

OVERSAILING LICENCES

◆ Celebrating 40 years in Practice ◆

On a tight construction site the use of a tower crane or an oversailing scaffold may be the only way to safely maximise the use of that site or access parts of an existing building.

Under English law most landowners own the airspace above as well as the ground below their land and, without their consent, an oversail of their land for any reason will be trespass. The Party Wall etc. Act 1996 and the Access to Neighbouring Land Act 1992 provide for access in certain situations. Where they do not apply permission for access over adjacent land must be given expressly. This is usually achieved by way of a formal licence agreement for the oversail. Without a licence an owner can apply to obtain an injunction to prevent or remove the trespass without needing to show that any damage has been caused.

It is important that this situation is addressed as early as possible, preferably before any work starts on site as there can be many landowners affected, not all of whom may be willing to give their consent. Glanville is able to make advance contact with adjoining landowners and liaise with them or their representatives to negotiate a licence. We also prepare and agree schedules of condition to supplement the licence and provide added protection in cases where allegations of damage could be made by the adjacent landowner.

Contact: Paula McCormack, Hemel Office



Structural Engineering



Civil Engineering



Transport and Highways



Geomatics (Land Surveying)



Building Surveying