

## **FREEDOM OF INFORMATION ACT 2000**

**I apologise for the delay in replying to you, but we were keen to provide as full a response as possible in relation to the sad loss of this street tree.**

**The planning application relating to this development included a condition designed to help protect the trees from damage during construction works. It was regrettable that despite this, contractors working for the developers caused significant damage to the roots and crown of the tree. Our Highways and Trees & Woodlands officers reviewed the condition of the tree and decided that, in view of the potential instability caused by the 50% crown/root removal, the tree would need to be removed. This happened during a period when heavy snow was forecast and the tree was therefore removed as a matter of urgency by the Council's own Trees & Woodlands team, in view of the potential risk to public safety involving a tree within our ownership. I can confirm that no issues concerning drains played any part in this decision.**

**Of course, we are extremely dismayed about what has happened and we sought legal advice on whether or not we could prosecute the developer and/or contractor. We have been advised that any such action is unlikely to be successful. This is disappointing, but what we can now do is to replace this lost tree with a suitable replacement as soon as possible. We have sourced a suitable (relatively large) replacement tree and we are currently planning to plant this during the current planting season, i.e. within the next few weeks. The costs of this will be met by, or recharged to, the developer.**

**We are also very keen to learn lessons from this and we are currently reviewing our policies and practices in relation to street trees potentially at risk from development and associated construction works. In particular, we are looking to use Tree Preservation Orders in future, as these offer robust legal protection and would allow us to prosecute more effectively, should serious damage be caused to trees in this sort of situation.**

**Please accept my apologies for the delay in responding to you. As legal advice was involved in this case we needed to consider whether the information could be, and would be, released and whether it was in the public interest to do so. S42 of the Freedom of Information Act allows for information to be exempt from release if it is legally privileged, as is the case here. Where environmental information is involved, the exemption Reg 12(5)(e) also applies as it would involve the release of internal communications. Please once more accept my apology for the delay whilst we assessed these exemptions.**

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