

AN AWARD under the provisions of the Party Wall etc. Act 1996 to be served on the appointing owners under section 10(14) thereof

WHEREAS Lazari Properties 5 Limited of Accurist House, 44 Baker Street, London, W1U 7BR (hereinafter called 'the building owner') is an owner within the meaning of the Party Wall etc. Act 1996 (hereinafter referred to as 'the Act') of the premises known as Land Rear of 1-9 Sample High Street, London, XX3 3XX (hereinafter called 'the building owner's property').

AND WHEREAS Example Power Networks PLC care of Example Power Networks of Example House, 2 Example Road, London, XX2 2XX (hereinafter called 'the adjoining owner') is an owner within the meaning of the Act of the premises known as electricity substation, no [asset reference], located at 1-9 Sample High Street, London, XX3 3XX (hereinafter called 'the adjoining owner's property').

AND WHEREAS on the 15 day of October 2019 the building owner served notice(s) on the adjoining owner under section 6 (1) of the Act of its intention to execute the building works described therein at or adjacent to the boundary between the building owner's property and the adjoining owner's property (hereinafter together called 'the two properties').

AND WHEREAS a dispute has arisen between the building owner and the adjoining owner (hereinafter together called 'the parties') within the meaning of the Act.

AND WHEREAS the building owner has appointed Dennis Brett MCIOB FFPWS LCGI MPTS of Site Sage Chartered Building Consultancy, 107 Westbury Rise, Church Langley, Essex, CM17 9NT (hereinafter called 'the building owner's surveyor') to act as its surveyor and the adjoining owner has appointed C Example MRICS of C Example Consulting, 6 Example Crescent, Sampleton, Middlesex, XX7 7XX (hereinafter called 'the adjoining owner's surveyor') to act as its surveyor.

AND WHEREAS the building owner's surveyor and the adjoining owner's surveyor (hereinafter together called 'the two surveyors') have selected A Specimen of Specimen Surveyors Ltd, 7 Specimen Street, London, XX8 8XX to act as third surveyor in accordance with the provisions of the Act. In the event of the third surveyor being unable or unwilling to act and their being unable jointly to agree upon a substitute, they have agreed that another third surveyor shall be appointed by the appointing officer of the relevant local authority in accordance with section 10(8) of the above Act.

NOW WE, the two surveyors, having inspected the two properties, DO HEREBY AWARD AND DETERMINE as follows:

1. (a) That the adjoining owner's property is a live and operational high voltage electricity substation, which is located substantially at basement level, and which forms an integral part of the larger building that adjoins the building owner's property. The substation also comprises an entrance structure and ventilation outlets at ground floor level, which adjoins the building owner's property. The electricity substation is deemed to be an independent building standing close to building owner's property, within the meaning of the Act.
- (b) That the location and arrangement of the electricity substation is shown on the attached lease plan drawing, as listed in the appended register and signed by the two surveyors' forms part of this award.
- (c) That the building owner proposes to redevelop their property, including the construction of a new four storey residential building directly adjacent to the basement electricity substation.
- (d) That the building owner's development proposals are to include the permanent blocking up of the substation ventilation outlets, where such works are outside the scope of this Award, and where a separate legal agreement shall be made between the respective owners in relation to the alterations to the existing ventilation arrangements. Nothing

contained in this award shall authorise or permit any works to be carried out that will affect or block the existing ventilation arrangements, until such time that the separate agreement is made between the respective owners.

- (e) That the said substation building, as described in the attached schedule of condition recorded on 14 February 2020, is sufficient for the present purposes of the adjoining owner.
 - (f) That the drawings and documents relating to this award listed in the appended register and signed by the two surveyors form part of this award.
2. That after the delivery of the signed award, but subject to the respective owners' right of appeal in accordance with section 10(17) of the Act, and also subject to the requirements of clauses 4(b) & 4(c) and clause 14 of this award, the building owner shall be at liberty if it so chooses, but shall be under no obligation, to carry out the following works (hereinafter referred to as 'the works'):
- (a) To excavate within 3 metres of the substation to cast concrete piled foundations to a greater depth than the adjoining owners' foundations in connection with the construction of a new 4 storey residential apartments
3. That in accordance with section 7(5) of the Act, no deviation from the works shall be made without the prior written agreement of the parties, or of the two surveyors acting on their behalf and with their express authority.
4. That if the building owner carries out the works it shall:
- (a) Execute the whole of the works at the sole cost of the building owner.

- (b) Ensure that the setting out of the new piled foundations, pile caps, ground beams and any other new excavations or structures in close proximity to the basement substation are properly designed and executed to prevent any damage to or conflict with any of the existing structures comprising the adjoining owner's electricity substation.
- (c) Ensure that the legal agreement is put in place with Example Power Networks in relation to the alterations to the existing substation ventilation arrangements, before carrying out any works that will obstruct, block or hinder the existing ventilation routes. Failure to maintain adequate ventilation can result in the risk of overheating, damage and fire to the electrical equipment within the substation. This Award does not consent, authorise or permit any of the notifiable works to be carried out that will affect or block the existing ventilation arrangements, until such time that the separate agreement is made between the respective owners.
- (d) Ensure that the placement of any scaffolding, skips, containers, temporary structures, etc and also that the movement of any heavy plant or machinery take into account the location and presence of the basement substation, so that the substation roof slab and structures are not overloaded or damaged during the progress of the works.
- (e) Take all reasonable precautions and provide all necessary support to retain the land and buildings comprised within the adjoining owner's property. Install all required temporary works and support, in accordance with requirements and recommendations of the project Structural Engineer. Maintain all temporary works until such time that permanent support is provided by the permanent structures.
- (f) Ensure that the whole of the works affecting the electricity substation shall be carried out with all due regard to the operational and health &

safety requirements of Example Power Networks, and the works shall be subject to all reasonable precautions or requests of Example Power Networks, where such requests are deemed necessary to prevent damage to the substation structure, electrical equipment or interruptions to the continuity of supply of electricity. If found to be necessary, the appointed Surveyors shall be required to make further determinations in further Award(s) in relation to such additional requirements.

- (g) Ensure that any vibration emitted during the excavation & construction works are controlled and mitigated using “best practicable means” to prevent transmission into the electricity substation enclosure and the electrical equipment contained within. EPN provide guidance that the maximum vibration levels shall not exceed 7mm/s Peak Particle Velocity, otherwise damage may occur to the electrical equipment and switchgear.

(h) Ensure that no water, either rainwater or any sprays used for lubrication or dust suppression, is permitted to pool or accumulate on or around the electricity substation at any time during the course of the works. If found to be necessary install and maintain appropriate drainage, pumps or any other measures to prevent water accumulation, and provide full details of such proposals to the Two Surveyors for their consideration and comment.

(i) Prior to the commencement of any excavation works in close proximity to the substation, the contractor shall properly check the area of excavation with CAT scans or similar, to satisfy themselves as to the presence of any below ground electricity cables or other buried services.

- (j) Make good all structural or decorative damage to the adjoining owner's property, including consequential damage to the electrical equipment and switchgear contained within, occasioned by the works in materials to match the existing fabric and finishes, to the reasonable satisfaction of the two surveyors, such making good to be executed upon completion of the works, or at any earlier time deemed appropriate by the two surveyors. If so, required by the adjoining owner, make payment in lieu of carrying out the work to make the damage good, such sum to be determined by the two surveyors.
- (k) Indemnify the adjoining owner in respect of injury to or loss of life of any person or damage to property caused by, or in consequence of, the execution of the works and the costs of making any justified claims. The building owner is to maintain or cause contractor(s) to maintain adequate insurance against such risks and provide evidence of this upon demand by the adjoining owner's surveyor.
- (l) Permit the adjoining owner's surveyor to have access to the building owner's property at all reasonable times during the progress of the works.
- (m) Carry out the whole of the works from the building owner's side of the boundary between the two properties. No internal access to the adjoining owner's property is required for the purposes of the works that are the subject of this Award, and no routine internal access shall be permitted under the terms of this Award. . That in the event of the building owner wishing to carry out the works from or to erect scaffolding on or over the adjoining owner's property for the purpose of the works, details thereof shall first be submitted to and approved by the two

surveyors and such approval shall be subject to such conditions as the two surveyors may agree.

- (n) Ensure that 24 hour clear and unobstructed access is maintained to the electricity substation at all times during the works, and keep all access paths, doors and vents serving the substation clear of dust, debris and material emanating from the works. clear away any dust and debris from time to time as necessary, or when agreed by the two surveyors.
- (o) Provide the two surveyors with such additional method statements as they may reasonably require in relation to the works that are the subject of this award prior to carrying out the works.
- (p) The Building Owner's attention is drawn to the attached cable drawing, which has been provided by the Adjoining Owner in compliance with their requirements under the "Electricity Safety Quality and Continuity Regulations 2002".
The Building Owner is to ensure that before commencement of any work under this Award that a copy of the cable diagram is provided to the Principal Designer and Principal Contractor in order that they may consider the implications of this drawing, in compliance with their own safety obligations.

The Adjoining Owner has supplied the Building Owner with the cable layout diagram held on file at the time of service of Notice. However the Building Owner should note that the cable routes shown on the cable drawing may not be accurate and may have been altered since the date that the cable diagram was plotted, and extreme caution should be used when excavating or working in close proximity to the high voltage cables and services. In any event the Building Owner must satisfy themselves as to the location of the below ground cables and in this regard, the Principal Designer and the Principal Contractor should contact Example Power Networks plan provision section on 0800 056 5866 to confirm the accuracy of their cable layout diagram.

- (q) The Building Owner's attention is also drawn to the attached EPN "Think before you dig underground" guidance note, which has been provided by the Adjoining Owner to provide guidance in relation to excavation works in close proximity to electricity substations and below ground electricity cables. It is recommended that the Building Owner makes his contractors aware of the contents of the guidance note to assist with their own health & safety compliance obligations.
5. That the building owner, its professional advisers and contractors, may enter upon the adjoining owner's property for the purpose of checking constructional details thereof to facilitate the design and execution of the works, insofar as such access is reasonably necessary and reasonable notice is given in accordance with the Act, subject to meeting all necessary EPN health & safety requirements for entering high voltage electricity enclosures.
 6. That the building owner's surveyor shall be permitted access to the adjoining owner's property from time to time during the progress of the works at reasonable times and after giving reasonable notice.
 7. That the whole of the works shall be executed in accordance with the Building Regulations, and all requirements and by-laws of statutory authorities where these apply and shall be executed in a proper and workman-like manner in sound and suitable materials in accordance with the terms of this award to the reasonable satisfaction of the two surveyors.
 8. That the works shall be carried through with reasonable expedition after commencement and to avoid unnecessary inconvenience to the adjoining owner or occupiers.
 9. That the signed awards shall be delivered forthwith to the parties. An unsigned copy thereof shall be provided for the adjoining owner's surveyor. A further copy shall be provided for the building owner's contractor who shall be made aware of its contents.

10. That the building owner shall provide to the adjoining owner a set of the 'as built' drawings upon completion of the works, at the sole cost of the building owner.
11. That the building owner shall immediately on the signing of this award pay the adjoining owner's surveyor's fees of £2,778.75 plus VAT in connection with the preparation of this award, and including an allowance for one interim inspection during the progress of the piled foundation phase works, and for one further inspection to re-check the schedule of condition on completion of the works. In the event of damage being caused or other contingencies or variations arising, a further fee shall be payable at a rate of £195.00 per hour plus VAT.
12. That the building owner shall pay the cost of the adjoining owners advising Engineer, W Sample of Sample Consulting Civil & Structural Engineers, his fee of £621.94 plus VAT and that any future time expended will payable at a rate of £155 per hour plus disbursements and VAT.
13. That the said surveyors reserve the right to make and issue any further award or awards that may be necessary, as provided in the Act.

14. That the following questions and queries that have been raised by the adjoining owner's advising Engineer shall be held as Reserved Matters, which are to be concluded at a later date, and shall form part of an Addendum Award, that the appointed surveyors shall be required to make before the commencement of the relevant notifiable works. The information noted below should be provided to the appointed surveyors and the advising Engineer at least 4 weeks prior to the commencement of the relevant notifiable works for the documentation to be reviewed and concluded to the satisfaction of the two surveyors:
- a) Provide a copy of the structural design for the bearing piles
 - b) Provide a copy of the contractors Method Statement for the installation of bearing piles
 - c) Provide a copy of the contractor Method Statement for pile probing works adjacent to the adjoining owner's property
 - d) Provide confirmation of the level of the piling mat within Notifiable distance
 - e) Provide a copy of the piling contractors pile schedule drawing/table
 - f) Provide confirmation of the pile reduction/cropping proposed on this project
 - g) Provide confirmation of what vibration monitoring is proposed to the EPN Substation
 - h) Issue to the building owner's surveyor details of the trial pit drawings, plans and sections against the EPN Substation flank wall
 - i) Provide confirmation of what measures will be employed by the contractor to ensure the existing EPN substation basement wall is not surcharged by the piling rig and any other site plant and equipment
15. That this award shall be null and void if the permitted works are not commenced within 12 months from the date hereof.
16. That this award is made without prejudice to the rights of any other persons or bodies having an interest in the said adjoining owner's property.

17. That nothing in this award shall be held as conferring, admitting, or affecting any right to light or air or any other easement whatsoever.

18. In the event of any emergency involving the electricity substation, the Example Power Networks head of network operations should be immediately notified via the following contact:

- London Region: Head of Network Operations – [telephone number]

In the event of any damage occurring to the substation equipment, EPN should also be immediately notified via telephone: [emergency telephone number] (option1).

IN WITNESS WHEREOF we have set our hands this day of Two Thousand and



Surveyor to the building owner Dennis Brett MCIOB FFPWS LCGI MPTS

Surveyor to the adjoining owner C Example MRICS