THE CHARTERED INSTITUTE
OF LOSS ADJUSTERS

CILA Subsidence SIG

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The London Tree Officer's Association & Insurance Industry's Joint Mitigation Protocol for Council Owned Trees.

What is it & how will it work?

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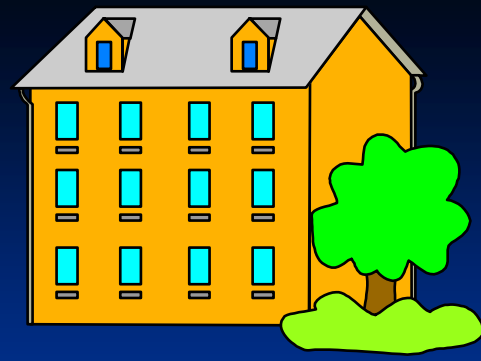
Problems with current system - as seen by Adjusters.



Q. What typical problems do Adjusters currently encounter with London Councils in achieving mitigation of their trees?

A.

- Delays
- Requests for more evidence by the Council
- We don't know what Tree Officer wants,
- TO refuses to accept nuisance as proven,
- Unable to agree on extent of mitigation,
- Failure to regularly prune - damage recurs .

Problems with current system - as seen by London Tree Officers

- Sometimes the evidence submitted is inadequate
- Instances where not the tree at all
- Poor descriptions of damage, tree presence
- No sketches of site, damage, position of trees
- No monitoring
- No root ID
- No soils info

NB. Many phone calls from public each time a tree is touched - T.O. needs to be able to justify action taken

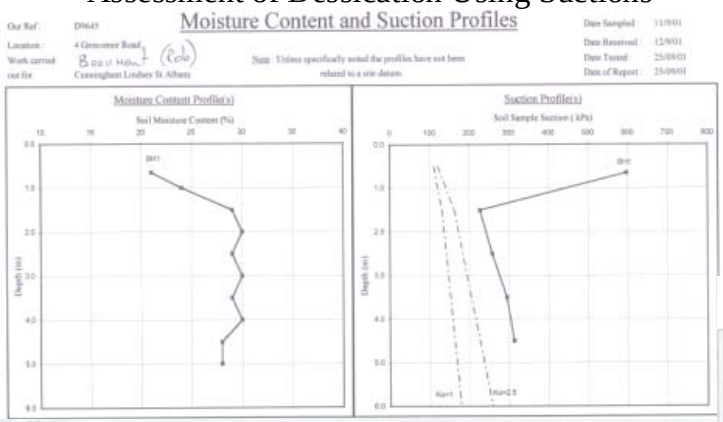
So we need to:

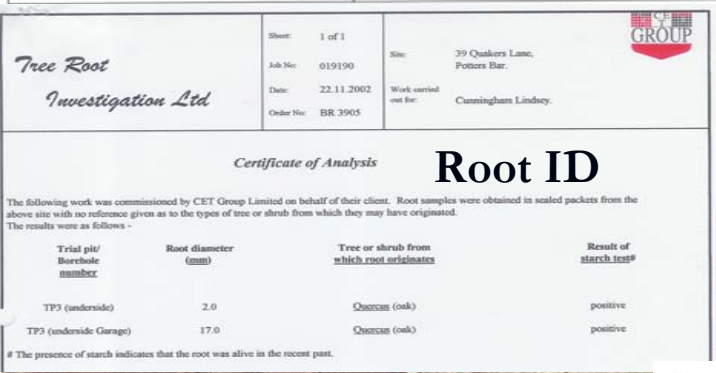
- Define time periods & evidence
- Have a Collaborative Approach
- Develop good working relationships between Local Authorities & Adjusters/Insurers.

The Protocol is a good starting point.

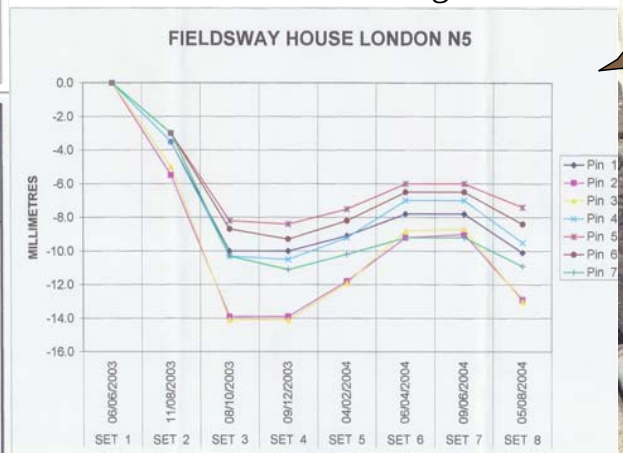
Agreeing Levels of Evidence with LTOA

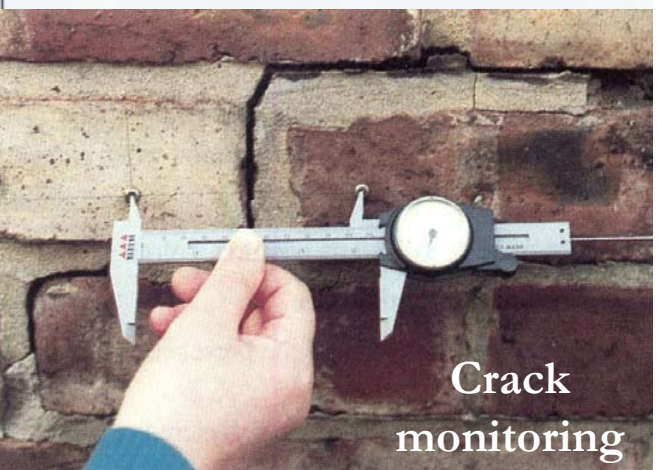
Assessment of Dessication Using Suctions

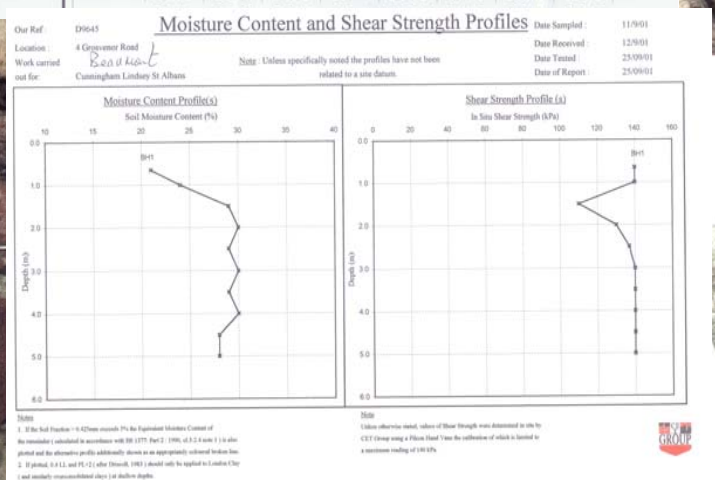




Level Monitoring







Levels of Evidence

Timeline in calendar days

7 days

Building Insurer (or their rep.) writes to Tree Controller within 7 calendar days of identifying Tree Controller seeking:

1. Contact details of the individual/department responsible for control of the tree, along with any reference, to assist communication regarding tree management and liability.
2. Contact details of their liability Insurer if appropriate.
3. The **value** of the tree (low, medium or high) as determined by the Tree Officer.

Levels of Evidence

21 days

Within 14 calendar days of receiving the correspondence referred to above, the Tree Controller/Tree Officer will respond to the Building Insurer (or their rep.) giving responses to questions 1, 2 & 3 above.

81 days

Within 60 calendar days of receiving the value of the council tree, the Building Insurer (or their rep.) will submit either:

a) A letter confirming withdrawal of the case, on the basis that the site investigation has not implicated the council tree in the damage, and that the file should be closed.

b) A **"Submission of Evidence"** based on the tree's CAVAT value with the requested mitigation (pruning/felling).

Low Value Trees - may be removed & replaced.

Medium Value Trees - make an important contribution to the area.

High Value Trees - make an extremely important contribution to the area.

Levels of Evidence

Low Value Trees (<£5,500):

1. Report on damage to building.
2. Plan & profile of foundations.
3. Plan of site showing location of building in relation to all trees and significant vegetation in vicinity of site.
4. Trial pit cross section to underside of foundation depth plus borehole through base of trial pit to a minimum depth of 3m (explanation to be provided if borehole unable to reach 3m depth). Borehole log to be provided.
5. Root ID from beneath underside of foundation.

Levels of Evidence

Medium Value Trees (£5,500 to £17,500):

All of the above plus:

6. Soil moisture content readings at 0.5m centres, starting at the underside of the foundation, down to 3m depth of B/H.
7. Liquid limit test results at underside of foundation and approx 2m depth
8. Plastic limit test results at underside of foundation and approx 2m depth.
9. Soil plasticity calculated from LL – PL.
10. Control borehole to 3m depth with log, with same tests as above, if it is possible to locate such a borehole on the site and remote from the influence of any vegetation. If impossible then explanation needed.
11. Oedometer or suction test results at underside of foundation & 1.0m centres down depth of 3m borehole **ONLY** when there is **NO** control borehole. If there is a control borehole then other tests listed are sufficient.

Levels of Evidence

Medium Value Trees (continued):

12. Shear vane test results at 0.5m centres, starting at the underside of the foundation, down to 3m depth of borehole(s).

13. CCTV & hydraulic testing to drains (excluding Water Board owned) located within 3m distance of area of subsidence damage.

14. Crack monitoring. Send all available readings with Submission of Evidence.

Levels of Evidence

High Value Trees (>£17,500):
All of the above **EXCEPT crack width monitoring**, plus:

15. Control borehole (if possible) & point of subsidence borehole, each to 5m depth (not 3m as for medium value).
16. Level monitoring commencing at outset of claim for a relevant period (max. 12 months) using a deep datum (if possible) to 8m depth, otherwise use deep manhole.
17. Particle Size Distribution Analysis to BS 1377 Part 2 test 9.0 on a single soil sample taken from a 1m zone below the underside of foundation (Only if drains are present within 3m of the site of damage).

View the evidence as a whole.

Levels of Evidence

172 days

1 year

A. Unless mutually agreed to the contrary, if the requested mitigation scope is not accepted within 28 calendar days of submission of the "Evidence" then the case falls outside this Joint Mitigation Protocol.

B. **Mitigation is to be completed within a maximum of 13 weeks of the date of the Submission of Evidence. If tree removal cannot be agreed without longer term, crack or level monitoring evidence, then the Tree Controller will arrange for pruning to be completed as soon as is practicable but no later than 13 weeks from date of Submission of Evidence.**

C. In cases other than single trees owned by the local authority, e.g. where there are multiple trees/vegetation and/or multiple ownerships an arboricultural report may be required at the discretion and expense of the building insurer. This report should identify & detail the physical attributes of ALL trees & significant woody vegetation in the area of damage. It should also state proposed mitigation which should include the option of pruning/on going maintenance if thought to stand a reasonable chance of bringing about stability.

D. **The Building Insurer will want to proceed with repairs within 1 year from outset of claim**.

E. By mutual agreement all the above timescales may be varied.

F. Protocol to be reviewed after 12 months in operation.

Next Step?

- This Protocol is a working agreement between those Insurers and Councils who sign up to it.
- A 12 month Pilot will then commence.
- NU & Zurich have indicated an interest.
- Camden Council & others have indicated intention to join.

- Better understanding of each others position.
- Dialogue. Less adversarial. Quicker.
- Unlikely to be final form - will evolve.

Any Questions?

Your Views?