

**OBJECTION TO TREE PRESERVATION ORDER NO. 66/04
LAND ON EAST SIDE OF LAUREL COTTAGE, DERRITT LANE,
BRANSGORE**

REPORT OF COUNCIL TREE OFFICER

1. TREE PRESERVATION ORDER HISTORY

- # 1.1 Tree Preservation Order (TPO) No. 66/04 was made on 23 July 2004. The TPO plan and first schedule are attached as Appendix 1. The Order protects a group of three oak trees (G1).
- 1.2 The order was made following notification that OCA UK Ltd, were intending to remove the three oak trees subject to this TPO as it was alleged that they, together with other vegetation, were or could adversely influence soil conditions so as to undermine the stability of Laurel Cottage.
- 1.3 At the time of notification, the trees were not subject to statutory protection. The Council's tree officer inspected the site and took the view that three of the oaks made a positive contribution to the public amenity of the area and that their removal at this time would be detrimental to the appearance of the local environment. Since he felt that insufficient information had been given to conclusively implicate these three trees as a cause of alleged subsidence damage, he felt that it was expedient to make them subject to a TPO.
- 1.4 The Council's tree officer wrote to OCA UK Ltd, on 21 July and 16 September, requesting information about the nature and extent of the damage caused. To date no such information has been received.
- # Copies of all correspondence referred to in this report is included as Appendix 2

2. OBJECTION

- 2.1 On 29 July Mr. Hosie, the occupier of Laurel Cottage, wrote to the Council formally requesting that the TPO be withdrawn because the eastern end of Laurel Cottage is experiencing severe subsidence since they moved into the property in May 2003.
- 2.2 On 20 August, the Council's tree officer wrote back acknowledging the issues raised and explaining that further information was being sought about the nature of the damage and the threat posed by the trees.
- 2.3 Mr. Hosie telephoned the Council on 21 October concerned for the lack of evidence to substantiate the OCA UK Ltd allegation of tree roots as a cause of actual or likely property damage. Until such evidence was provided he felt that he could not sustain an objection to the TPO but may seek to have the trees removed if such evidence was forthcoming.

- 2.4 Also on 20 August, OCA UK Ltd, acting on behalf of Chartered Civil Engineers Cunningham Lindsay, submitted a formal objection to the TPO for reasons of Amenity and Public Benefit, Nuisance and Human Rights. The Council's tree officer responded to this objection on 16 September, explaining that the Council required further details of the alleged subsidence damage and that this had previously been requested from OCA UK Ltd.

3. THE TREES

- 3.1 The three oak trees subject to TPO 66/04, form part of an old hedgerow of mixed species trees and shrubs, typical of the New Forest. The three trees included in the TPO are readily visible to the public from Derritt Lane and West Road. They have received little maintenance in the recent past and could be pruned to ensure a reasonable clearance from Laurel Cottage and overhead service cables. Such work need not adversely affect the appearance or health of the trees.
- 3.2 No significant defects were noted in the structure or health of any of the three protected trees. There is a fourth, smaller oak between two of those protected. This tree has grown suppressed by the other two and is not considered suitable for protection by a TPO. This tree is marked as a grey circle on the TPO plan

4. FINANCIAL IMPLICATIONS

- 4.1 If TPO 66/04 is confirmed, there will be the cost of administering the service of the confirmed TPO and any subsequent tree work applications.
- 4.2 If TPO 66/04 is confirmed, compensation may be sought in respect of loss or damage caused or incurred in consequence of the refusal of any consent required under the TPO or of the grant of such consent which is subject to condition. However, no compensation will be payable for any loss of development or other value of the land, neither will it be payable for any loss or damage which was not reasonably foreseeable.

5. ENVIRONMENTAL IMPLICATIONS

- 5.1 Uncontrolled cutting or the premature removal of trees at this time and the lack of controls to plant suitable replacements will be detrimental to the appearance of the area.

6. CRIME AND DISORDER IMPLICATIONS

- 6.1 There are no crime and disorder implications arising from this report.

7. OTHER IMPLICATIONS

- 7.1 The making or confirmation of a Tree Preservation Order could interfere with the right of the property owner peacefully to enjoy his possessions but it is capable of justification under Article 1 of the First Protocol as being in the public interest (the amenity value of the tree) and subject to the conditions provided for by law

(Town and Country Planning Act 1990) and by the general principles of international law.

- 7.2 In so far as the trees are on or serve private residential property the making or confirmation of a Tree Preservation Order could interfere with the right of a person to respect for his family life and his home but is capable of justification as being in accordance with the law and necessary in a democratic society for the protection of the rights and freedoms of others (Article 8).

8. RECOMMENDATION

- 8.1 It is therefore recommended that TPO 66/04 is confirmed without amendment.

Further Information:

Bryan Wilson
Tree Team Leader

Telephone: 02380 285330
e-mail: bruan.wilson@nfdc.gov.uk

Background Papers:

Tree Preservation Order No 66/04

21-10-04

APPENDIX 1

SPECIFICATION OF TREES

Trees specified individually
(encircled in black on the map)

No. on Map	Description	Situation
None		

Trees specified by reference to an area:
(within a dotted black line on the map)

No. on Map	Description	Situation
None		

Groups of Trees

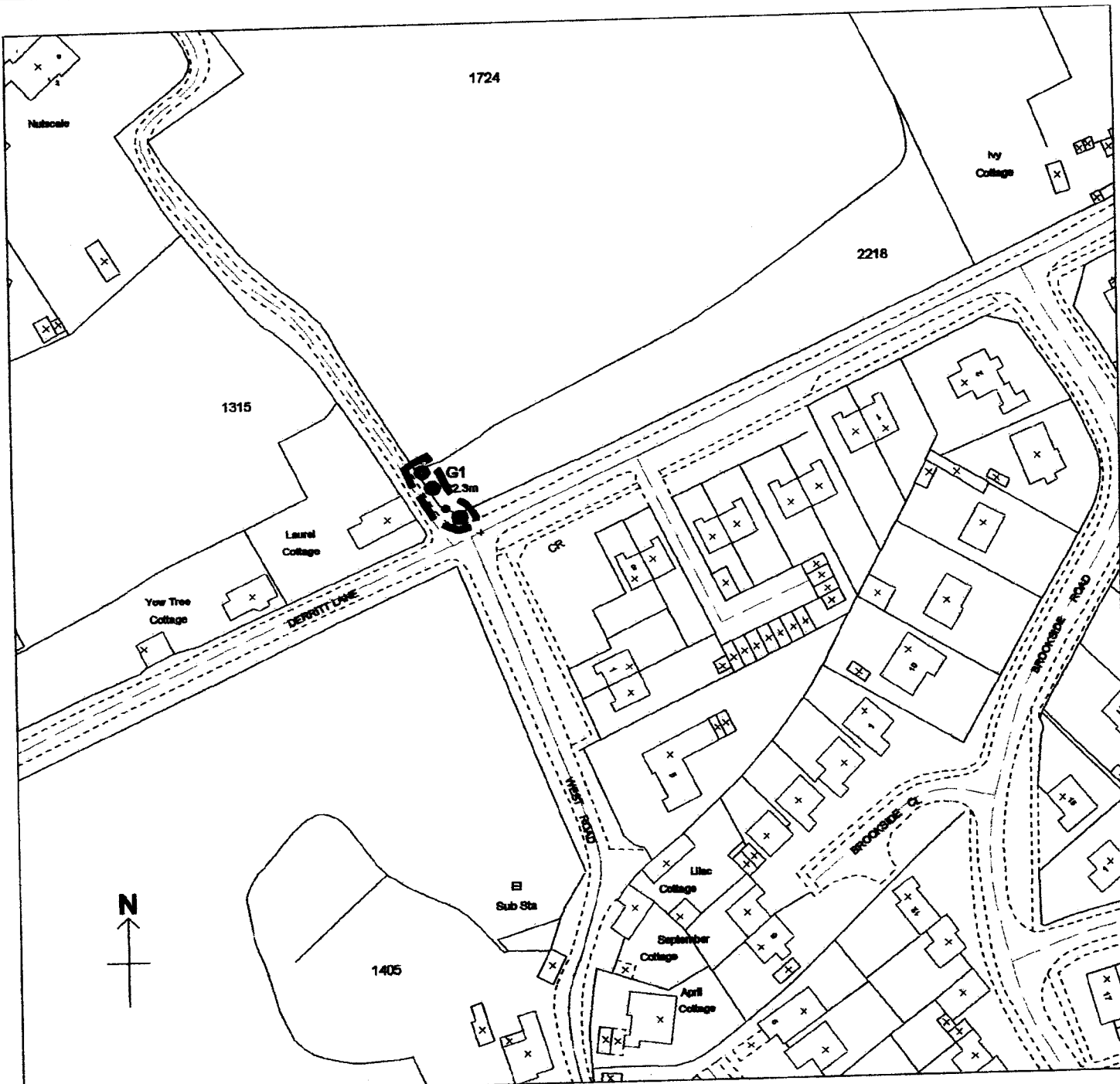
(within a broken black line on the map)

No. on Map	Description	Situation
G1	3 x Oak	On the east side of the track east of Laural Cottage; a twin stem Oak at the corner of the track and Derritt Lane, a multi-stem Oak east of the cottage, and a single stem Oak at the northern end of the group.

Woodlands

(within a continuous black line on the map)

No. on Map	Description	Situation
None		



Tree Preservation Order Plan

Town and Country Planning Act 1990

T.P.O Number: 66/04

Approximate Scale: 1250

Date Printed: 21 July 2004

W John Ward BSc, MCD, MBA, MRTPI, MIMgt
 Head of Policy, Design & Information
 Community Services Directorate
 Appletree Court
 Lyndhurst
 SO43 7PA

Key

Individual Trees Covered by TPO

Area of Trees Covered by TPO

Groups of Trees Covered by TPO

Woodland of Trees Covered by TPO

Trees Noted but not Worthy of Preservation



New Forest
 DISTRICT COUNCIL

W John Ward
 AN AUTHORISED SIGNATORY

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APPENDIX 2

OCA UK Ltd
4 The Courtyards
Phoenix Square
Severalls Park
Wyncolls Road
Colchester
Essex CO4 9PE

My ref: JH/TPO 66/04
Your ref:
16 September 2004

Dear Sirs

**LAUREL COTTAGE, DERRITT LANE, BRANSGORE
TREE PRESERVATION ORDER 66/04
YOUR REFERENCE R492/1869731/HOSIE AND BUCKINGHAM**

I refer to your letter dated 20 August concerning the above Tree Preservation Order and apologise for the delay in responding.

We are in receipt of an objection to the Order from Mr and Mrs Buckingham. The content of your letter will be given full consideration when their objection is considered.

I wrote to your Reading offices on 21 July advising you of my intention to serve the Order and inviting you to submit details of the alleged tree related damage to the building. This is necessary to enable us to give full and informed consideration of the evidence that the trees are implicated. Mr and Mrs Buckingham have provided copies of general information you sent them, but we still lack any site specific information whatsoever. The District Council treats matters of possible tree related structural damage extremely seriously and your representations to date are inadequate. I would be grateful if you would supply copies of any reports and investigation results that have enabled you to draw your conclusions and make your recommendations.

Yours faithfully



John Hearne
Arboriculturist

Tel: (023) 8028 5330
Fax: (023) 8028 5223
Email: pdi@nfdc.gov.uk

Mr D Hosie and Ms J Buckingham
Laurel Cottage
Derritt Lane
Bransgore
Hants
BH23 8AS

My ref: JH/TPO 66/04
Your ref:
16 September 2004

Dear Mr Hosie and Ms Buckingham

TREE PRESERVATION ORDER 66/04

I refer to your objection to the above Tree Preservation Order.

On 21st July I wrote to OCA UK Ltd requesting details of any evidence that suggests the trees may be implicated in the damage to your property. This might include surveyor's or engineer's reports, root and soil analyses, monitoring results and level surveys. Unfortunately OCA UK Ltd have merely supported the objection to the Order without providing any further information to assist us in our consideration of this matter.

I believe that the Appeals Panel considering your objection will find it very difficult not to confirm the Order without the evidence that led to OCA UK's recommendations. I have today again written to OCA UK inviting further submissions but it may be useful if you were to approach them yourselves, or perhaps Cunningham Lindsey, the loss adjusters handling the claim.

Yours sincerely



John Hearne
Arboriculturist

Tel: (023) 8028 5330
Fax: (023) 8028 5223
Email: pdi@nfdc.gov.uk

20 August 2004

Your Ref:TPO 66/04

Our Ref:R492/1869731/Hosie and Buckingham

Tree Team
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA



4 THE COURTYARDS
PHOENIX SQUARE
SEVERALLS PARK
WYNCOLLS ROAD
COLCHESTER
ESSEX CO4 9PE
Tel **01206 751626/751632**
Fax **01206 855751**
Accounts **0151 494 1525**
Email info@oca-arb.co.uk
www.oca-arb.co.uk

By Fax and Recorded Delivery

Attention:Mr Brophy

Dear Sir

**Re: Land on east side of Laurel Cottage Derritt Lane Bransgore
Damaged property Laurel Cottage Derritt Lane Bransgore Christchurch Dorset
BH23 8AS**

We are arboriculturists appointed by Cunningham Lindsey on behalf of building insurers of the above property.

Thank you for your letter and copy of the Order dated 23 July received by our Reading office 26 July. We detail below our **formal objections** to the above Order. We note that one of the four Oaks is deemed not worthy of preservation so may be removed at any time, with the owner's permission.

We recognise that Local Planning Authorities may make a TPO if it appears to be expedient in the interests of amenity to make provision for the preservation of the tree(s) However even if the tree(s) merit s protection it may still not be expedient to make an Order. What analysis has been made of the wider site circumstances before the decision to serve the Order?_

Amenity & Public Benefit

Our reasons for wishing to apply to fell the Oaks in G1 of the Order directly relate to the consequences of the locations of the Oaks to the damaged property. We will be making an application under the Order to fell the three Oaks covered in G1 as a remedy to the subsidence damage. A possible refusal of consent to fell will almost inevitably result in the need for underpinning the property. All costs incurred in consequence of any refusal of consent are therefore likely to form the basis of a compensation claim against the Council under Regulation 9 of the Order and s.203 of the Town and Country Planning Act 1990.This would represent a poor use of public funds.

ALSO AT
VALLEYFIELD, 1A STRATFORD ROAD
AIGBURTH, LIVERPOOL L19 3RE
Tel 0151 494 1108
Fax 0151 427 4541

PARKSIDE, UNIT SIX, 15 HEADLEY ROAD
WOODLEY, READING, BERKSHIRE RG5 4JB
Tel 0118 901 4646
Fax 0118 901 4458

New Forest District Council

Nuisance

Under s.198(6)(b) of the Town and Country Planning Act 1990 it states:

“Without prejudice to any other exemptions for which provision may be made by a tree preservation order no such order shall apply –

(b) to the cutting down, uprooting topping or lopping of any trees...so far as may be necessary for the prevention or abatement of a nuisance”

Given that the trees in G1 of the new Order are thought to be causing damage to a neighbouring property, which is under different ownership, their removal is thought to be the reasonable arboricultural remedy and therefore should be exempt by virtue of s.198(6)(b) of the Act

Human Rights

In respect of the a person’s right to have a free, fair and impartial hearing regarding matters which affect the peaceful enjoyment of their land or property, the consideration of our objections to the Order by the Local Authority rather than an independent body might be considered incompatible with the Human Rights Act 1998. This is especially in view of the fact that access to judicial review is outside of the financial capabilities of most landowners.

For the above reasons we **formally object** to TPO 66/04 and we trust that you will now consider these objections before deciding whether to confirm the Order.

Once prepared, please supply us with a copy of the officer’s report to committee regarding confirmation of the order. Please also supply details of your procedures for objectors making verbal representations to the committee and advise us of the dates and time of the relevant committee once it has been scheduled.

Yours faithfully



Margaret MacQueen
Planning Officer
For and on behalf of
National Insurance Office
OCA UK Limited

Copy: C L Project Engineer
Mr and Ms Hosie and Buckingham, Policyholders
Linda Garland Senior Engineer, Hampshire County Council

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Mr D Hosie and Ms J Buckingham
Laurel Cottage
Derritt Lane
Bransgore
Hants
BH23 8AS

My ref: JH/TPO 66/04
Your ref:
20 August 2004

Dear Mr Hosie and Ms Buckingham,

TREE PRESERVATION ORDER (TPO) 66/04

I refer to your letter dated 29th July and Bryan Wilson's reply of 10th August.

Your objection to the above TPO is being progressed and, unless matters can be resolved beforehand, you will be advised of the process and have an opportunity to make further representations.

I would like to stress that the District Council treats structural damage caused by trees extremely seriously and very careful consideration will be given to the matter before a decision is made on whether or not to confirm the Order. Unfortunately, these matters can also be very complex and it has been our experience that trees have sometimes been wrongly identified as contributory factors. The Preservation Order will enable the District Council to assess the evidence implicating the trees and I wrote to OCA UK Ltd on 21 July requesting that any application to fell the trees should be accompanied by information such as the nature and extent of damage, foundation type and depth, soil and root analyses, monitoring results and if possible level distortion surveys. Some or all of this will enable a more informed decision as to whether the removal of these important amenity trees is a reasonable and appropriate course of action. Without this information I believe it would be difficult for the Council not to confirm the Order. To expedite matters you wish to request that OCA UK Ltd submit an application to fell the trees together with the sort of information I have outlined. In this way either consent to remove the trees can be granted or, if consent is refused, the Appeals Panel considering your objection will have more detailed information before them.

If you have any further queries please do not hesitate to contact me on the number given below.

Yours sincerely



John Hearne

Tel: (023) 8028 5330
Fax: (023) 8028 5223
Email: pdi@nfdc.gov.uk

Mr D Hosie and Ms J Buckingham
Laurel Cottage
Derritt Lane
Bransgore
Hants.
BH23 8AS

My ref: BRW/vmw/tpo 66/04
Your ref:

10 August 2004

Dear Mr Hosie and Ms Buckingham

Noted a database

**OBJECTION TO TREE PRESERVATION ORDER 66/04
LAND ON THE EAST SIDE OF LAUREL COTTAGE, DERRITT LANE, BRANSGORE**

This is to acknowledge receipt of your letter of 29 July objecting to the above Tree Preservation Order(TPO).

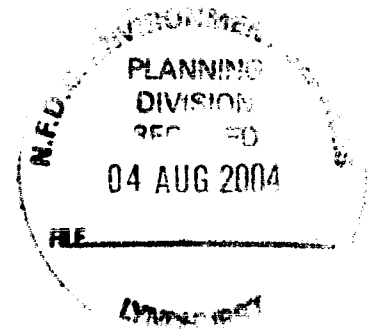
Your letter is addressed to Mr Brophy but in fact the matter is being dealt by one of the other tree officers, Mr John Hearne. Mr Hearne is on leave until 16 August and I will ensure that he has your concerns before him upon his return and he will thereafter contact you to discuss this matter further.

Yours sincerely

Bryan Wilson
Tree Group Leader

Tel: (023) 8028 5330
Fax: (023) 8028 5223
Email: pdi@nfdc.gov.uk

**David Hosie and Julia Buckingham
Laurel Cottage
Derritt Lane
Bransgore
Hants
BH23 8AS**



29 July 2004

Mr P Brophy
Arboriculturist Tree Team
New Forest District Council
Appletree Court
Lyndhurst
Hants
SO43 7PA

Dear Sir

**Tree Preservation Order (T.P.O.) 66/04
Land on East Side of Laurel Cottage, Derritt Lane, Bransgore, Hants.**

I write to confirm that my wife and I are the freehold owners of Laurel Cottage and that on Friday 23 July 2004 we received formal notification of the aforementioned T.P.O. Whilst the trees subject to the T.P.O. are not on our property and we understand that neither are they on our neighbours' property, we are writing to you to formally request that consideration be given to withdrawing the T.P.O. The reason for this is that the east end of our home – nearest to the trees – is experiencing severe subsidence and the consulting arboriculturists engaged by our insurance company have recommended that the only way to cure the subsidence is the removal of the trees now subject to a T.P.O.

We moved into Laurel Cottage in May 2003. Prior to completion of the purchase we commissioned a full structural survey of the property and no subsidence was identified. However, we understand that as a result of the exceptionally dry spring and summer of last year, any remaining moisture in the ground was taken up by the trees now covered by the T.P.O. As the summer progressed we noticed cracks appearing in the walls of the east end of our property. These became progressively worse until in September 2003 a three inch wide crack running the entire length of one wall from floor level to the ceiling was evident. This crack was mirrored on the outside of the property as well. In addition to this, other cracks were obvious on all walls and the ceiling indicated that the whole east end of our home had subsided.

Our insurance company were involved by now and copies of correspondence from them and the consulting arboriculturists engaged by them are enclosed for your information. This correspondence clearly indicates that the trees now subject to the T.P.O. are responsible for this subsidence. It is worth noting that as the weather changed and rain fell in the autumn last year, the cracks – in particular the large three inch crack gradually closed up. However, there remains considerable damage to our property, but of course the insurance company will not sanction remedial work until the cause of the subsidence is addressed. In the meantime, the cracks in our property are beginning to open again as a result of the recent dry weather and we are concerned that the longer the subsidence remains unresolved, the more damage there will be to our home.

Our property is a two hundred and fifty year old Cobb Cottage and, as a result, there are no foundations. The root systems of the trees in question have grown near to and probably under the property absorbing hundreds of gallons of moisture daily. In dry weather the effect of this is all too obvious to us and our fear is that our lovely cottage will eventually collapse if the trees are not felled soon.

My wife and I are loathed to see any of these trees felled, but if it is a choice between saving a two hundred and fifty year old Cobb Cottage, which has been a constant feature of the local village for a quarter of a century and the removal of three “scrubby” oaks, then we have little choice.

We therefore respectfully request the lifting of this T.P.O. to allow our insurance company to arrange felling of these trees as soon as possible in order to ensure the ongoing existence of our home.

If necessary, we would be prepared to allow a site visit for you to inspect the damage to our home and to arrange replanting of new trees in an appropriate location to compensate for the loss of the oaks should you agree to lift the T.P.O.

Finally, I have also enclosed a copy of correspondence to our neighbours who own the land marked ‘2218’ on the T.P.O. indicating that they have no objection to the felling of these trees. In addition to this, we have already actioned other recommendations made to mitigate against further damage from other vegetation near to our home.

Yours sincerely

David Hosie 

DAVID HOSIE AND JULIA BUCKINGHAM

cc: O.C.A. Ltd.

21 June 2004



Our Ref: R00492/1869731/Hosie & Buckingham

Mr & Mrs David Penfold
10, Martins Hill Lane
Burton
Christchurch
Dorset
BH23 7NG

PARK HOUSE
17 HEADLEY ROAD
WOODLEY
READING
BERKSHIRE RG5 4JB
Tel **0118 901 4646**
Fax **0118 901 4458**
Accounts **0151 494 1525**
Email info@oca-arb.co.uk
Visit www.oca-arb.co.uk

Dear Mr & Mrs Penfold,

Re: Tree related subsidence at Laurel Cottage, Derritt Lane, Bransgore, Christchurch, Hampshire, BH23 8AS

Further to our telephone communications last week, we are writing to you as the arboriculturists appointed by Cunningham Lindsey (Chartered Loss Adjusters) on behalf of the building insurers of the above property in connection with a claim to insurers for vegetation related subsidence damage.

Investigations undertaken at the property by Engineers and ourselves acting as independent and consulting arboriculturists (tree specialists) suggest that vegetation growing on land under your control is implicated in the current damage. We have recommended to insurers that in order to prevent further damage, certain vegetation be removed.

We would be grateful if you would consider the enclosed plan which shows the location of the vegetation in question and also the attached schedule of works and confirm whether you would be willing to agree to the proposed works. Alternatively, if you are not the owner of the vegetation in question we ask that you please advise us as to whom we should contact in relation to this matter.

Please note that your neighbours **building insurers are willing to fund the proposed works** such as to ensure that they proceed quickly. We have therefore taken the liberty of enclosing our standard 'Authorisation & Mandate' form which we would ask that you please sign and return to this office, with details of your full address, name and daytime telephone number. On receipt of the form we will make arrangements for a suitably qualified contractor to visit the property such as to schedule the works. We will carry out all searches for Tree Preservation Orders or Conservation Areas on your behalf.

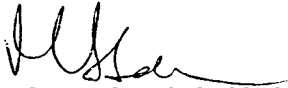
ALSO AT

VALLEYFIELD, 1A STRATFORD ROAD
AIGBURTH, LIVERPOOL L19 3RE
Tel 0151 494 1108
Fax 0151 427 4541

4 THE COURTYARDS, PHOENIX SQUARE
SEVERALLS PARK, WYNGOLLS ROAD
COLCHESTER, ESSEX CO4 9PE
Tel 01206 751626/751632
Fax 01206 855751

We trust that the above information is of assistance and look forward to hearing from you in the near future. However if you have any further queries regarding this matter or would like to discuss our recommendations for tree removal then please do not hesitate to contact us.

Yours sincerely

A handwritten signature in black ink, appearing to be 'A. Hosie', written over a horizontal line.

**For and on behalf of
National Insurance Office
OCA UK Limited**

Encl: Site plan
Schedule of works
Authorisation & Mandate form

Copy: Mr Hosie and Mrs Buckingham
Cunningham Lindsey, CL office, Mr Paul Sholl,

Ref: OCA ref

ARBORICULTURAL SUMMARY REPORT

Insurer: Norwich Union

Reference: R00492 / 1869731 / Hosie & Buckingham

For: Laurel Cottage, Derritt Lane, Bransgore, Christchurch, Dorset BH23 8AS

Survey carried out by: Scott Evans	Date: 19/11/2003
OCA UK Limited has carried out an arboricultural survey with regard to vegetation in close proximity to the above property. This report has been prepared on an independent basis for Norwich Union following instruction by Cunningham Lindsey.	

SUMMARY

In relation to the details provided by Cunningham Lindsey and our subsequent arboricultural survey, we consider vegetation in close proximity to the above property has or will adversely influence soil conditions so as to undermine the stability of this property. See attached site sketch plan.

RECOMMENDATIONS TO MITIGATE CURRENT DAMAGE

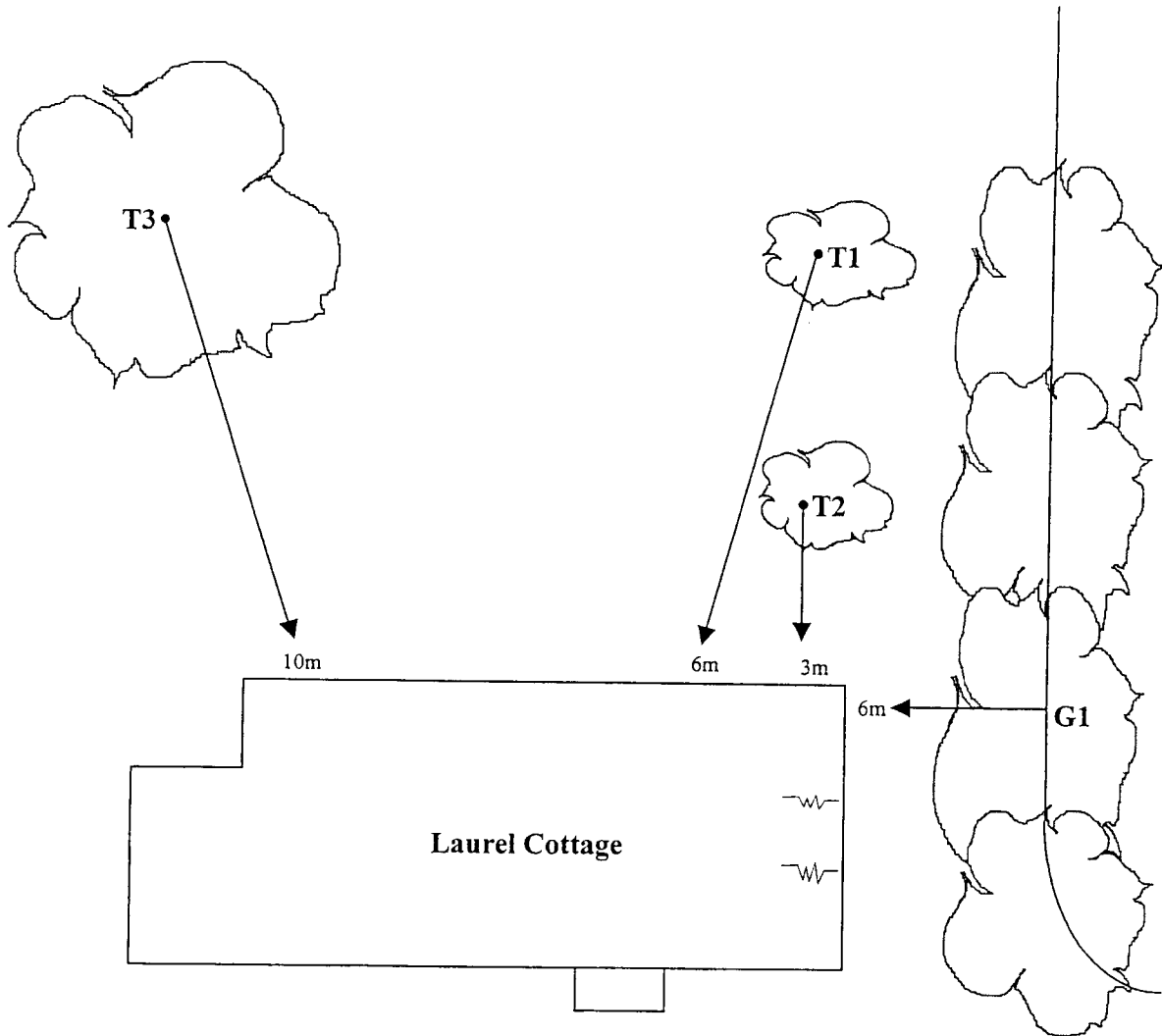
Tree No.	Species	Recommendation	Est. Cost (excl VAT)
G1	Oak	Fell Oak within G1 within 8-10 metres of the property and treat stumps	£600.00
T2	Hawthorn	Fell to ground level and treat stump	£100.00

(These are budget costings only)

RECOMMENDATIONS TO PREVENT FUTURE DAMAGE


Tree No.	Species	Recommendation	Est. Cost (excl VAT)
T1	Oak	Fell to ground level and treat stump	£50.00
T3	Oak	Maintain at or below current dimensions	£300.00

(These are budget costings only)



Derrit Lane

(NB: This plan identifies the trees considered implicated in the subsidence event and may not be a comprehensive record of site features.)

Name: Laurel Cottage Derritt Lane, BH23 8AS	Scale: N T S	 Park House 17 Headley Road, Woodley Reading, Berkshire RG5 4JB Tel.No: 0118 9014646 : Fax.No: 0118 9014458
Insurer: Norwich Union	Drawn Date: 19/11/2003	
Ref: 492 / 1869731 / Hosie & Buckingham		

ARBORICULTURAL ACTION PLAN



Consulting Arboriculturists

Insurer: Norwich Union

Reference: R00492 / 1869731 / Hosie & Buckingham

For: Laurel Cottage Derritt Lane, Bransgore, Christchurch, Dorset BH23 8AS

With reference to our summary report we offer the following advice.

SERVICE TYPE: B3

Key Project Issues	LA advises NO statutory controls. OCA instructed CET for SI's 30/12/03 - awaiting report.
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	Key Stage	Target Date	Revised Date	Completed
1	Site Visit	26/11/2003	19/11/2003	19/11/2003
2	Summary Report	10/12/2003		
3	LR Search	10/12/2003	05/01/2004	05/01/2004
4	Post Notices (Press & Site)	24/12/2003		
5	Mail Drop	24/12/2003		
6	Quotation	21/01/2004		
7	Contract / On Notice	18/02/2004		
8				
9				
10				
11				
12				
13				
14				

INFORMATION REQUIRED FROM CL

1.	Site investigations results
2.	Engineering Opinion Report or similar
3.	Latest Monitoring (CL to advise if not available)
4.	Estimated cost of repairs if (a) trees are removed or (b) trees remain

DATED: 21 June 2004

To:	OCA UK Limited Park Side 15 Headley Road Woodley Reading Berkshire R5G5 4JB
Ref:	R00492/ 1869731/Hosie & Buckingham

Tree Works Authorisation and Mandate

Site Address: Land adjacent to: Laurel Cottage, Derritt Lane, Bransgore,
Christchurch, Hampshire, BH23 8AS

Site Owner(s): Mr & Mrs Penfold

I/We, as owner(s) of the relevant trees, authorise OCA UK Limited to instruct a tree work contractor on my/our behalf to carry out tree works as detailed in accordance with the attached schedule.

I/We understand that my/our neighbour's insurers will be responsible for the contractor's invoice in respect of the work as detailed above.

If joint property owners, both parties to sign.

Signed Signed

Date: Date:

Ref:R142

Schedule of Tree Work

Address:	Land adjacent to Laurel Cottage, Derritt Lane, Bransgore, Christchurch, Hampshire, BH23 8AS
Ref:	R00492/ 1869731/Hosie & Buckingham

Tree No:	Species	Works Required
G1	Oak	Fell Oak within G1 within 8-10 metres of the property and treat stumps.

The Contractor shall:

Be responsible for the removal and disposal of arisings resulting from the above works.
Leave the site in a clean and tidy condition at the end of each working day.



Consulting Arboriculturists

03 March 2004

Our Ref: R492 / 1869731 / Hosie & Buckingham

Mr & Mrs Hosie & Buckingham
Laurel Cottage Derritt Lane
Bransgore
Christchurch
Dorset
BH23 8AS

PARK HOUSE
17 HEADLEY ROAD
WOODLEY
READING
BERKS RG5 4JB

Tel 0118 901 4648
Fax 0118 901 4458
info@oca-arb.co.uk

*Colchester office
Paul Allen
01266 751626*

Dear Mr & Mrs Hosie & Buckingham

Re: Subsidence at Laurel Cottage, Derritt Lane, Bransgore, Christchurch BH23 8AS

Further to our recent tree survey at your property we enclose a copy of our Summary report for your information. You will note that we have made vegetation management recommendations to resolve the subsidence at your property. We do not consider that pruning the vegetation in question will offer an effective means of controlling water use and have therefore recommended that it be removed.

Please note that Cunningham Lindsey has confirmed that your building insurers are willing to fund the cost of the proposed works such as to ensure they proceed quickly. On the basis that you are in agreement with our recommendations we have taken the liberty of attaching our standard 'Authorisation & Mandate' form, which we would be grateful if you could sign and return at your earliest convenience. On receipt of the form we will make arrangements for a suitably qualified contractor to visit the property such as to schedule the works. We will carry out all searches with the Local Authority in order to ascertain whether the trees in question are subject to any statutory controls.

We trust that the above information is of assistance and look forward to hearing from you in the near future. However, if you have any queries regarding this matter or would like to discuss our recommendations for tree removal then please do not hesitate to contact us.

Finally, we ask that you please note that Cunningham Lindsey has advised that they will be unable to progress the repairs to your property until the issue of tree removal has been resolved.

Yours sincerely

R. J. Allen
**For and on behalf of
National Insurance Office
OCA UK Limited**

Encl: Summary Report
Mandate

To:	OCA UK Limited 4 The Courtyards Phoenix Square Wyncolls Road Colchester CO4 9PE
Ref:	R492 / 1869731

Tree Works Authorisation and Mandate

Site Address: Laurel Cottage Derritt Lane, Bransgore, Christchurch BH23 8AS
Site Owner(s): Mr & Mrs Hosie & Buckingham

I/We authorise you to instruct a tree work contractor on my/our behalf to carry out tree works as detailed in accordance with the attached schedule.

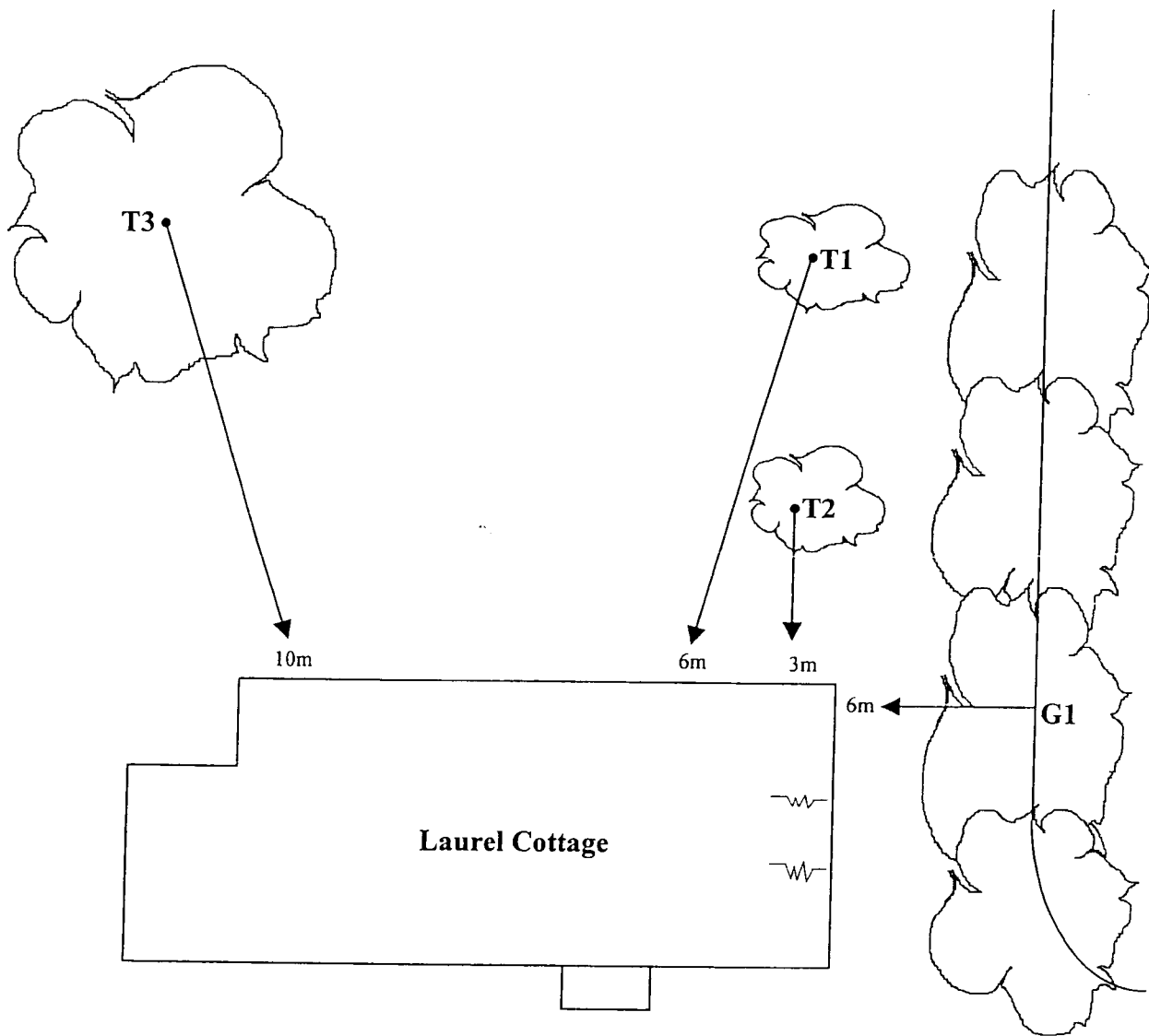
I/We understand that my Insurers will fund this agreed work in full as part of my claim. Upon completion of the works detailed above I/we hereby authorise payment of the tree work contractor's invoice and note that such payment will constitute payment under the policy as if it had been made directly to myself/ourselves. This Mandate relates solely to payments due under this contract between myself/ourselves and the contractor.

If joint policyholders, both parties to sign.

Signed Signed


Date: Date:

Ref: R 492



Derrit Lane

(NB: This plan identifies the trees considered implicated in the subsidence event and may not be a comprehensive record of site features.)

Name: Laurel Cottage Derritt Lane, BH23 8AS	Scale: N T S	 Park House 17 Headleyu Road, Woodley Reading, Berkshire RG5 4JB Tel.No: 0118 9014646 : Fax.No: 0118 9014458
Insurer: Norwich Union	Drawn Date: 19/11/2003	
Ref: 492 / 1869731 / Hosie & Buckingham		

Cunningham Lindsey United Kingdom

Solent House 1460 Solent Business Park Whiteley Fareham Hants PO15 7AF
Telephone 01489 567700 Facsimile 01489 565816

Cunningham 
Lindsey

Mr Hosie & Ms Buckingham
Laurel Cottage
Derritt Lane
Bransgore
CHRISTCHURCH
Dorset
BH23 8AS

22 October 2003

Our Ref: SOHPC/UH/1869731

Mr Hosie & Ms Buckingham,

Insurance Claim - Subsidence

Further to my recent visit, I write to confirm the action points we agreed.

Our general philosophy in dealing with claims is, wherever possible, to take measures to mitigate the prospect of further damage by treating the cause of the movement at source. In the vast majority of cases this will result in stability returning to the structure.

Our experience of the area and the pattern and timing of the damage has enabled us to diagnose the cause of the damage without the need for a soil investigation. Our assessment is that the adjacent trees have contributed to the drying of the clay leading to the damage. As discussed, it would be beneficial if this vegetation were removed and to this end, I have appointed OCA (UK) Ltd. They will carry out an inspection, make recommendations for vegetation control and implement those recommendations including liaison with the neighbouring owners.

Once we are satisfied that there is no significant ongoing movement, remedial work can be carried out to the superstructure. At that stage our role in dealing with your claim will include preparing a schedule of work, and after having discussed it with you, arranging and supervising the work of a contractor through to completion. It is perhaps worth pointing out at this stage that your policy excess will be applied at the time the remedial work is carried out, and you will be asked to pay the first £1,000.00 of the contractor's invoice. All of this will of course be discussed with you in more detail at the appropriate time.

Action Plan

The following target dates may be subject to policy liability considerations and to circumstances beyond our control. Later dates are generally dependent on earlier dates being achieved.

Implementation of measures to address cause:

Vegetation management	April 2004
Commencement of repairs	July 2004
Completion of claim	October 2004

Please find attached a copy of the outline scope of works discussed during my visit.

I trust that the information I was able to give you during my visit along with that in this letter has provided a helpful overview of how your claim is likely to progress. Once you have had an opportunity to consider this information, please get in touch if there are any matters that you wish to discuss.

Yours sincerely,

For CUNNINGHAM LINDSEY



Project Management Services
Richard Ireson BSc CEng MICE
Chartered Civil Engineer

Customer Support: Ursula Hind
Direct Dial: 01489 567719

SUBSIDENCE - Guidance for Policyholders

Explanatory Notes for Investigation, Monitoring, Mitigation and Repair

Ground Investigation

A ground investigation, comprising trial pits and boreholes may be needed to establish the condition of the soil supporting the foundations of the building. We will instruct a specialist investigation contractor, CET Group Limited, to carry out this work. If we have not already advised you of the date of the investigation at the time of our visit, the contractor will contact you directly to advise of the date of the investigation. The ground investigation will normally be completed within less than one day. The contractor will excavate small holes against the walls of the building as directed by us to expose the foundations for inspection. They will also drill down into the soil and extract samples of soil so that this can be inspected and tested. The results of the investigation allow us to build up a picture of the condition of the soil under the foundations, and thus help to enable a decision about the cause of damage to be made.

Drainage Survey

A survey of the drainage system in the vicinity of the damage may be required. The ground investigation contractor will normally arrange this work. The drainage investigation should take about half a day, and wherever possible will be at the same time as the ground investigation itself. A drainage survey will comprise a camera survey of the drainage pipes, which are normally accessed through inspection chambers.

Crack Monitoring

Occasionally, we may decide that crack monitoring is required to establish whether there is any continuing movement across the cracks. The results of crack monitoring can help in determining the cause of damage and the type of repair required. Once monitoring has been established – normally at the time of our first visit - we will return to the property to carry out further measurements on a regular cycle. We would normally monitor the cracks for a time period of between three and twelve months depending on the cause of damage, and the timing of mitigation measures.

Level Monitoring

In a small number of cases we may need to measure whether there is any continuing movement of the whole building by monitoring the levels of a series of points fixed to the walls around its perimeter. Level monitoring may also be needed if the mechanism of movement cannot be readily determined from the patterns of cracking alone. Level monitoring may be carried out by our own staff or, in some cases, by a specialist contractor.

Arboricultural Report

If we are concerned about the possible contributory effect of trees and shrubs nearby we may instruct a specialist arboricultural consultant, OCA UK Limited, to inspect the damage and the surrounding vegetation. An arboricultural consultant is a tree expert who will advise us in more detail on whether our concerns are justified and how, if appropriate, the effects of the trees can be minimised. OCA UK Limited will contact you directly to make arrangements for their site inspection following which they will send us a report on their findings which would form the basis of a further report to you.

Removing the Cause of Subsidence

Should subsidence be confirmed as the cause of the damage and policy liability be established then our general philosophy is to recommend measures to reduce the possibility of further damage by treating the cause of the movement at source. We refer to this as mitigation. For example, if the damage has been caused by shrinkage of the clay soil supporting the foundations of the building, then we may recommend removal of nearby trees that are taking water out of the soil. If the damage has been caused following weakening of the soil supporting the foundations of the building by leakage from drains, then we are likely to recommend that broken drains are repaired. Following such measures, in the vast majority of cases, stability returns to the building. This may be confirmed by monitoring, described above, or we may be able to recommend that building repairs are carried out as soon as mitigation is complete.

Repair

Once we are satisfied that there is going to be no significant ongoing movement, building repair work can be carried out. At that stage our role in dealing with your claim will include agreeing with you a detailed schedule of repair work and where appropriate, arranging for a contractor to carry out the work. It is perhaps worth pointing out that you will be responsible for meeting the cost of the policy excess when the remedial work is carried out. All of this will of course be discussed with you in much more detail at the appropriate time.

Keeping you Informed

We will keep you informed for the duration of your claim by reporting to you at the end of each key stage. Normally this will be after the site investigations have been carried out, again when the mitigation is complete and also when a decision on the necessary repairs is made. We will also keep you apprised of the progress of the claim should a programme of monitoring have been implemented. We will also send you copies of relevant documents such as the arboricultural report, drainage survey, ground investigation, and monitoring results if any of these have been obtained.

Further Information

If at any stage you feel that you are not sure what is happening with your claim or why then please do not hesitate to contact us. Please feel free to telephone us quoting the claim reference given at the top of the accompanying letter. It is always best to telephone your Customer Support, **Ursula Hind**, in the first instance as our Project Managers are often out of the office.

OCA UK Ltd
Park House
17 Headley Road
Woodley
Reading
Berkshire
RG5 4JB

My ref: JH/TPO 66/04
Your ref: R00492
21 July 2004

file

Dear Sirs

LAUREL COTTAGE, DERRITT LANE, BRANSGORE BH23 8AS

I am in receipt of your letter to Christchurch Borough Council dated 15 June 2004, concerning trees adjacent to the above property which, you advise, has suffered subsidence damage.

The Oak trees in question provide a valuable amenity to this area and it is my intention to serve a Tree Preservation Order to protect them. I will ensure you are sent a copy for information.

You will understand that the Order is necessary to enable us to properly consider any evidence that the trees are contributing to subsidence damage. I assume you have access to this information and request that you provide me with copies if you are to submit an application to remove these trees. The location, nature and extent of damage, foundation depth, soil and root analyses, monitoring results and level distortion surveys are all helpful in correctly establishing cause or eliminating some possibilities.

Yours sincerely

John Hearne
Arboriculturist

Tel: (023) 8028 5330
Fax: (023) 8028 5223
Email: pdi@nfdc.gov.uk

file TPO 66/04



15th June, 2004

Our Ref: R00492

Department of Community Services
Christchurch Borough Council
Civic Offices
Bridge Street
Christchurch
Dorset
BH23 1AZ

PARK HOUSE
17 HEADLEY ROAD
WOODLEY
READING
BERKSHIRE RG5 4JB
Tel **0118 901 4646**
Fax **0118 901 4458**
Accounts **0151 494 1525**
Email info@oca-arb.co.uk
Visit www.oca-arb.co.uk

Dear Sir/Madam

Re: Laurel Cottage, Derritt Lane, Bransgore, Christchurch, Hampshire, BH23 8AS

We are arboriculturists appointed on behalf of building insurers of the above property that has suffered subsidence damage.

Tree/s growing in an area of land adjacent to the insured property have been implicated as a cause of the damage. We have undertaken a search with the Land Registry who have confirmed that the land in question is not registered. We are therefore seeking to identify the relevant landowners or other responsible party.

We therefore write to ask whether the Council owns, maintains or has any interest in the area of land in which the trees are situated, or whether you have any information which may indicate who the responsible parties might be. We attach a site plan showing the land in question for your information.

We would be grateful for your earliest possible reply on this matter and note that we shall shortly be placing notices in the press and on site in order to ascertain ownership of the land/trees in question. However, in the event that we are unable to discover the identity of the owner(s) within a period of 30 days from the date of our site and press notices, we will then seek to enter the land and carry out removal of the trees concerned.

Please ensure that this letter is circulated to all appropriate departments within the Council.

We trust that the above information is of assistance, however if you have any queries regarding this matter please do not hesitate to contact us.

Yours sincerely

Mary Seddon
For and on behalf of
OCA UK Limited

Encl: Site plan

DocRef: OU Notice to LA.dot

COMMUNITY SERVICES		
21 JUN 2004		
CIRC	INITIAL	DATE
SUE	SEBANT	
FILE		

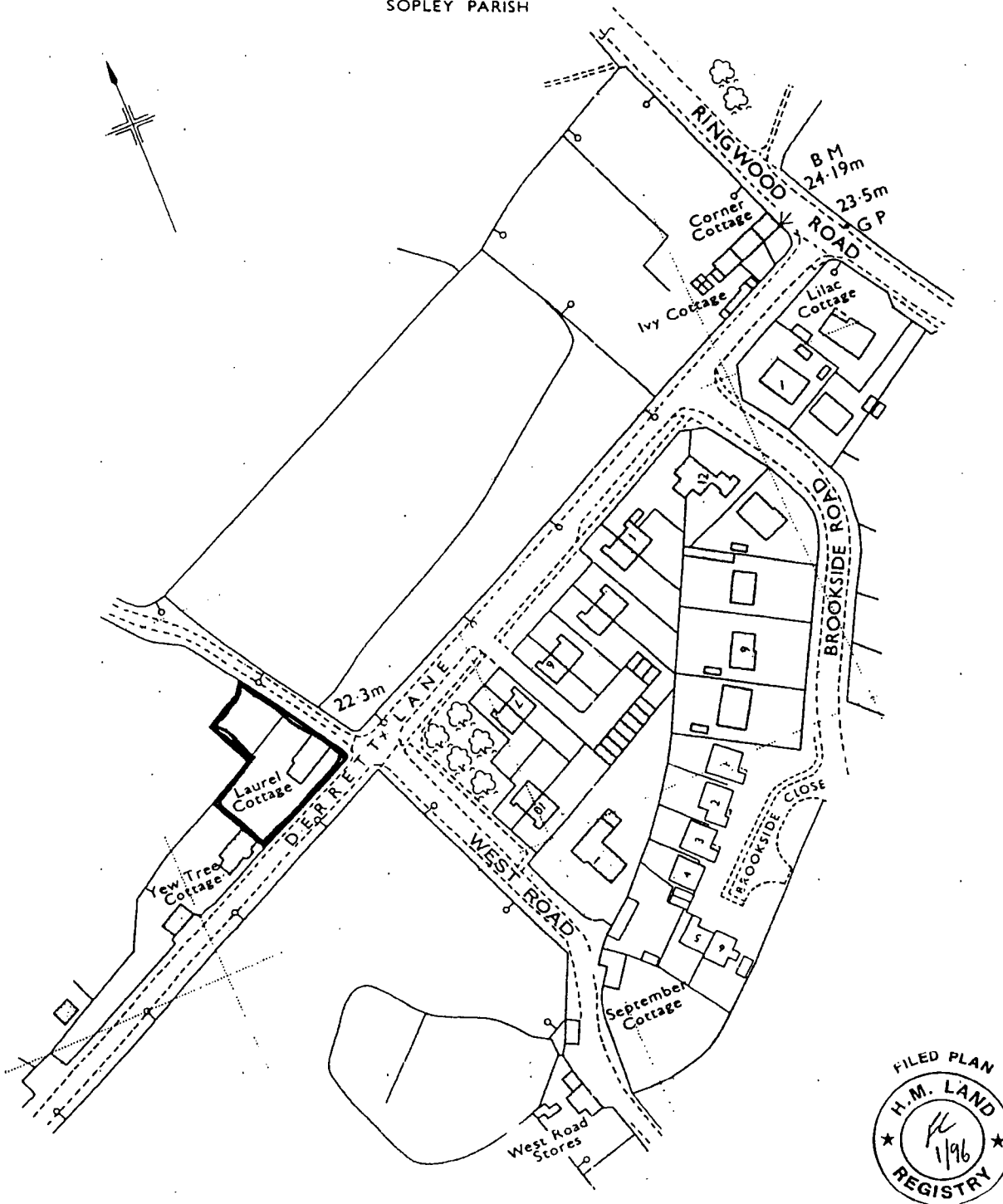
?

ALSO AT
VALLEYFIELD, 1A STRATFORD ROAD
AIGBURTH, LIVERPOOL L19 3HE
Tel 0151 494 1108
Fax 0151 427 4541

4 THE COURTYARDS, PHOENIX SQUARE
SEVERALLS PARK, WYNCOLLS ROAD
COLCHESTER, ESSEX CO4 9PE
Tel 01206 751626/751632
Fax 01206 855751

H.M. LAND REGISTRY		TITLE NUMBER	
		HP 154582	
ORDNANCE SURVEY PLAN REFERENCE	SZ 1898	SECTION E	Scale 1/1250 Enlarged from 1/2500
COUNTY HAMPSHIRE	DISTRICT NEW FOREST	© Crown copyright 1978	

SOPLEY PARISH



This title plan shows the general position of the boundaries: it does not show the exact line of the boundaries. Measurements scaled from this plan may not match measurements between the same points on the ground. For more information see Land Registry Public Guide 7 - Title Plans. This official copy shows the state of the title plan on 29 April 2004 at 14:42:42. It may be subject to distortions in scale. Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original. Issued on 29 April 2004. © Crown copyright. Produced by HMLR. Further reproduction in whole or part is prohibited without the prior written permission of Ordnance Survey. Licence Number GD272728. This title is dealt with by the Weymouth District Land Registry.