

## Michael Pearce

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**From:** Michael Pearce  
**Sent:** 16 September 2026 16:22  
**To:** subs.mitigation@uk.sedgwick.com  
**Cc:** Insurance Wokingham; Tree Management  
**Subject:** Property damage at 14 Fakenham Close, Lower Earley, READING, Berkshire, RG6 4AB - Sedgwick Ref: 10916130

Dear Sedgwick

Thank you for providing the investigation reports relating to the alleged subsidence damage at 14 Fakenham Close, Lower Earley.

The Council has reviewed the information contained within Engineering Appraisal Report .pdf, Site Investigation - CET.pdf, Drain Report Repairs.pdf, Level Monitoring Report - November 2025.pdf, Level Monitoring Report - February 2026.pdf, Monitoring Report - June 2026.pdf.

Having considered the available evidence, the Council accepts that the property is founded within shrinkable clay soils and that seasonal moisture variation associated with vegetation is likely to be contributing to foundation movement. The geotechnical investigation identified intermediate to high plasticity clay soils beneath foundation level together with desiccation and elevated soil suction values consistent with a shrink-swell subsidence mechanism.

The Council also notes that monitoring undertaken between November 2025 and June 2026 demonstrates seasonal movement and crack-width variation consistent with clay shrinkage and recovery. Whilst this monitoring supports the conclusion that movement is occurring, it does not in itself identify which specific trees are responsible for the observed movement or demonstrate that all vegetation identified within the arboricultural report is materially contributing to the subsidence mechanism.

When considering requests for tree mitigation, it is necessary to determine which vegetation is contributing to the subsidence mechanism and whether the proposed mitigation works are proportionate, evidence-based and justified.

The most persuasive evidence in any tree-related subsidence investigation is typically the identification of roots recovered from beneath or immediately adjacent to the affected foundations. In this case, roots recovered from beneath the foundations were identified as being “probably *Quercus* spp. but possibly *Castanea* spp.”, with active roots exhibiting abundant starch reserves being recovered from foundation depth. The root identification report also recorded Pomoideae group roots within the borehole; however, these roots were not identified as Maple or Ash.

The Council notes that no roots from Field Maple, Ash or Cypress were identified beneath the foundations or within the principal investigation area. Furthermore, the arboricultural report itself records that the Oak was one of the species for which roots were implicated, whereas the Field Maple trees (T2-T4) and Ash trees (T7-T8) were recorded as having no identified root involvement despite recommendations for removal being made.

The Council does not agree that sufficient evidence has been presented to justify the removal of the Council-owned Field Maple trees (T2-T4) or Ash trees (T7-T8).

The accepted mechanism of damage in this case is shrinkable clay subsidence associated with vegetation-related moisture demand. Whilst it is accepted that Field Maple and Ash are species capable of extracting significant quantities of soil moisture, the existence of a theoretical rooting potential does not in itself establish causation. Where subsidence liability is attributed to individual trees, the burden remains on the claimant to demonstrate, on the balance of probabilities, that each tree proposed for removal is materially contributing to the subsidence mechanism.

In this instance, the site-specific evidence points towards Oak as the only positively identified Council-owned species associated with the foundations.

Furthermore, the Council notes that industry guidance contained within NHBC Standards Chapter 4.2, *Building Near Trees*, recognises that tree species exhibit differing levels of water demand and therefore differing potential to influence shrinkable clay soils. Oak (*Quercus*) is recognised as a high water-demand species and is commonly associated with clay shrinkage subsidence, whereas Ash is generally regarded as a moderate water-demand species and Field Maple is typically considered to exert a lower moisture demand and zone of influence than Oak. Whilst such classifications cannot establish causation in isolation, they provide important context when assessing the relative likelihood of individual species contributing to subsidence damage. In the present case, the fact that the only positively identified Council-owned roots recovered from beneath the foundations were Oak roots is entirely consistent with the recognised water-demand characteristics of Oak, and further supports the conclusion that Oak represents the principal vegetation influence identified by the investigation. Conversely, whilst both Ash and Field Maple are capable of influencing shrinkable clay soils under certain site conditions, the investigation has failed to produce the direct root evidence normally relied upon to attribute liability to those trees. Accordingly, the Council considers that reliance upon theoretical rooting potential or generalised species characteristics alone would be insufficient to justify the removal of publicly owned and protected trees where the site-specific evidence identifies Oak as the only confirmed Council-owned species present beneath the affected foundations.

No site-specific evidence has been provided demonstrating the presence of Field Maple or Ash roots within the affected foundation zone, nor has any technical justification been provided to explain why the removal of these trees is necessary where direct root evidence is absent.

Recommendations for the removal of publicly owned trees, particularly those protected by statutory controls, must be supported by clear causation evidence rather than precautionary assumptions. The Council therefore considers that the evidential threshold required to justify the removal of T2, T3, T4, T7 and T8 has not been met.

The Council also notes that the drainage investigation identified a defect within Run 4 associated with RWP2, including a separated pipe joint and associated drainage defects requiring excavation and replacement. These repairs were subsequently completed in November 2025.

Whilst the engineering appraisal concludes that the drainage defect was not the primary cause of the foundation movement, it nevertheless constituted a confirmed defect requiring remediation and introduces an additional variable within the investigation. It is recognised that defective drains can attract tree roots seeking moisture and can potentially influence root distribution patterns within the surrounding soil profile. The Council therefore considers that the existence of the drainage defect further supports the need for a cautious and evidence-led approach before irreversible vegetation mitigation measures are undertaken.

The Council further notes that the Oak tree (T1) and Field Maple trees (T2-T4) are protected by an Area Tree Preservation Order (TPO No. 134/1978 Tree Reference A14). As the Local Planning Authority, the Council has a statutory duty to safeguard protected trees where there is insufficient evidence to justify their removal. Given the significant amenity, environmental and public value of these trees, their loss must be supported by compelling and site-specific evidence demonstrating necessity. Proximity to the property alone is not sufficient justification for removal.

Having considered the available evidence in its entirety, the Council accepts that there is sufficient evidence to support the view that the Council-owned Oak identified as T1 may be contributing to the subsidence mechanism and is prepared to consider reasonable mitigation measures in respect of that tree. The root identification evidence recovered from beneath the foundations identifies Oak as the only Council-owned species positively associated with the damaged structure and, on balance, the Council accepts that some form of arboricultural intervention can be justified in relation to this tree.

Notwithstanding the above, the Council does not consider that the current evidence supports the irreversible removal of a protected Oak tree at this stage. Given the Council's obligations as owner of the tree and as Local Planning Authority responsible for administering the Tree Preservation Order, it is necessary to ensure that any mitigation measures are proportionate, evidence-led and represent the least detrimental option capable of addressing the alleged nuisance.

In accordance with these principles, the Council would be willing to consider the implementation of a cyclical crown reduction regime designed to reduce transpirational demand and thereby reduce the tree's influence on soil moisture conditions. The Council's preferred approach would be an initial crown reduction of approximately 25-30% of the live crown volume, undertaken in

accordance with BS3998:2010 Tree Work – Recommendations, with the objective of achieving a meaningful reduction in leaf area whilst maintaining a healthy and sustainable crown structure.

Following the initial reduction works, the Council would be prepared to maintain the tree on a cyclical re-reduction programme at intervals of approximately three years, thereby maintaining a reduced canopy size and limiting the re-establishment of the tree's pre-management moisture demand.

In parallel with the proposed tree works, the Council would expect continued level and crack monitoring to be undertaken for a minimum period of 24 months following completion of the initial crown reduction. Monitoring should continue using the existing monitoring points and intervals already established during the investigation to allow direct comparison with the pre-mitigation movement trends identified within the current data set.

The Council considers that monitoring should encompass at least two full growing seasons following completion of the tree works. At the conclusion of the monitoring period, the monitoring data should be reviewed jointly by the insurer's engineers and arboricultural consultants to assess the effectiveness of the mitigation.

Should the evidence demonstrate a clear reduction in seasonal movement and successful stabilisation of the property, the cyclical management regime should continue as the long-term mitigation solution. Conversely, should significant progressive movement continue despite implementation of the reduction programme and in the absence of any alternative contributory factors, the Council would be willing to review further technical evidence and reconsider whether additional mitigation measures are justified at that stage.

Furthermore, whilst the Council is willing in principle to consider mitigation works to the implicated Oak tree (T1), it should be recognised that the tree is protected by a Tree Preservation Order and any proposed works must therefore be appropriately considered and authorised through the Council's formal decision-making processes. To ensure that all relevant technical information is available for assessment, a tree works application will be prepared and supported by the engineering appraisal, site investigation records, root identification evidence, drainage investigation findings, monitoring data and arboricultural assessments associated with this claim.

The application will be assessed having regard to the available technical evidence, the extent to which causation has been demonstrated, the amenity and environmental value of the protected tree, and the Council's statutory duties in relation to Tree Preservation Orders. Following completion of that assessment, the Council will issue a further written response confirming the outcome of the application, whether any mitigation works have been authorised, the agreed specification of works (if approved), and the associated monitoring and review arrangements.

The Council considers that this approach represents a reasonable, proportionate and evidence-based response that balances the need to address the alleged subsidence damage with the

significant public amenity, environmental and landscape value of a protected Oak tree. The Council therefore considers that a managed crown reduction and monitoring regime should be fully explored and exhausted before permanent removal of the tree is contemplated.

Accordingly, whilst the Council is willing to engage constructively regarding mitigation of T1 through a programme of crown reduction and monitoring, it does not consider that the current evidence demonstrates a requirement to remove the Council-owned Field Maple trees (T2-T4) or Ash trees (T7-T8), and therefore does not consent to their removal. Should the claimant wish to pursue mitigation of these trees, the Council would require further site-specific evidence establishing their direct involvement in the subsidence mechanism before reconsidering its position.

The Council remains willing to review any additional investigation findings should further evidence become available.

Sincerely

Michael

**Michael Pearce**

Team Leader Operational Tree Management

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