

2009 Scorchers or Washout?

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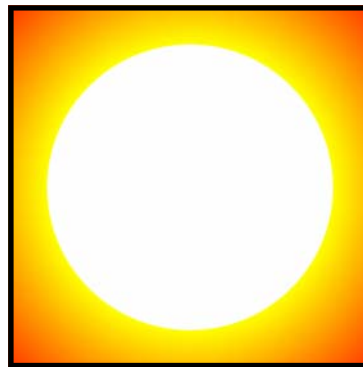
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Welcome to 2009.....



2009 Claims Scorchers or Claims Wash Out?

The rain started to fall on the 1st August 2006 and it hasn't really stopped now for 29 months (that's 870 days or 20880 hours), of course we might almost ask; "well whose counting"?

Of course the answer should be every one of us concerned about managing subsidence claims effectively.

Talking about a scorchers for 2009 is of course potentially a classic case of wish fulfilment for a claims sector rapidly downsizing and de-skilling. However, for all of us involved in the cyclical impacts of staffing and maintaining skills in downturn an appreciation of what the weather does each year is fundamental.

It is clear that for UK subsidence claims being driven by climate there are two distinct phases:

- A Wet phase
- A Dry phase

Whilst most people often think of dry or drought or event years such as 1976, 1989, 1995 or 2003, in actual fact these years were the boundary year for claim volume upturn and repudiation rate downturn in a climatic shift from wet phase to dry phase.

So instead of talking about a dry year we should be talking about a dry phase. (1975—1977,

1989—1991, 1995—1997, 2003—2006.) Looked at this way between 1976 and the present there were 12 of 33 years or roughly a third of the time when claim levels and repudiations were significantly elevated.

Equally instead of talking about a wet year such as 1992 we should be taking about a wet phase i.e. 1992-1994 and of course our current 2006-2007-2008. In fact as stated the boundary from dry to wet in this current period can be dated precisely from 01-08-2006 and so therefore back to our 870 days of wet phase.

So right now for all of us desperately juggling claims handling resources we appear to be deeply in the gloom of an extended wet phase period, however wet phases end with an event year and these event years appear suddenly – literally; "out of the blue".

If we look at the run up to 2003 we can see that 2000, 2001 and 2002 were wet phase and unremarkable British Summers (wet does not mean flood in our world it means little pressure on soil water from trees). There were almost no key indicators except the statistical probability of a dry year and a somewhat dry spring in early 2003 to alert us of any likely change. The only key point is the status of the vegetation itself, after 3 years of warm wet soil conditions the trees were in great shape across the UK and a stored potential for plant growth and soil drying existed – as we say the plant community was "locked and loaded" ready to cause problems when pressure on soil water accelerated.

That's the conundrum, it's a bit like our own mortality, you know it will happen, you know it cannot be avoided, but it's coming and it's often a surprise.

Statistically a dry phase is due, the overall trend is firmly stated by the Meteorological Office for warming and yet the best we can do is to predict against the probability and look to the skies each July.

Team Players



Mark Briggs is **Technical Director** of the business with responsibility for all internal and client facing issues.



Andrew Graham is our Senior Consulting Service Manager with responsibility for meeting the client deliverables.



Margaret MacQueen manages all Expert queries relating to recovery prospects and complex claims involving statutory applications, notifications, appeals and Court CPR work.



Karen Firmin is the Contracts Administrator, with responsibility for providing full administrative support across the Contracts Team.



Diane Wintle is the Support Manager based in the Colchester Office. She assists with setting up processes and projects and inducting new employees.

Repair Works

Building works and engineering works near trees subject of TPO

Clearly there is always a prospect with statutorily controlled trees the subject of Tree Preservation Order of planning refusal following application to fell.

For engineers, adjusters and insurers this can mean an engineered solution by way of repair, underpinning or other invasive engineering solution.

What is less well understood is that the refusal of consent requiring expensive remedial / engineering works, excavations and surface changes are also fully protected under the Town & Country Planning Acts.

Engineers and designers have a duty to ensure that any works ordered, designed and delivered do not lead to damage, destruction or cutting of tree roots or any change in surface or sub-surface conditions that may lead to damage in a manner likely to destroy.

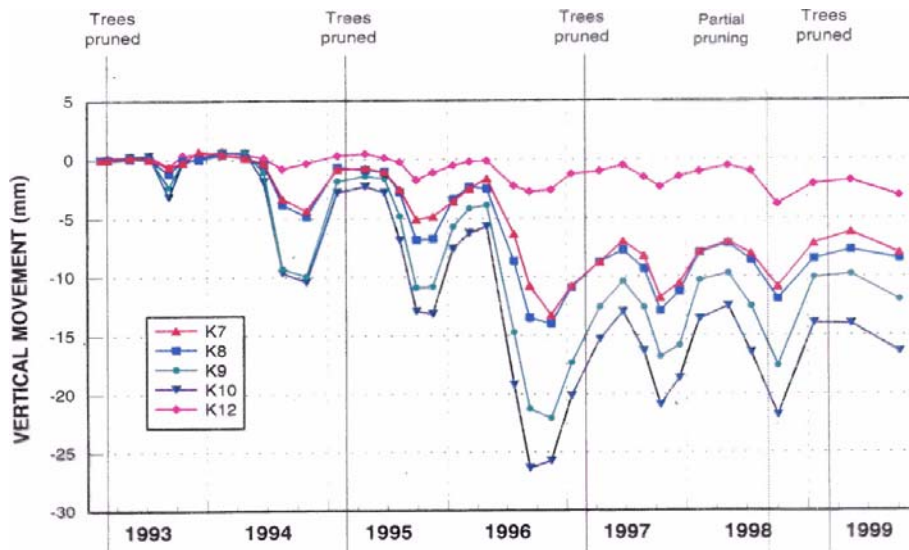
Of course the need for consultancy support, additional resources, costs or extended methods are recoverable as compensation under S.203 of the TCPA if no article 5 certificate exists.

We strongly recommend that design offices, engineering surveyors and contractors all ask themselves the following questions:

1. Am I working near TPO protected trees or trees in a Conservation Area?
2. Is the work invasive or potentially damaging to tree roots and tree health and stability?
3. Have I taken arboricultural advice?
4. Is an application to cut or prune trees required?
5. Can the work actually be done with tree retention?
6. Is the work exempt from planning controls?
7. Can I recover compensation?
8. Do I have an audit trail, method statement and other documents securing my position?

Contact Mark or Margaret for more!

Queens Park Revisited



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The Queens Park Estate consists of late Victorian two storey terraced houses. The surrounding footpaths are narrow and at the time of or shortly after construction, London Plane trees (*Platanus acerifolia*) were planted at 20m spacings and maintained through their early life as true pollards. During the 1960s/1970s the pollard strategy was stopped and the trees responded by extending branches and roots. The properties were council owned until the late 1980s and the occurrence of cracking to frontages was not reported. The explosion in property ownership, the housing price boom and changes in the circumstances of the residents of Queens Park led to reported subsidence events coinciding with the severe drought period of 1988 - 1992.

The BRE were commissioned to begin a programme of verticality level monitoring of a large number of properties at the same time as the Council reverted to a topping / pollard strategy to previous pollard heads for all trees and on a two year topping trim cycle.

The results of the monitoring illustrate a sample from the research programme with monitoring points at distances from the trees of between 2 and 10 metres. The verticality measurements are extremely sensitive to movements of only 10ths of 1mm and in this sense, rather than any measurement of crack widths complicated by building dynamics, accurately assess the changes in the plastic profile of the soil surrounding the target structures.

It is clear that following topping in late 1992 the total verticality movements ceased almost completely during 1993. This could almost be considered a successful result indicating that reduction in leaf area can limit water loss. However during subsequent years the trees seem to increase water loss at rapid rates culminating in 1996 with extremely high levels of vertical movement, which would result in structural movements completely unacceptable by modern standards. There then seems to be a period of relatively settled water use culminating in the latest results during late summer 1999. Can the above be explained by the proposed model?

The initial topping event came for the trees after a long period of uninterrupted growth and likely expansion of the rooting

environment. The model anticipates that throughout this period trees would have “gradient chased” water resources beneath the Victorian properties. Total root biomass is expected to have been high at the time of topping of the Plane trees.

The immediate reaction of the tree to this change in leaf surface area obviously produced a first season “shock” at the change in status of the root / shoot ratio and water use was effectively curtailed. Following on from this first year one might anticipate a major reallocation of resources to shoot production as the tree sought to manage dynamic equilibrium. Thereafter the trees overcompensate for the damage done to the leaf area and this culminates with the water loss and verticality maximum figures, not in the drought year 1995, but rather to the plants own timetable in 1996.

The principle of cybernetic systems and particularly biological systems overcompensating for such changes to their “natural state equilibrium” has been well known by the scientific community for almost 100 years; *Wiener, (1950)*. Following on from the managed process towards a new equilibrium the trees eventually find an annualised maximum water requirement, which whilst it might grow over time is adequate for the plant’s current needs.

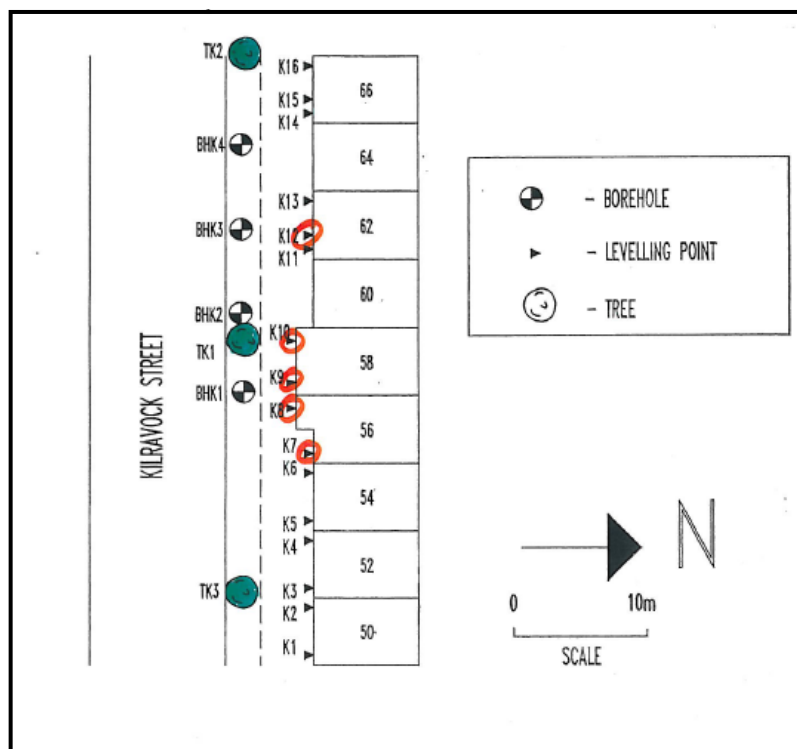
It is crucial to note that the impact on the tree’s ability to lose water at significant levels lasted for a very short time and that the plants response was dynamic and consistent with an attempt to create an equilibrium of water use as postulated in the Model. The model is shown to be robust in anticipating the responses of plants to attempted linear management by Arboriculturists.

Editors Note: Our thanks to Steve Plante of Clay Research Group for prompting us to revisit this piece. Of course this hypothesis was fairly well proven by the government sponsored research that identified just this type of response from its major funded programme. For more detail just visit the research pages of the OCA web site. Further excellent reading at clay research group at: <http://www.theclayresearchgroup.org/>

Queens Park Revisited



Queens Park Estate—note very heavily topped trees



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Example monitoring points for study

In Brief...

Tree Surgeon dies in fall.....

A man died at the weekend after falling from a tree in Bowl Road, Charing.

Emergency services including Kent Air Ambulance were called to the accident on Saturday morning and the victim was pronounced dead at the scene.

Police spokesman Rosie Alexander said he had fallen and sustained fatal injuries and that officers were not treating the death as suspicious.

Experts from Ashford Fire and Rescue Service were called and spent two hours using a specialist height vehicle to retrieve tree surgeon's equipment from 60 feet up a tree.

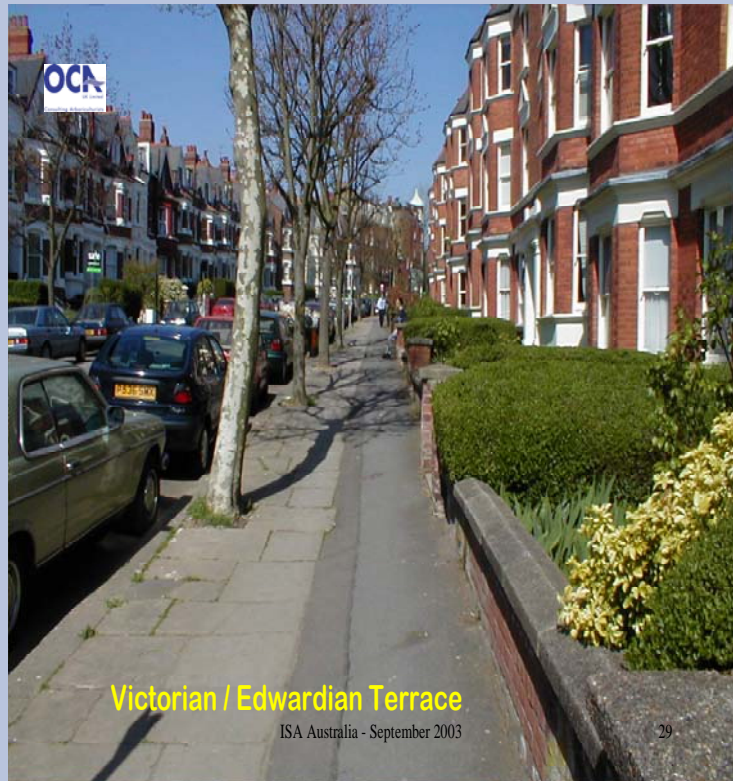
Government warns Councils to apply appropriate resources to planning cases

Govt has warned Councils that they must apply sufficient resources to planning cases (including TPO cases) such as to properly administrate their duties and obligations.....

Met Office Predicts Return to warming for 2009 and beyond.....

2009 is expected to be one of the top-five warmest years on record, despite continued cooling of huge areas of the tropical Pacific Ocean, a phenomenon known as La Niña.

According to climate scientists at the Met Office and the University of East Anglia the global temperature is forecast to be more than 0.4 °C above the long-term average. This would make 2009 warmer than the year just gone and the warmest since 2005.



Au Revoir!

Well that's it for this edition of "Out on a Limb". If you would like any specific stories covered in future editions then let us know by contacting Ross Henderson at info@oca-arb.co.uk

You can find many more resources on the OCA web site:

<http://www.oca-arb.co.uk/contact.asp>

Our "What is Subsidence" area:

<http://www.oca-arb.co.uk/whatIsSubsidence.htm>

For back issues of this publication, contact info@oca-arb.co.uk

That's all folks..... ■