

The Riverside Group Limited
2 Estuary Boulevard
Estuary Commence Park
Speke
Liverpool
L24 8RF

Our ref: ACM.8634.1050
Your ref:
Date: 16 April 2020
E: Anna.Madichie@plexuslaw.co.uk
DDI: 0208 7740824

By Email: russ.kirman@riverside.org.uk

Dear Sirs

Insured: Mrs Merion
Property: 26 Church Avenue, Ruislip, Middlesex HA4 7HT

We are instructed by Co-Operative Insurance Society, insurers of 26 Church Avenue, Ruislip, Middlesex HA4 7HT. Mrs Merion is the proprietor of 26 Church Avenue, Ruislip, Middlesex HA4 7HT ("the Property"). Subsidence damage has occurred to the Property.

We have been informed that an Oak tree situated at the front of the Property is causing subsidence damage to the Property. Due to the location of the Oak tree, enquiries were made into ownership and we understand that the Oak tree is under the ownership and/or control of The Riverside Group Limited.

Your Oak tree has been implicated as causing subsidence damage to the Property. The Oak tree referred to as T3 by Co-Operative Insurance Society's appointed Arboriculturalist, Environmental Services, was recorded in April 2019 as being 19.5m in height and 17m in distance to the Property. Reference to the Oak tree and its position with regards the Property is set out in the Arboricultural Consultancy for Co-Operative Insurance Society report prepared by Environmental Services dated 4 January 2019 and revised on 2 May 2019. The appointed Arboriculturalist undertook a survey of vegetation surrounding the Property and identified your Oak tree as a dominant feature and a factor to the cause of damage. Environmental Services recommend removal of your Oak tree.

Damage to the property was noted in October 2018 and has occurred to the front and rear of the Property. Site investigations were undertaken to determine the cause of the damage. The site investigations confirmed that the foundations of the Property ate 0.6m and rests on clay soil with a plasticity index of 45 – 51%. The plasticity index recorded confirms that the subsoil beneath the foundations is susceptible to volume change which is often caused by the extraction of moisture from the sub soil by nearby vegetation. During the Site Investigations live Quercus (Oak) roots were recovered from underside foundations of the Property, confirming that roots from your Oak tree had encroached onto the Property and are interfering with the load bearing capacity of the clay subsoil beneath foundations.

The Property is subject to level monitoring and seasonal movement to the front right corner of the Property noted. This seasonal movement could only have been caused by the action of the roots of your Oak tree extracting moisture from the clay subsoil beneath the foundations of the Property.

Co-Operative Insurance Society's engineer reviewed the site investigation results and monitoring and has concluded that the damage is subsidence caused by tree root induced clay soil shrinkage and your Oak tree implicated as a cause.

In order to abate the nuisance being caused by your Oak tree's roots which has resulted in damage to 26 Church Avenue, Ruislip Middx, HA4 7HT, Environmental Services wrote to you on 17 June 2019 and requested that you remove your Oak tree. Environmental Services wrote to you again on 17 July 2019, requesting your cooperation to mitigate the damage being caused by your Oak tree. A further letter was sent to you by Environmental Services on 7 February 2020. For reasons known to you, you have decided to cease communicating with Environmental Services and/or have not taken steps to remove your Oak tree. Therefore, due to the stance now taken by you, Plexus Law have now been instructed to address the issue and engage with you.

It is clear that you have been notified of the damage occurring to the Property and aware of our client's request for you to abate the nuisance by removing your Oak tree. We take this opportunity to inform you that as a Commercial entity/landowner you have a legal obligation to take reasonable steps to manage all vegetation on your land and ensure that it does not cause a nuisance to neighbouring properties. You also have an obligation to minimise the risk of damage which your vegetation can cause to nearby properties. Failure to act amounts to a breach of duty and as such from the point that you were put on notice of the damage, our client holds you liable for the ongoing damage that is occurring to the Property.

As explained, the Property is subject to monitoring and the monitoring results indicate that the damage is seasonal and therefore being caused by tree root induced clay soil shrinkage and the damage is ongoing.

Your Oak tree has been assessed by Environmental Services as a substantial and effective cause of damage and further to the ongoing damage your Oak tree needs to be removed.

Co-Operative Insurance Society request that you take action and remove your Oak tree. Should you refuse to remove your Oak tree, 26 Church Avenue, may have to be repaired using underpinning. Please note that should 26 Church Avenue be underpinned Co-Operative Insurance Society, will take action to recover the underpinning costs and any other associated losses from you. The underpinning costs alone could cost £1,000's if not £10,000s.

If you have not already done so we strongly recommend that you refer this matter to your own insurers as they may be able to assist you under the terms of your insurance policy.

To assist you in understanding our client's claim we hereby enclose copies of the following:-

1. Visit Report prepared by Innovation Property dated 6 April 2017.
2. Monitoring results
3. Geotechnical Report prepared by Subsnet dated April 2019
4. Arboricultural Consultancy for Co-Operative Insurance Society prepared by Environmental Services dated 2 May 2019.
5. Copy Correspondence

We await hearing from you within the next 21 days with confirmation that once practical for you to do so, given the current COVID19 situation we are in, you will take action and remove T3 – Oak tree.

Yours faithfully

Plexus Law

This document is classified as CONFIDENTIAL

Given the current circumstances regarding Covid-19, for the foreseeable future please ensure all correspondence is sent electronically by email and not by post or DX.