



Until last Wednesday night (as I write) Chester's Grade I Listed City Walls were described as 'the oldest, longest and most complete in Britain'. Right now I am not so sure that this is an accurate description! (see above).

This section of the City walls is now closed to public access and will prevent tourists and locals like myself from completing the full walking circuit of the Walls. It will likely take several months to reconstruct at significant cost including legal expenses.

Whilst investigations continue as to the exact cause, initial blame has been placed by the media and local MP at the feet of a developer excavating adjacent the Walls for the construction of new luxury flats.

Not being involved in this project I cannot say whether this action was notifiable under the Party Wall Act, however, a significant amount of potentially supportive ground adjacent the inner leaf of the walls appears to have been removed. In addition proposed piled foundations for new structures within 6m of the Walls may have triggered the requirement for notice.

It is not for me to comment on who is at fault in this case but it does illustrate the importance of protective / safeguarding measures to be put in place during excavation works together with a suitable assessment of adjoining owners' property. There may well be relevant matters outside of the Act here including rights of support and structural adequacy of adjoining owner's property which is a whole subject area in itself!

This is an interesting case because it has affected an historic (and protected) structure accessed by thousands each year, but we have all seen examples of when things have gone significantly wrong during development works on large or small scale projects. These are not restricted to the commercial developments in our regions' largest and most densely populated conurbations.

Cases like this remind us that the Act has very practical purposes and is not simply procedural. This point is sometimes not appreciated by owners (and occasionally surveyors) especially on projects where there has been no catastrophe or tangible benefit of rights granted under the Act (for instance excavation requiring no access).

For party wall surveyors, the risk is that we increasingly see our duties as administrative functions in order to get an Award published rather than seeking to administer the terms of the Act which has the interests of the 'wall' at its core. The tendency to make referrals to specialist consultants may propagate this in the negotiations if the process is not kept in context of the surveyor's duty and purposes of the Act.

Like many others, the North West Branch covers a very large geographical area and as a committee we continue to seek ways to engage members across the region which is often challenging (the Region covers Macclesfield to Cumbria, incorporating Liverpool, Manchester and Preston to name a few).

This is where the P&T Club is vital in connecting members. The content of the recently published Guidance Note 16 – 'The Conduct of Surveyors in Dispute' is very helpful and I believe this reflects the principles which the Club has upheld since its inception and certainly my experience in dealing with fellow P&T members over the years. Keeping the conversations going with members locally can only help build on these principles with the ultimate goal of upholding the Act and hopefully avoiding costly, unnecessary damage to property. **P&T**

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