



SCOPE OF SERVICES

# Neighbourly Matters Services

Scotland  
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.

## 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 neighbourly advice, including access agreements and other neighbourly discussions.

## 5 [Not applicable in Scotland]

## 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 [Not applicable in Scotland]

## 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 [Not applicable in Scotland]

## 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:

- **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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