OCA UK Limited
Consulting Arboriculturists

GOODLASS HOUSE
GOODLASS ROAD
SPEKE
LIVERPOOL L24 9HJ

Tel 0151 485 7200
Fax 0151 485 7171

Accounts
Tel 0151 485 7272
Fax 0151 448 2479
Email info@oca-arb.co.uk

18 August 2004

Our Ref: L2343 / 1896246 / Spillane

Mr Ronald Walker
Manor Barn
Mitchell Street
Worsbrough Dale
Barnsley
South Yorkshire

Dear Mr Walker

Re: Tree related subsidence damage at 27 Green Spring Avenue, Birdwell, Barnsley, South Yorkshire S70 5SD

We are arboriculturists appointed by Cunningham Lindsey (Chartered Loss Adjusters) on behalf of the building insurers of the above property in connection with a claim to insurers for vegetation related subsidence damage.

Chartered Engineers at Cunningham Lindsey have advised us that it is their professional opinion that the damage to 27 Green Spring Avenue, Birdwell, Barnsley, S70 5SD (your neighbour's property) has occurred as a result of clay shrinkage subsidence, exacerbated by the moisture extraction of adjacent vegetation.

Our surveyors visited the affected property in order to ascertain which trees and/or shrubs were growing in proximity to the property. A practice Arboricultural Consultant then reviewed this data along with engineering reports and identified the vegetation considered the likely cause of the subsidence.

It is our opinion that given the size, species and proximity to the area of damage that the Oak tree T1 (as indicated on the enclosed site plan) is the most significant vegetation in relation to soil drying beneath foundations. Research has shown that pruning is neither an effective or sustainable means of controlling tree water use and we have therefore have recommended removal of this vegetation.

Investigations with the District Land Registry have revealed that this tree is located on land for which you are the registered owner (copies of search enclosed).

Site investigations were undertaken at the property in order to substantiate these recommendations, these took the form of trial pits, boreholes, soils analysis and root identification. The report is enclosed for your information.

4 The Courtyards, Phoenix Square
Severalls Park, Wyncolls Road
Colchester, Essex CO4 9PE

Tel 01206 751626/751632
Fax 01206 855751

Parkside, Unit Six, 15 Headley Road
Woodley, Reading, Berkshire RG5 4JB

Tel 0118 901 4646
Fax 0118 901 4458

A Limited Company Registration Number 3009064 VAT Registration Number 414 8490 48

Mr Ronald Walker

The report reveals the following.

The soil at and below foundation depth is described as a very stiff, mid-brown/orange, mottled grey very silty clay.

Clay soils undergo volume changes as moisture content varies. Vegetation (in particular trees) is able to extract water at depth and can cause the soil on which foundations are based to shrink. This can lead to localised building movement resulting in structural damage consistent with that seen at the damaged property.

Laboratory analysis of the soils recorded a modified plasticity index of 31-32%, the BRE (Building Research Establishment) classify this as having a medium shrinkage potential. The moisture content of the recovered soils and the liquidity index give a good indication that the soils are desiccated.

Roots were observed in the trial pit (to the rear of the property) to a depth of 1400mm, this is significantly deeper than foundations which were recorded to 1000mm. Samples of these roots were taken and have since been identified as being from an Oak tree. Given the lack of any other potential source it is reasonable to assume that these roots emanate from tree T1.

Oak trees have been recorded as having influenced property from distances of up to 30m (Cutler & Richardson, 1989). You will note that the trees owned by yourself are well within this possible influencing distance.

The shear strength profile clearly indicates the soils have a more than adequate load bearing capacity and as such demonstrates that damage has not resulted from leaking or damaged drains.

The Chartered Engineers report states that the main area of damage is to the rear right corner of the property and takes the form of slight tapering diagonal cracks. The pattern of damage indicates a mechanism of downwards movement of the foundation to the rear right hand corner. The Chartered Engineers opinion is that the damage has occurred due to clay shrinkage subsidence and that this has been caused by moisture abstraction by roots altering the moisture content of the clay subsoil resulting in volume changes, which in turn have affected the foundations. The area of damage is consistent with the action of tree T1 which is on land under your control.

We therefore feel we have presented more than adequate information to display that this damage has been caused by clay-shrinkage subsidence caused by the adjacent vegetation T1.

Engineers have advised that they are unable to proceed with repairs to your neighbour's property until such time as the issue of tree removal has been resolved and as such we are therefore keen to resolve this matter at the earliest opportunity.

Mr Ronald Walker

We recommend that you consider contacting your own liability insurers, as they may be able to offer independent advice regarding subsidence and any recommendations we have made (it may be condition of your own policy that you do so).

If you are in agreement with the proposals, we would be grateful if you would sign and return the enclosed Authorisation Form to this office, whereby we will carry out any necessary searches for Tree Preservation Orders / Conservation Areas and request a quotation from one of our nominated contractors. In this instance your neighbours building insurers are willing to fund the proposed works where the cost does not exceed £750.00 inclusive of VAT as a goodwill gesture to ensure that mitigation works proceed quickly enabling a swift resolution to your neighbours claim.

We appreciate that matters such as these can be a concern and would stress that we are acting on behalf of building insurers. We would certainly not want this letter to have any bearing on your relationship with your neighbours.

We trust that the above information is of assistance and look forward to hearing from you in the near future. We have enclosed information responding to frequently asked questions, however, if you have any further queries regarding this matter or would like to discuss our recommendations for tree removal please do not hesitate to contact us.

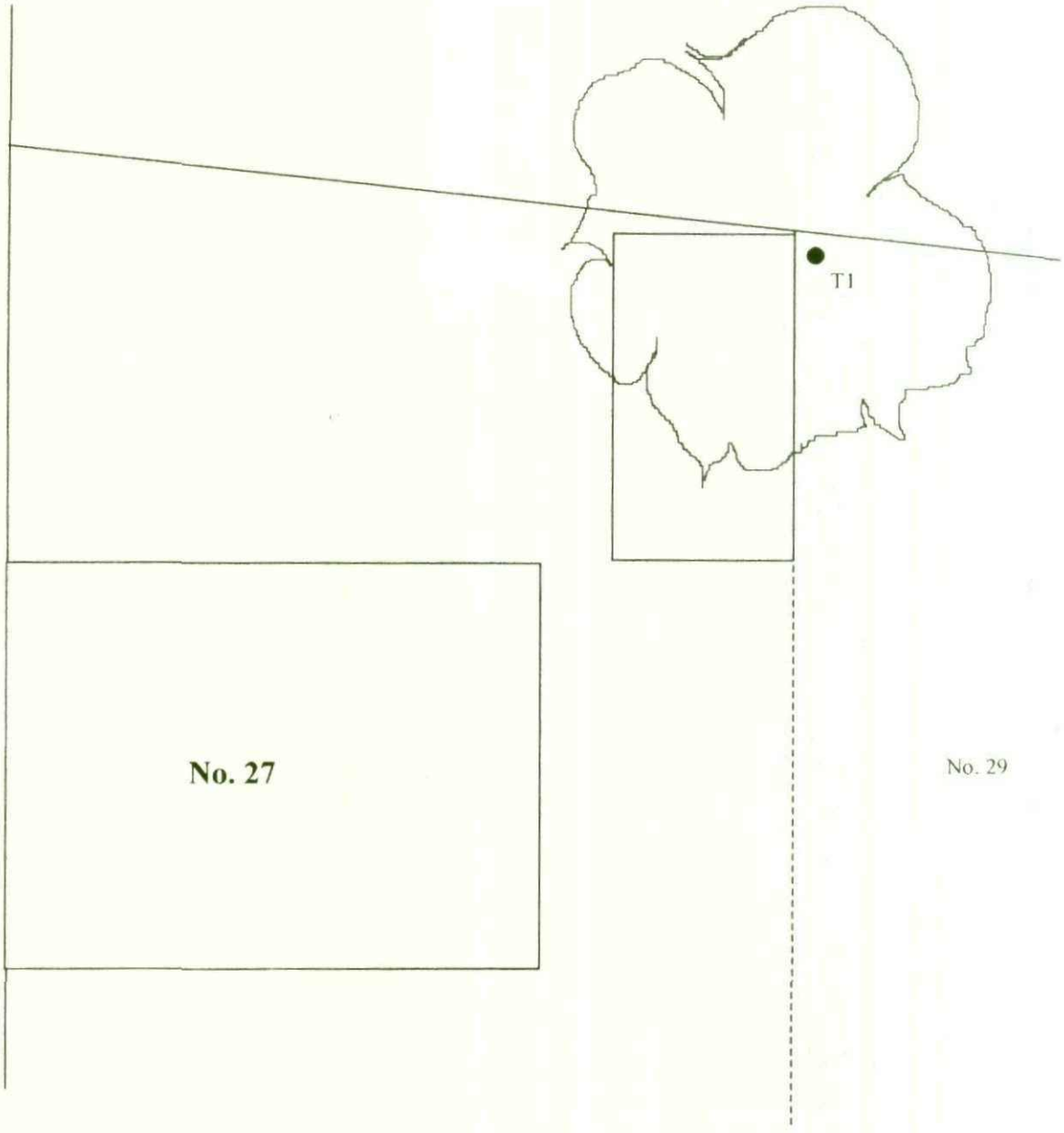
Yours sincerely

p

For and on behalf of
National Insurance Office
OCA UK Limited

Copy: Mrs Spillane (PH)
CL Birstall

Enc: Engineering Appraisal Report, Site Plan, CET Site Investigations, Mandate, Land Registry Search, OS 1:1250 Map



(NB. This plan identifies the trees considered implicated in the subsidence event and may not be a comprehensive record of site features.)

Address:	27 Green Spring Avenue, Birdwell, Barnsley S70 5SD	Scale: N T S	OCA **Valleyfield** **1A Stratford Road** **Aigburth** **Liverpool L19 3RE** Tel No. 0151 4941108 Fax No. 0151 427 4541
Insurer:	UIA Insurance Limited	Drawn Date: May 04	
Ref:	L2343 / 1896246 / Spillane		

TITLE NUMBER

SYK426601

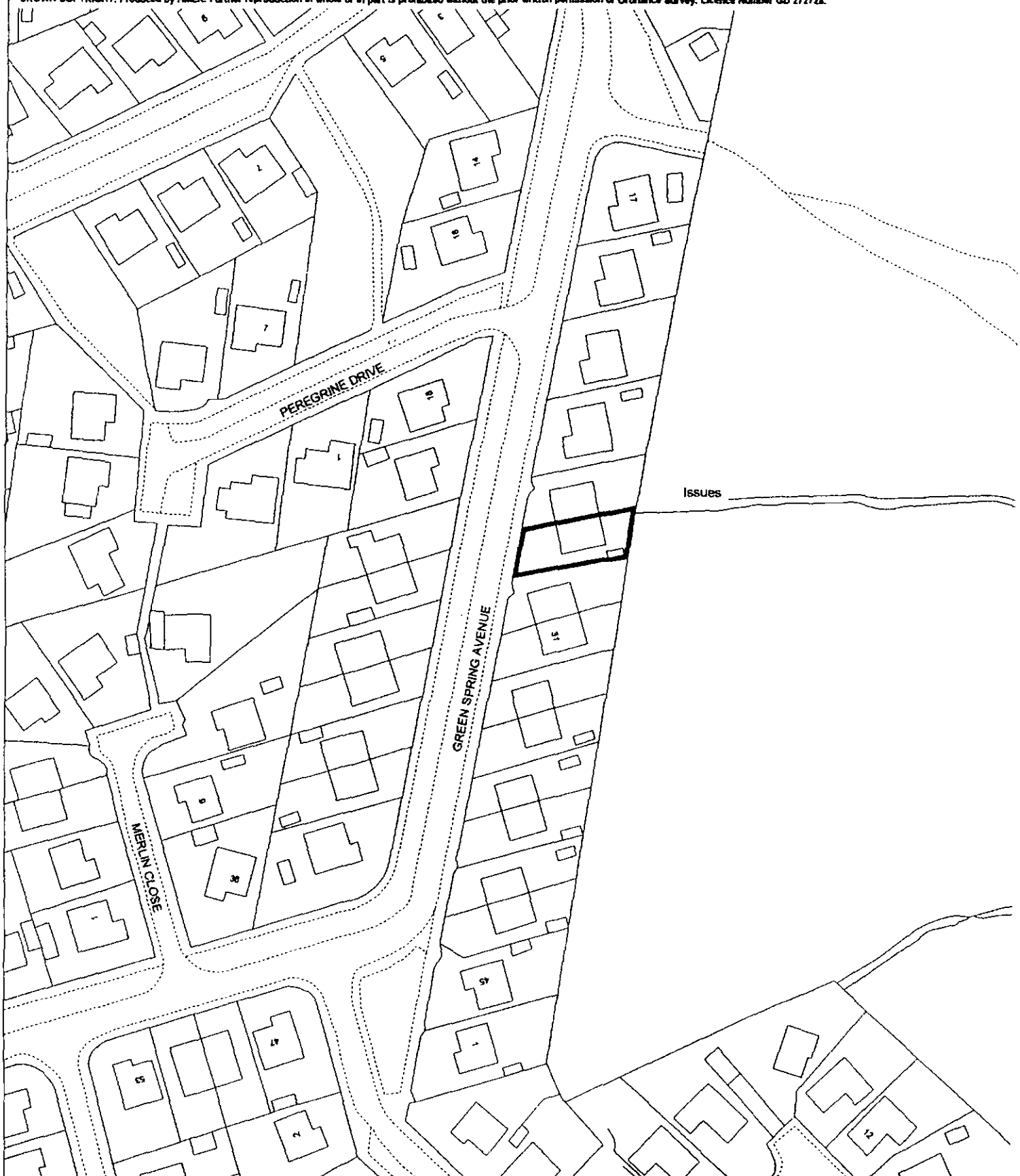
SOUTH YORKSHIRE : BARNSLEY

N

ORDNANCE SURVEY MAP REFERENCE: SE3401NE

SCALE: 1:1250

CROWN COPYRIGHT. Produced by HMLR. Further reproduction in whole or in part is prohibited without the prior written permission of Ordnance Survey. Licence Number GD 272728.



This is a print of the view of the title plan obtained through Land Registry Direct showing the state of the title plan on 20 JUL 2004 at 09:33:27. It may not be to the scale shown on the title plan.

This title is dealt with by the Nottingham (East) District Land Registry.

©Crown Copyright. Produced by HMLR. Further reproduction in whole or part is prohibited without the prior written permission of Ordnance Survey. Licence Number GD272728.

H.M. LAND REGISTRY RA 11/2000