

Dealing with Subsidence in 2020

McLarens Private Clients Briefing

2020 has been a year for headlines, and whilst we have all been distracted with scientific, medical, financial and educational themes, many will have overlooked the significance of some of the weather trends over the last few months.

The year started with a series of wind and rain storms that caused significant damage, and in February 2020, record rainfall was experienced across the entire UK with an average of 237% normal rainfall occurring.¹ Yet, if anything it was the spring 2020 period that was perhaps more remarkable, as it was exceptionally sunny, with May being the sunniest ever recorded.² Those three months were also very dry. Again, May set a record as the driest on record in England, and second driest in Wales.³

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Whilst we were able to enjoy the warm and sunny spell during lockdown, the dry and sunny periods may yet prove to have consequences for the volume of subsidence claims to be encountered through and beyond summer 2020. The summer experience has, on the whole, been dry so far, causing groundwater levels to fall rapidly in many areas.

Diagnosing Subsidence Claims

The steps involved in diagnosing subsidence have a reputation for being lengthy, but correctly managing the process and the client's expectations can provide a smoother experience. In diagnosing subsidence, it is importance to call on the right experts to undertake the main tasks:

- Joint visits from loss adjusters and structural experts
- Thorough site investigations
- Crack width and level monitoring, as appropriate
- Initial arboricultural advice from tree consultants, as necessary
- Preliminary report with advice on likely cause and loss potential
- Site investigation report to complete the diagnosis.

¹ McCarthy, Mark. (2020). Met Office: Why the UK saw record-breaking rainfall in February 2020. *Carbon Brief*, [online] p.1. Available at: <https://www.carbonbrief.org/met-office-why-the-uk-saw-record-breaking-rainfall-in-february-2020#> [Accessed 05 Aug.2020].

² Madge, Grahame. (2020). May 2020 becomes the sunniest calendar month on record. Met Office, [online] p.1. Available at: <https://www.metoffice.gov.uk/about-us/press-office/news/weather-and-climate/2020/2020-spring-and-may-stats> [Accessed 05 Aug.2020].

³ Madge, Grahame. (2020). May 2020 becomes the sunniest calendar month on record. Met Office, [online] p.3. Available at: <https://www.metoffice.gov.uk/about-us/press-office/news/weather-and-climate/2020/2020-spring-and-may-stats> [Accessed 05 Aug.2020].

Corrective Work for Subsidence

In most cases, underpinning or piling can be avoided, through thorough site investigation and effective mitigation advice. Following diagnosis, the remedial phase will typically include the following elements:

- A retained arborist will inspect the scene, report, and advise on necessary vegetation management
- Expert negotiation overcoming obstacles such as local authority owned trees or protected sites
- Assistance with mitigation, subject to policy cover
- Crack width and level monitoring to ensure structural stability before repairs start
- Qualified buildings professionals preparing a specification of repair
- Cost control and indemnity spend reviews
- Party wall and Construction Design and Management (CDM) oversight
- Professional oversight of the repair phase, working in conjunction with the loss adjuster
- Provision of a Certificate of Structural Adequacy (CSA) to the client following works.

Communication is Key

Wherever possible, a swift diagnosis and remediation should be sought, working with engineering experts. However, on occasions, subsidence losses take more time and require a more patient approach, sometimes necessitating an extended period of monitoring. In such circumstances, regular updates need to be shared with the clients, including technical appraisals.

Break down the technical elements so the client is not overwhelmed

It's important to break down the technical elements so the client is not overwhelmed with unfamiliar terminology or jargon. Maintaining good communication from the start of the claim will help the client understand the necessary steps as the work develops, for example, involving the client in the preparation of remedial schemes so they know what to expect.

As with any claim, return visits to the site at appropriate intervals to review progress in-person with clients will provide reassurance and give them the opportunity to ask any questions they may have. A well organised loss adjuster will be able to manage client expectations by anticipating any likely obstacles ahead of time.

Considering Subrogation Opportunities

By making use of experts in the field of site investigation, arboriculture and building repair, the loss adjuster should be able to assemble and interpret useful information to assist with any subrogation opportunity. Such information may include:

- Technical appraisal reports into the influence of any third-party vegetation
- Site investigation reports including soil analysis, root identification and testing
- Comparative costings or other effective cost analysis to demonstrate effective claim management and indemnity control.

Conclusion

Subsidence claims are invariably emotive, often threatening the value of an individual's largest asset. As such, a sensitive, empathetic approach is required from a knowledgeable loss adjuster. Within the industry generally, there has been a move toward finding ways to foreshorten what at times can be a long-winded process. Loss adjusters must work through the key steps, knowing that clients will not accept anything other than a thorough and transparent approach.

Alex Wakefield, Executive Adjuster, is our specialist in these often challenging, technical claims and has sixteen years of experience in subsidence claims handling. We are on hand to receive your instructions and welcome any further enquiry. Our service remains in place, despite the challenges of the last few months, and together with our partners we will provide a prompt effective response.

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