetings

Attendance: Partner  Director  Associate  Project surveyor   
 Other  (please specify) \_\_\_\_\_

Frequency: Daily  Weekly  Monthly  Quarterly   
 No attendance required  Other

Please specify requirements: \_\_\_\_\_

## 3 Project team meetings

Attendance: Partner  Director  Associate  Project surveyor   
 Other  (please specify) \_\_\_\_\_

Frequency: Daily  Weekly  Monthly  Quarterly   
 No attendance required  Other

Please specify requirements: \_\_\_\_\_

## 4 Site meetings

Attendance: Partner  Director  Associate  Project surveyor   
 Other  (please specify) \_\_\_\_\_

Frequency: Daily  Weekly  Monthly  Quarterly   
 No attendance required  Other

Please specify requirements: \_\_\_\_\_

## 5 (Other) meetings

Name of meeting: \_\_\_\_\_

Attendance: Partner  Director  Associate  Project surveyor   
 Other  (please specify) \_\_\_\_\_

(Specify required attendees) \_\_\_\_\_

Frequency: Daily  Weekly  Monthly  Quarterly   
 No attendance required  Other

Please specify requirements: \_\_\_\_\_

# Appendix B: Glossary of terms

No definitions are included in this Appendix B, given the considerable number of separate services involved with the Scope of Services.

Accordingly, for a detailed description and definition of the various terminology used within this area of practice, the user is referred to the current edition of the supporting RICS standards for the relevant area of professional practice:

- **Party wall legislation and practice**
- **Rights of light**
- **Daylighting and sunlighting**
- **Boundaries.**

## Delivering confidence

We are RICS. Everything we do is designed to effect positive change in the built and natural environments. Through our respected global standards, leading professional progression and our trusted data and insight, we promote and enforce the highest professional standards in the development and management of land, real estate, construction and infrastructure. Our work with others provides a foundation for confident markets, pioneers better places to live and work and is a force for positive social impact.

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