

# Tree roots claims process

## Positive outcomes

Aware of potential hotspots – such as areas with clay soil.

Regular inspections and maintenance by a qualified tree officer.

Detailed records kept and readily available.

Future risks of planting new vegetation carefully considered in advance.

## Negative outcomes

No established procedures for handling tree root complaints.

No qualified tree officer at local authority's disposal.

Incomplete or insufficient records of historical inspections and maintenance.

New vegetation planted without due consideration of future liability issues.

Resident notices damage/subsidence to their property, thought to be caused by a local authority tree.

Local authority receives correspondence notifying them of the issue.

Zurich Municipal is notified of the circumstances.

**In some cases, a qualified tree officer conducts an on-site inspection:**

- Investigates alleged cause.
- Identifies possible contributing causes.
- Gives opinion on best course of action.
- Compiles a report.

**No on-site investigation is conducted.**

- An expert opinion is not put forward.
- No records are created.

**Correspondence is assessed before passing to Zurich Municipal:**

**Mitigation request?**

The decision to mitigate is one for the local authority, not Zurich Municipal. Appropriate mitigation at this stage can avoid a formal claim.

**Letter of claim?**

Zurich Municipal can handle the litigation process going forward. Appropriate action will still be required by the local authority to mitigate future damage.

**Correspondence is immediately passed to Zurich Municipal, who may not yet have the authority to act.**

This delays the process and allows time for further damage to occur. No action is taken to mitigate the alleged issue.

Zurich Municipal reviews historical records and the investigation report. Issues of causation and liability are quickly assessed. A strong defence is put forward.

No specific records are available concerning the tree in question. There is little chance of a successful defence. The claims process is further delayed while suitable evidence is obtained.

Records show that the local authority was suitably managing the risk, and that further damage was not foreseeable.

Tree officer found that a neighbour's vegetation was contributing to the damage.

Early mitigation prevented further damage occurring.

Only the highway officer's records are available, which do not concern the specific tree in question.

No other evidence can be found to defend against the allegations.

The claim experiences long delays, during which further damage occurs.

**Best possible chance of defence**

Potential costs have been reduced significantly.

**Likely to be held liable**

High settlement figure expected.