



Milton Keynes
City Council

Tree Insurance Policy.



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Version 1



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Introduction

Milton Keynes is one of the greenest cities and has many parks, green spaces, and tree-lined streets. These features offer not only aesthetic value but multiple environmental, health, economic and social benefits too. However, we also recognise there can be issues, the operational tree policy covers many of these.

We aim to ensure Milton Keynes City Council trees: contribute positively to the quality of the local environment; do not pose a risk to safety, or of damage to property; and are protected from unnecessary harm. Trees are inspected regularly to make sure they are healthy and thriving, but it is not possible to identify all issues, particularly where they impact buildings at distance from the main stem or trunk.

Storms

The UK has seen an increase in extreme weather events, with storms and high winds causing extensive damage. Where damage is caused to walls or fences between properties or your property is damaged by something from your neighbour's property, Milton Keynes City Council or other landowner, difficulties can arise.

To clarify who is responsible for a fence or wall you may need to refer to the title deeds of your property. If the deeds do not contain the information, then the general presumption is that they are shared. If a tree falls on your property and causes damage, you will not be able to make a claim against their insurance. This is because home insurance only covers the policy holder's property. It is usually the case that you would make a claim against your own insurance.

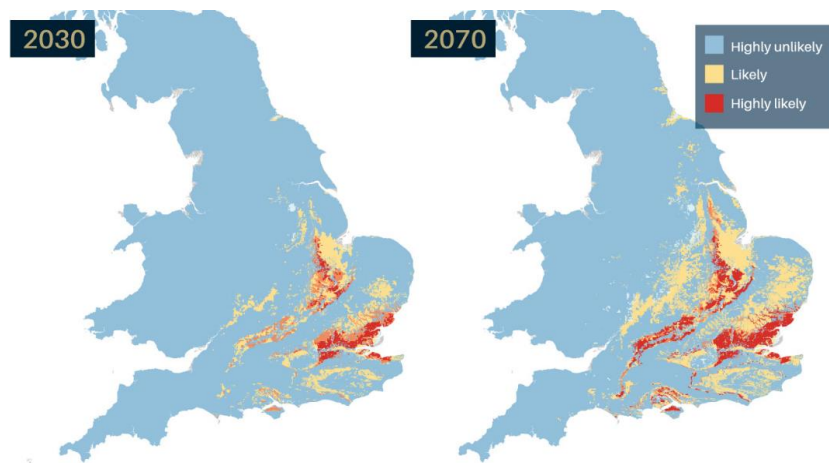
If the tree fell on your property from publicly owned land, then you can ask the landowner to remove the tree. In Milton Keynes public open space is managed and owned by several organisations including Milton Keynes City Council, the Parks Trust, Parish and Town Councils and management companies. Council Land ownership can be found on the MY MK web page [viewer](#).

Home insurance policies generally pay out for damage caused by a storm; you should ring your insurer as soon as you can after the damage occurs. They may have a 24-hour claims line that you can use. Take photos and video straight away if you can. Where you need emergency repairs you should ask your insurer how to proceed.

Subsidence

Subsidence is the downward movement of the ground supporting the building. Damage occurs because the movement is often uneven, causing cracks in walls, floors and ceilings. The main cause of subsidence in the UK is the shrinkage in dry weather of clay soils which expand and contract with changes in their moisture content. Much of the land in Milton Keynes is on clay.

New maps launched by the British Geological Survey (BGS) reveal how climate change is likely to drive an increase in subsidence-related issues for British homes and properties over the next 50 years.



Map 1: Identifying areas expected to experience the largest increases in susceptibility to subsidence by 2030 and 2070. Source: BGS © UKRI – Contains Ordnance Survey data © Crown copyright and database right 2022

The escape of water from leaking or damaged drains below the ground can also cause subsidence. Subsidence damage to buildings is distinctive in appearance, with cracks in walls usually having the following features:

- Apparent from both inside and outside the property
- Tapered
- Extending below the damp proof course

This is often accompanied by doors and windows sticking, reflecting the distortion of the building. All buildings can suffer minor cracking arising from causes other than subsidence, heave, or landslip, the most common of which are:

- Consolidation settlement of soil due to the weight of the building. This normally occurs early in the life of a building.
- Temperature changes of the building superstructure causing expansion and contraction
- Drying and shrinkage of building materials

Cracks arising from these causes are usually uniform in width and narrow (hairline to 3mm) and can be dealt with during routine maintenance or redecoration. In normal circumstances clay will shrink in the summer and recover by swelling in the wetter winter months. With the advent of the recent series of dry summers and winters, in many cases the ground has been unable to recover.

Clay with a high shrinkage potential will only have its moisture content vary up to 1m in depth. Modern day foundations should not be affected, as they are normally at least this deep. However, where trees and shrubs are present, moisture content can be affected to a much greater depth.

Heave is normally caused by the removal of trees or large shrubs. While the tree is growing the surrounding soil is dried out as the vegetation takes moisture from the ground, but

when the tree is removed the moisture content builds up, causing the ground to swell. The process can take many years, but the damage caused by heave is, in most cases, is much more severe than that caused by subsidence. Problems can arise if mature trees near houses are cut down or if a site is cleared of vegetation before construction commences.

Other causes of subsidence not so commonly encountered are mining excavations; swallow holes or solution cavities, improperly compacted ground, and leaching of sandy or silty soils often caused by leaking or broken drains.

- Trees which are older than the structure should not be removed as this could cause uplift of the ground and heave.
- Never remove or in any way alter a tree on which there is a preservation order or in a conservation area, without the appropriate consent.
- If in doubt obtain specialist advice from a qualified arborist or similar professional. (Initially the cost involved will normally have to be borne by the policyholder and will only be reimbursed by the insurer if a claim is met.)

The tree may be within a neighbouring garden or in the street. If you are worried about the potential subsidence problems that a neighbour's tree could cause, discuss it amicably and try to persuade them to take appropriate action.

Minor cracking can occur in any building for reasons not related to subsidence. This can be dealt with during routine maintenance and decoration. If your home is in a shrinkable clay area, minor cracks with widths up to 5mm can occur during unusually dry spells and can then be treated by redecoration when they have closed again after the normally wetter winter months. If the cracks do not close, or continue to open beyond widths of 5mm, there is a long-term problem, and you should immediately consult your insurance company who will advise you on the next steps to be taken.

Where appropriate, specialists will be appointed to investigate the cause of the damage and to arrange for repair work to be carried out (the effects of even quite serious subsidence damage can often be rectified by means other than under-pinning).

In the most serious cases, the investigation including monitoring of the movement causing the damage can take a considerable period in order that a proper and lasting repair is made to the property. Where monitoring of this nature is required, the time taken by the investigation work may well exceed 12 months.

Council Responsibility

The responsibility for the maintenance and care of trees rests with the owner who may be liable for any claims for compensation. If you believe the tree is causing subsidence you must contact your own insurance company who will in turn provide arboricultural evidence about a particular tree, as well as structural evidence of building damage in support of any potential claim. To evaluate and decide the probable cause of damage due to subsidence, we require the following information:

- a structural report with a formal description of the damages positive tree root identification (necessary to identify the species and location of any trees involved)
- soil analysis
- 12 months level monitoring - this shows the cyclical movement relating to the seasonal growth of vegetation as opposed to the effect of defective drainage or other causes.

All the above information is usually in a report provided by a Chartered Surveyor, who is employed on behalf of the freeholder's buildings insurance company. If you do not want to pay for a surveyor's report yourself, it is essential that you contact your insurance company. Please note that Milton Keynes City Council cannot pay for any excess to be paid on an insurance subsidence policy.

If tree roots are proven to be a cause of damage, we may take action to abate further nuisance. In the meantime, we may look to take pre-emptive action, such as remedial pruning. However, each case is unique and needs to be evaluated on a case-by-case basis.

It's the policy of Milton Keynes City Council to preserve the green amenity afforded by street trees and we seek to retain them wherever practicable. In some cases, trees may have to be removed. However, to maintain amenity, a replacement tree may be planted of a smaller and less vigorous species.

Root ingress in gardens

The Council is unable to prevent root ingress within adjacent gardens; it is not considered actionable nuisance and therefore we do not undertake root removal where this has occurred. Reduction or removal of some tree species which regenerate through shoots from their buried roots can often exacerbate the problem as it stimulates them to produce more roots.

The Council will not accept responsibility for tree roots that have gained access to drains or services because of these services being unfit for purpose. Tree roots do not generally break drainage pipes but may be attracted by the moisture of a leaking pipe and enter. The onus is on the owner to get the drain repaired at their own expense.

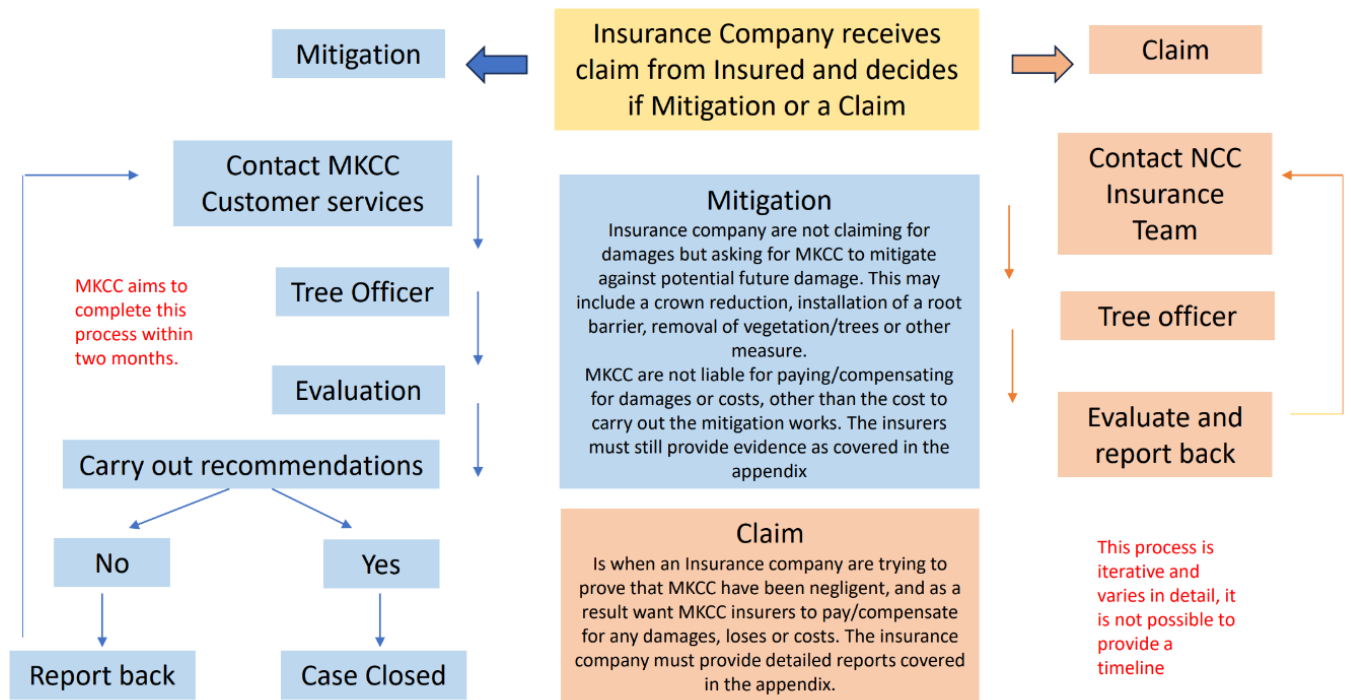
Where tree roots have caused minor damage to non-supporting structures such as garden walls the Council will not take any action. It is the responsibility of the property owner to rebuild or repair garden walls and fences to take account of adjacent trees. If a damaged

wall or fence was constructed after planting of the tree, it may mean that the design or construction has failed to take the presence of nearby trees into account.

The Council will not accept responsibility for tree roots damaging hard paving in adjacent land. The onus is on the owner to repair paths, drives and patios etc. to take account of adjacent trees and tree roots. Where roots protrude, they can be root pruned up to the boundary but not to the detriment of the tree's health.

Process

There is a process we follow when an insurance claim is made against one of our trees and it is designed to avoid cutting down the tree, if possible. It also ensures that all claims are treated fairly.



MKCC Customer services

Civic

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Central Milton Keynes

MK9 3EJ

Telephone: 01908 691691

West Northamptonshire Council Insurance Service:

WNC Insurance Claim SharedInsuranceClaims

SharedInsuranceClaims@westnorthants.gov.uk

New Shire Hall,

Emery Crescent,

Enterprise Campus,

Alconbury Weald,

Huntingdon,

PE28 4YE

Appendix

The evidence we'll ask for to support a claim includes:

An engineer's report showing:

- Location of damage
- BRE category – used to help decide if any cracks affect the property and what repairs are proposed.
- Level monitoring.
- Drainage survey.
- A plan and profile of the property foundations.
- A site plan indicating the location of the structure in relation to trees and other vegetation nearby.

A tree survey (Arboricultural report)

The results of soil investigation tests confirming the:

- Profile.
- Moisture content.
- Plasticity index.
- Desiccation.
- Tree root identification.

