

**Joint Mitigation Protocol/ Enfield Initiative Meeting
10:00am Thursday 18 September 2008**

PRESENT

Iain Maclean (Davies Loss Adjustors – Director Project Managed Subsidence, also representing Lloyds TSB and Subsidence Forum)
Steve Wright with Frank Russell (Halifax Bank of Scotland – Claim Managers)
Keiron Hart (Marishal Thompson – Head of Insurance Services)
Steve Davis (LB of Enfield – Principal Structural Engineer, also representing ASELB)
Ian Robinson (LB of Enfield – Structural Engineer)
Karen Vickery (LB of Enfield – Insurance Manager)
Vivian Uzoechi (LB of Enfield – Insurance Officer)
Andy Robinson (LB of Enfield – Highways Arboricultural Officer)
G. Phipps (SP Property Services - Director)

Apologies were received from John Parvin (Zurich - Claims Manager), Chris Chalkley (LB of Enfield – Structural Consultant)

INTRODUCTION/ BACKGROUND (Joint Chairs GP/SD)

(GP) introduced himself and welcomed all those present. The purpose of the meeting is to explore how communication/ understanding of issues can be improved to assist all parties involved (Insurance Departments/ Tree Officers, etc.) and provide feedback to appropriate stakeholders.

(GP) outlined his involvement of working within both insurance and non-insurance sector and with remote real time crack monitoring. Now working in five boroughs involving a number of interesting projects (eg. Forty Hall – listed building in Enfield). Reliability of information is a key issue. JMP launch appears good in principle, but currently only limited take up. Feedback from Boroughs indicates inconsistencies in dealing with claims (eg. length of monitoring too long, too short, etc.). Revisions to JMP may be required dependant on feedback. Work of Subsidence Forum Special Interest Group highlighted.

(SD) expressed his interest regarding the on-going debate regarding the amenity value of trees in London and in particular the launch of the JMP via the London Tree Officers Association. Some concerns remain regarding benefits that need to be addressed before Enfield enter into JMP agreement.

(SD) will closely monitor developments and will feedback to ASELB with the aim of seeking views of steering group/ other members, to gain consensus.

DISCUSSION/ AREAS of CONCERN

(AR) Trees implicated as cause of subsidence often incorrectly identified. Targeting of Local Authorities (LA's) appears to be opportunity to extract money.

(IM) Agreed inconsistencies exist – However, reasonable levels of evidence required only to suggest LA trees a contributory factor to subsidence damage. Legal principle for LA trees differs in relation to private individuals. LA's regularly undermine evidence by focussing on weaknesses in evidence. Need to deal timely with occupants/ customers. Tree values (CAVAT) should allow realistic options for remediation. Need to agree levels of acceptable evidence to move matters on. Frustrations exist - agreed that examples of poor practice exist on both sides (e.g. Other influencing trees may exist close to property, which have not been mentioned in any correspondence to the LA!)

(KV) Enfield adopts sensible approach - evidence looked at. Self insurance for tree root claims and as such, removals funded out of insurance fund.

(IM) From Insurers viewpoint, LA may be seen as third party for recovery, whereas individuals are not.

(VU) Looking at evidence received over 6yr period, there seems tendency that trees should be removed in all cases - therefore what is the real point of evidence debate, if tree removal is always the same conclusion?

(IM) Monitoring evidence alone not always required – look at probability that might suggest tree is a contributory factor.

(AR) 2003/04 pollarding led to decline in claims. Effective 2yr cycle pollarding and crown reduction can assist in achieving stability.

(IM) Alternative to tree removal (eg. tree root barriers) often not practical. Insured perception - expects guarantee of no future movement. Evidence of local u/pinning may influence concerns of homeowner.

(VU) Need to improve 'insurers' communications with Insured regarding tree removal – Queries made to LA's on occasions.

(SW) Agree common ground to move matters forward. Is full evidence required every time? Consider adopting RAG (Red, Amber and Green) system. Suggest early involvement of parties – joint site visits, etc. Don't get hung up on evidence, but use common sense approach.

(KH) Difficulties recommending anything other than tree removal. Only proven way – more effective than limited pollarding. Standard set of evidence, which could be reviewed by public. There appears to be a general perception that Tree officers do not accept seasonal movement caused by trees.

(AR) 20,000 highway trees in Borough. Other issues contribute to the problem (frontages paved, extensions – differential movement). In any event trees in urban environment have only limited life and need to be replaced/ replanted at intervals. Significant problems appear to exist in N13 post code area.

(FR) Take reasonable approach to levels of evidence required as highlighted in JMP. In case of weak evidence should it be appropriate to press for tree removal?

(IM) Time issues are associated with a claim is made. Insurers may pay for Helifix (say) £2k rather than tree removal and underpinning.

(AR) Interpretation of evidence - Consultant LA Structural Engineer not always involved by Tree Officer due to budgetary constraints

(IM) Why not go to insurer's Loss Adjustor's direct and avoid internal expense?

(VU) There is an Impression that there is no desire by Loss Adjuster to negotiate anything less than tree removal.

(AR) 3 Categories of trees – unlikely to have category three in Enfield highways. Pollarding reduces value/ strength of trees. Suggest should be tested by CAVAT assessment. Worried trees would be undervalued, therefore no need for too much evidence. Andy Tipping (Barnet) prunes, but hits high level category –Concerns raised as to why Barnet not signed up to JMP. It was suggested that more evidence from deeper boreholes and level monitoring may be required in certain situations.

(IM) Recovery evidence exceeds that for mitigation alone.

(KH) Concerns raised regarding achievable timescales and level of resources required within LA to act. Therefore protocol test period necessary.

(KV) Would give consideration to masonry reinforcement as a possible means of reducing repeat tree root claims – (FR) to provide additional information (eg. methods, typical costs).

(SW) Out of sequence pollarding necessary for customer comfort – Enfield currently adopts this approach.

(AR) Relevance of Arborists Report discussed. LA will always look to see if identification of species correct and can sometimes influence decision. Report deemed to be of use and required.

(IM) Basically two levels of Arb report required i) **simple** on likely influence with no evidence, and ii) **technical** for recovery. Need to identify species to establish demand and influence. Arborist's report is not technical report, but should be read in support of other evidence.

(AR) Traditional monitoring readings has limited worth. 2 sets readings over period inadequate. Remote more evidence quicker, gives clearer pattern but, pollarding takes time to take affect. Desiccated CLAYS take time to re-hydrate.

(GP) Remote trend helpful when compared to traditional monitoring as can indicate recovery quicker than expected. Need to get acceptance to remote methods of monitoring – can help reduce any grey areas/ resolve difficult cases. Time and cost savings possible. In no ones interest if claim takes 18mths+ to complete.

(VU) Agrees remote evidence could be useful evidence.

(KH) Tree evidence, clay soil, cyclical movement opening/ closing, especially if overlain by rainwater data covering same period would be very useful.

(AR) Sufficient evidence OK over 3 month period could be acceptable. Presentation to public – including graphs for rainfall.

Heave considered at time of SI, but not tree indemnity (requires further consideration). No duty to indemnify against heave. Request heave calculations - need to seek independent advice on this aspect.

ACTIONS

- Agreed all to pilot and implement process within Enfield to deal with highlighted issues. Adopt simplistic approach -- favoured particularly if assisted by remote monitoring techniques. New claims in Enfield – initial dialogue prior to detailed investigation and paper exercise.
- Review specific cases (existing and new) with support from this Special Interest Group 'team'
- Heave implications – seek specialist advice when this is an issue for consideration
- SD to provide feedback to ASELB and Special Interest Group to refer this initiative back to industry stakeholders / JMP / LTOA / Jim Smith etc.