Example letter 8 - 3/6 Metre Notice

To *Adjoining Owner* [see note 4]

Of *Adjoining Owner's main address* [see note 5]

Date [see note 7]

Dear [see note 8]

The Party Wall etc Act 1996

Notice of proposed works under section 6 of the Act - Excavation and construction.

As the owner/s of *Building Owner's building* [see note 3] which is adjacent to your premises at *Adjoining Owner's building* [see note 6] I/we *Building Owner* [see note 1] of *Building Owner's main address* [See note 2] notify you that in accordance with our rights under

Add either [section 6(1) of the Party Wall etc. Act 1996 that I/we intend to build within 3 metres of your building and to a lower level than the bottom of your foundations by carrying out the building works detailed below.]

Or add [section 6(2) of the Party Wall etc. Act 1996 that I intend to build within 6 metres of your building and to a level below a line drawn at 45° downwards towards my adjacent land from the bottom of your foundations by carrying out the works detailed below.]

[***Only if applicable add*** - Further information about the Act can be found in the explanatory booklet available to download from: https://www.gov.uk/party-wall-etc-act-1996-guidance.] [See note 9]

The proposed works are: *description of the excavation and works* [see note 17]

The accompanying plans and sections show the site of the proposed building and the excavation depth proposed. [see note 17]

I/we do* / do not* propose to underpin or otherwise strengthen in order to safeguard the foundations of your property. [see note 17]

I/we intend to start works on date of works [see note 10] [*if you want to start within the 1 month notice period add* - or on the earlier date of [date] with your written agreement - see note 11]

If you are content for the works to go ahead as proposed please complete, sign and return the attached letter [See note 12] within 14 days of receiving this letter.

If you do not confirm in writing that you are content for the work to go ahead as proposed we will be 'in dispute' under the Act.

In the event of any dispute between us under the Act, would you be willing to agree to the appointment of an 'Agreed Surveyor'? If yes I suggest using *Agreed Surveyor's name* [See note 13] but would be happy to receive your alternative proposal. If no, please let me know whom you would appoint as your surveyor.

[*Only if you are willing to send further notices and documents to the adjoining owner by email add*:] If you are willing to receive further notices and documents required under the Act from me/us by email from [email address] could you confirm your willingness to do so and provide details of your email address (See note 14].

Yours sincerely

Building Owner's signature/s [See note 14]

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Notes on completing example letters

Where work covers more than one section of the Act the example letters may be combined so that all the information required under the Act is provided in one letter.

Where alternatives appear (e.g. I/we), you should write **only** the applicable option.

Where *italics* appear in the text of the sample letters, you should refer to the following notes for guidance:

1 *Building Owner* - This is the owner of the premises where the work is proposed. If the property is owned in joint names both or all names must be given in the notice.

2 *Building Owner's main address* - This is your main correspondence address and may be different to Building Owner's building as at note 3.

3 *Building Owner's building* - this is the address of the premises where the work is proposed.

4 *Adjoining Owner* - If possible give the neighbour's full name/s. If you do not know the name write "The Owner"

5 *Adjoining Owner's main address* -

If the *Adjoining Owner* does not live at the premises e.g. a landlord, the address will be the owner's main address.

If the *Adjoining Owner* is an owner-occupier or if you do not know who is the owner this will be the address adjacent to your premises - i.e. the *Adjoining Owner's building* as note 6.

6 *Adjoining Owner's building* - this is the address of the premises adjacent to that where the work is proposed.

7 *Date* - This is the date your notice is posted or served. You should always date your letter, as this will avoid confusion as to when notice was served.

8 *Title* - If known give the full name/s, otherwise write "Sir or Madam".

9 *Explanatory Booklet* - It is recommended that you provide the web link (https://www.gov.uk/party-wall-etc-act-1996-guidance) for this booklet to your neighbour so that they know why you have written to them.

10 *Date of works* - This **must** be after the end of the notice period, which for Party Structure Notices is two months and for Line of Junction and 3 or 6-metre Notices is one month. If you do not know exactly when your works will start you may wish to add "or thereafter".

11 You may wish to start earlier than the one-month or two-month notice period but can only do so with your neighbour's written agreement. You may wish to add "or sooner with your written agreement".

12 *Attached letter* - It is recommended you prepare a letter for your neighbour to use - based on example letters 2 and 3 for Party Structure Notices, 5 or 7 for Line of Junction Notice or 9 and 10 for 3/6 Metre Notices.

13 *Agreed Surveyor's name* - It is recommended that you give the name, address and telephone number of the person you propose to use as the 'agreed surveyor'. However, there is no requirement to appoint surveyor(s) unless a dispute arises. If an agreed surveyor's details are not provided the relevant sentence(s) may be deleted or you may wish to replace with 'details of agreed surveyor to be advised if a dispute arises'.

14 *Email address* -If you are content to receive notices and documents required under the Act by email you will need to confirm your willingness to do so and provide details of your email

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address. Notices and documents required under the Act can only be sent by email if the recipient states agreement to this, and has not withdrawn that agreement.

15 *Building Owner's signature* - Remember to sign the notice. All joint owners should sign unless one is authorized to sign for all joint owners. It is recommended you also print your name.

16 *(Line of Junction Notice) Description of the wall* - Describe the new wall you intend to build - for example height, length, materials etc. You might wish to add further information for your neighbour's benefit - for example 'forming part of a single storey extension' or include drawings.

17 *(Party Structure Notice) Description of the works* Give full details of the works you propose to carry out that affect the party structure or the adjacent building. If special foundations, defined in section 20 of the Act, are proposed, under section 3(1)(b) then there is a need for plans, sections and details of construction. In cases that do not involve special foundations you still might wish to include drawings for your neighbour's benefit if they are available but this is not essential if works are properly and fully described.

18 (3/6 Metre Notice)

Description of the excavation and works. - A simple description such as "excavate to lay drainage/foundations" will suffice if the drawings clearly show what is proposed.

Drawings. - It is a requirement of the Act that drawings are provided showing the depth of the proposed excavations and the location of any proposed building or structure. It is also advisable for the drawings to show the position of the adjoining building in relation to the excavations.

Safeguarding the Adjoining Owner's foundations. - You are required to tell the Adjoining Owner whether you intend to underpin or otherwise strengthen or safeguard the foundations of his building or structure.

19 (3/6 Metre Negative Acknowledgement)

Specific concerns – There is no obligation to set out what your objections are but it is likely to help resolve matters if you include this.

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