

## Trees, Subsidence & Insurance Claims

Most people do not realise how many of the trees they see being felled in Haringey streets are due to insurance claims resulting from subsidence.

With climate change there has been a big increase in local subsidence and this is because buildings in our area are built on clay. Clay shrinks and expands according to moisture content. The two main reasons for moisture extraction are drought and trees. As the trees in our streets and gardens age and as climate change leads to more severe droughts, homes in Muswell Hill and Crouch End are more and more prone to subsidence.

Many of us have received letters from insurers of neighbouring homes, either demanding that we cut down trees on pain of being liable for damage or warning us about the risk that our trees could cause subsidence. Sometimes these letters can be threatening and aggressive. What should you do if you receive one?

If your tree is being accused of actually causing damage, do not simply take the Insurance company's word for it. You should first demand proper evidence and proof, including information on borehole samples to show the extent to which roots from your trees are close to or under the affected property. Often this may not exist and even if it does, you might still wish to consult a professional arboriculturalist. CREOS could help you with this. Often, it's unclear how much subsidence can be attributable to trees and how much to drought and climate change, so you do need to be sure that your tree really is "guilty" before taking any action.

If your tree has not caused damage, but you are warned that it might do so in future, the possibility of damage is, in a legal sense, now foreseeable and you have an obligation to manage the tree so as to mitigate future damage. This does not, necessarily mean felling the tree. You could, instead opt for a programme of regular pruning or pollarding. If you can demonstrate reasonable management of the tree you may well be relieved of liability for future damage.

A further factor to consider is the nature and amenity value of the tree. If your tree merits or has a TPO (Tree Preservation Order) you will need the agreement of the Council prior to felling. The Council will not only demand a high burden of proof, but may well refuse to allow the tree to be felled. Not every tree merits a TPO, but if you want to try to get one for your tree, please contact CREOS and we will advise on how to proceed.