

Arboricultural Law

We understand that subsidence damage caused by tree roots and personal injury and property damage caused by tree collapse can run into many hundreds of thousands of pounds per claim, placing a strain on already stretched resources of local authorities and large landowners. Our legal and arboricultural experts know that you need to balance claim spend reduction with protection of the natural environment. We can help you manage this by assisting on tree risk policies and strategies, as well as robustly defending claims when they arise.

How we do it

Operating as part of one of the largest insurance claims teams in the UK, we are recognised as one of the few firms to offer expertise and advice on all aspects of tree-related claims. Our niche expertise in both arboricultural and legal disciplines sets us apart as does our commitment to defending local authorities, landowners and insurers, rather than acting for claimants.

Our areas of expertise include:

- tree root subsidence damage
- property damage from tree collapse
- personal injury from tree collapse
- highways tripping claims resulting from tree roots
- advising on tree risk management strategies
- neighbour disputes
- planning issues arising from trees

A comprehensive approach, delivered by specialists

We are committed to delivering a service that gets the results you need. Our local authority and landowner clients trust us to reduce the incidents of subsidence, through advice on tree risk policies and strategies, as well as to consider ways to make claims more defensible. Going beyond this, however, our dedication to delivering the most robust defence of any claims has ensured that we have a market-leading reputation for work in this field.

Our approach is grounded in having experts that understand this area of law, from both sides of the table.

- [Gabriel Fay](#) spent ten years as an arborist before qualifying as a lawyer. Whilst practising as a lawyer he has maintained a strong involvement with the arboricultural industry and is regularly invited to contribute to publications and articles, concerning 'tree risk'. He has a strong practice defending claims for tree root subsidence property damage as well as defending claims for injury and property damage resulting from tree collapse. He recently secured a settlement for a London Borough council which reduced the claim from £1m to £185,000

on grounds of causation and failure to mitigate and recently successfully repudiated a claim for another London Borough, where damages were reserved in excess of £1m.

- [Paul Davies](#) has handled many tree root subsidence cases and has specialised in cases involving catastrophic injury resulting from tree collapse. Paul acted for the Defendant in the Court of Appeal case of Gary Poll v Bartholomew and Bartholomew, Viscount and Viscountess Asquith of Morley and Cavanagh v Witley, which will be heard by the Court of Appeal in October 2018
- [Mark Fowles](#) acted for Surrey County Council in the seminal Court of Appeal decision of Micklewright v Surrey County Council.
- [Anisha Chudasama](#) has handled numerous tree root subsidence claims over many years.

Why DWF?

We adopt a collaborative approach with our clients. Although we work closely with their insurance departments, we also recognise that the Arboriculture Department are key to defending claims involving trees. We foster close relationships with our clients' tree officers, offering both formal and informal advice on tree risk and involve the tree section in all steps in the claims process.

Through our extensive experience in both arboriculture and law we provide pragmatic legal advice on the defence of claims in addition to maintaining a defensible tree risk strategy, whilst having consideration for our clients' budgetary, amenity and environmental responsibilities.

- We are known for our position at the forefront of the insurance sector. DWF is a member of the Forum for Insurance Lawyers (FOIL) and a number of our team hold professional qualifications including Colin Hammond (Fellow of the Chartered Insurance Institute) and Paul Greaves (Associate of the Chartered Insurance Institute).
- With a strong supporting team working for the insurance sector, we offer tailored and unique software packages designed to

give insight into claims trends, opportunities and risks. This includes MI surrounding claim litigation, settlement costs, injury and property damage types and length of time to settle.

What clients say

“ Mark Fowles steered Surrey County Council to an important victory, upheld in the Court of Appeal in the case of *Micklewright v Surrey County Council*. His expertise in this particular area of a council’s duty was crucial in sourcing the most appropriate expert, and concentrating on the essential elements of our defence in presenting a coherent and robust argument. The result was a landmark decision, which has benefitted local authorities nationwide.

Andrew Prior of Surrey County Council

“ RBKC regularly instructs Gabriel on litigated and high value tree root/subsidence claims. Gabriel is very approachable and not only provides clear advice on complex areas of law but is also able to understand issues that may arise between insurance and the arboriculture department of the council. His pragmatic advice will consider all of these elements and as a result, we have had positive outcomes. **Sarah Chapman of RBKC**

DWF adjusting team

We would also like to introduce you to our in house loss adjusting team. This offering means that we can provide our clients with a holistic approach to claims where all advices at the investigation stage has legal oversight and there is a seamless transition between investigation and legal involvement should it become necessary. The loss adjusting team have a wealth of experience spanning over many decades dealing with both property damage and personal injury. They deal with all types of property damage claims and have handled over 1000 tree root subsidence claims They have successfully dealt with an array of claims from the modest to the most expensive always giving the same level of expertise and pragmatism to each case.

How can we help?

We can further provide you with an early, initial arboricultural assessment report on subsidence matters by our preferred arborist suppliers for a fixed fee, in order to give you an early indication of the liability risks in a claim.

Tree claims team contacts



Gabriel Fay
Legal Arboricultural Team Leader
M +44(0)7590002257
E Gabriel.fay@dwf.law



Paul Davies
Senior Legal Director
M +44 7554 400046
E Paul.davies3@dwf.law



Mark Fowles
Director
M +44 7971 192964
E Mark.fowles@dwf.law



Anisha Chudasama
Senior Paralegal
T +44 20 7645 4103
M +447860823512
E Anisha.chudasama@dwf.law

DWF adjusting team contacts



Ian Cooper
Consultant
M +44 7599 544 946
E ian.cooper@dwf..law



Mike Walsh
Consultant
M +44 77 15604 151
E Mike.walsh@dwf.law



Rob Mason
Consultant
M +44 121 647 2490
E Rob.mason@dwf.law

