

## **A Statement on Insurance-led demands to fell trees protected by a Tree Preservation Order (TPO)**

- Many properties suffer movement (subsidence), causing cracking, from time to time and it is often alleged that trees are the cause of this movement on account of their desiccation of the soil, causing it to shrink, underneath the property.
- Many insurance companies are doing everything possible to avoid the cost of underpinning properties with subsidence. Through their agents and consultants, they cite removing vegetation, often a TPO- or council owned tree, as the solution.
- A planning application is made to the Local Authority to fell the tree and if this is resisted the insurance company's agent issues a succession of threatening letters stating they have a legal right to pursue a liability claim either from the tree owner or the local authority for the cost of underpinning which is in the region of £60,000 or more. This puts the Local Authority in a dilemma as it has a duty to both preserve the trees in its area whilst not letting them cause damage to property. All too often, the Local Authority takes the easy way out and allows the felling.
- However, the claim that the tree is causing the subsidence often turns out to be rather superficial and unfounded without having fully assessed climate conditions, property foundations, substructure of the ground or even accurate identification of the tree alleged to be causing the problem.
- Many cases are long and protracted and are characterised by assumptions, presumptions, confusion and bias. Alternatives to felling (such as a root barrier) are simply not considered and the costs of the alternatives can be grossly overstated and in these cases residents and Councils are urged to get their own quotations.
- Data purporting to show measurements of the building moving whilst having the appearance of being definitive and professional can be meaningless particularly if the 'Temporary Bench Mark' ('TBM') is located on the very building that is allegedly moving.

We are urging council officers to resist applications to fell trees unnecessarily at the behest of insurance companies trying to save money. We ask that council officers make a critical analysis of the facts and not concede to the insurance companies' demands simply to avoid threatened compensation costs.

Mature trees are a valuable asset to the community and should not be used as a scapegoat by insurance companies. This is a political issue with widespread implications across London. Councils should not simply accept the report by an insurance company at face value and, on that basis, allow the felling of a protected tree, but should critically analyse the validity, accuracy and thoroughness of all aspects of the insurance company's report to ensure there is adequate justification to support the felling of the tree. If due heed is not paid, and the insurance companies are successful, it will become standard practice and hundreds of mature trees throughout London will be at risk altering the street scape beyond recognition.

The cases of trees felled are becoming too frequent to be ignored. A solution must be found and what will help to change thinking on the matter instead of ignoring it.