

24 May 2016

Our Ref: 65249/QG1S0213935/

Mr. Al Smith – Arboricultural Manager
London Borough of Camden
Planning Department

Dear Mr Smith,

Re: Tree Related Subsidence at 122c Finchley Road, London, NW3 5HT

**Notice under s.211 of the Town and Country Planning Act 1990 of intent to
Fell the Lime trees T11 and T9**

We write in reference to our site survey of **01st February 2016** and confirm that we are the arboriculturists appointed on behalf of property insurers of the above risk address.

It is the view of chartered engineers appointed to investigate damage that the property has suffered differential movement and subsequent damage consistent with tree related clay shrinkage subsidence.

Further to discussions with the Structural Engineer who is assessing the required remedial works for the property, we are of the opinion that it is preferable to remove the implicated trees. This is because retaining the trees and implementing an engineered solution cannot happen without having serious effect on their root systems which are influencing the structure of the risk address.

This submission consists of a formal notification under Conservation Area Regulations of our intention to remove the trees as mentioned above which we believe are not protected under any Tree Preservation Order.

Whilst insurers have no requirement to submit prescribed levels of supporting evidence in relation to a Conservation Area notification we are enclosing copies of relevant technical reports, in the attached Appendices, as itemised below:

1. A site plan, survey tables and photographs which locates vegetation that is the subject of this notification.
2. Engineers Report
3. Site investigation report
4. OCA Arb Report

We have demonstrated, from the evidence detailed above, two tests in line with current case law that show:

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1. **Tree roots were present underside of foundations:**
 - Positive 'Tilia' - Lime root ID
2. **Damage to the insured's property has resulted from tree related subsidence:**
 - History and timing of damage indicates it is tree root induced movement
 - Pattern of damage relative to the trees and mechanism of movement implicates the itemised tree species

Please accept this letter as our formal notification to undertake the works detailed below:

Tree Number (as per OCA plan)	Common name	Specification
T11	Lime	Fell as close to ground level as possible and treat the stump.
T9	Lime	Fell as close to ground level as possible and treat the stump.

Reasons for this notification:

1. The above tree works are proposed as a remedy to the differential foundation movement at the above address and to ensure the long-term stability of the building.
2. The above tree works are proposed to limit the extent and need for expensive and disruptive engineering repair works.
3. The above tree works are proposed to limit the duration of any claim period and, therefore, allow the landowner his right to the peaceful enjoyment of his property.
4. It is the case that an alternative to felling T11 & T9 such as pruning or significant pollarding of the trees would not provide a reliable or sustainable remedy in this case.
5. We do not consider that any other potential means of mitigation, such as root barriers, would be effective or appropriate in the circumstances.

Please provide your formal acknowledgement of this notification, indicating the date of its registration and the date that any decision would in your view, be due.

Please quote our reference number 65249/ QG1S0213935 in all correspondence.

Insurers have no requirement to offer replacement planting in the circumstances of this notification being within a Conservation Area but Insurers are not unaware of the significance of the proposal in landscape terms.

A replacement planting scheme is seen as integral to this notification and could be accommodated on a 1:1 basis. The scheme is offered on an entirely voluntary basis and we are willing to discuss species in conjunction with the Council, the neighbours and the Insurer.

Should you wish to visit the risk property, please contact us in order that we may arrange suitable access. We trust that the above information is of assistance but should you have any queries please do not hesitate to contact us.

Yours sincerely,

Karen Firmin
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