



Homes
England

Date: 20 November 2024

Our Ref: RFI4836

Tel: 0300 1234 500

Email: infogov@homesengland.gov.uk

[REDACTED]
By Email Only

Dear [REDACTED]

RE: Request for Information – RFI4836

Thank you for your request for information which was processed in accordance with the Environmental Information Regulations 2004 (EIR). We apologise for the delay in responding to your request, we recognise that the handling of your request has fallen outside the timeframe for response set out in the legislation and below the standards we aim to provide.

You requested the following information:

Trees that are near buildings are often threatened by requests for removal. These requests normally come from homeowners or property owners or their insurance companies after trees are alleged to be causing damage. In many cases these trees pre-date the buildings that are being affected.

Since you own a significant amount of land, you are responsible for a large number of trees - either through direct ownership or because of a responsibility for maintenance and any liability that may arise. I would like to understand more about how claims for building or infrastructure damage issue affect your organisation and the trees you are responsible for.

In particular, I would like to know, over the past 10 years:

- The locations of trees removed by your organisation due to property or infrastructure damage, ideally accompanied by their species and the date of removal where possible (locations via GIS data, What3Words, OS coordinates, or addresses as you find easiest)**
- How many of/which of these trees were removed due to claims or requests from insurance companies**
- How much your organisation paid to remove each tree (if this can be attributed per removal, or how much the organisation spent on tree removal each financial year if not)**

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The Lumen
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- How much your organisation paid out in insurance claims for tree damage to properties (individual claim values preferred, but an aggregate value may be acceptable if you consider the individual values to be exempt from disclosure)
- The number of trees where removal has been requested, but was either refused, an alternative solution found, or the situation is still ongoing; any breakdown that can be provided (similar to above, e.g, species and location) would be appreciated

Please follow the following principles when considering this request:

- Data at an individual tree level is preferred, but where you consider this can't be disclosed due to commercial or legal agreements (e.g, insurance claims, contractor works) then aggregate data either annually or (worst case) over the whole period may be acceptable
- Some data is better than no data; for example, if data is only available for the last 5 years then that is better than refusing the request

Response

We can confirm that we do hold some of the requested information. Please note that this information was gathered by a third party who undertake estate management tasks on behalf of Homes England and we do not routinely require them to collect this information and as such we cannot be entirely assured of its accuracy or completeness.

We will answer your questions in turn below:

The locations of trees removed by your organisation due to property or infrastructure damage, ideally accompanied by their species and the date of removal where possible (locations via GIS data, What3Words, OS coordinates, or addresses as you find easiest)

We can confirm that in the last 5 years our partner organisation The Environment Partnership (<https://www.tep.uk.com>) have removed trees from 4 locations:

Location	Number of trees	Species
Northstowe	10	Poplar
Werrington	3	Alder
Ifield (proposed removal)	1	Ash
Brackmills	1	Oak

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Please be advised the removal of the Ash tree in Ifield is pending further evidence that it is causing subsidence. All the other trees noted above have been felled or are in the process of being felled.

Regulation 13 – Personal Data

We are withholding some information regarding the exact location of the felled trees on the grounds that it constitutes third party personal data and therefore engages Regulation 13 of the EIR.

To disclose personal data, such as names, contact details, addresses, email addresses and personal opinions could lead to the identification of third parties and would breach one or more of the data protection principles. In this instance, the exact location of the trees is on land owned by private individuals. It would therefore not be appropriate to disclose the coordinates.

Regulation 13 is an absolute exception which means that we do not need to consider the public interest in disclosure. Once it is established that the information is personal data of a third party and release would breach one or more of the data protection principles, then the exemption is engaged.

The full text in the legislation can be found on the following link:

<http://www.legislation.gov.uk/ukxi/2004/3391/regulation/13>

Regulation 12(4)(a) – Information not Held

We can confirm that Homes England does not hold the information detailed in your request in regard to the dates of the removals.

To conclude that the information is not held, we have searched with our Estate Management team who would have the requested information if held.

Under regulation 12(4)(a) of the EIR, Homes England may refuse to disclose information if the requested information is not held.

The full text in the legislation can be found on the following link:

<https://www.legislation.gov.uk/ukxi/2004/3391/regulation/12>





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Advice and Assistance

We have a duty to provide advice and assistance in accordance with Regulation 9(1) of the EIR. To comply with this duty we are able to confirm our partner organisation The Environment Partnership (<https://www.tep.uk.com>) do not routinely record the dates of tree removals and so therefore we are unable to provide these details.

How many of/which of these trees were removed due to claims or requests from insurance companies

The 4 locations were notified to Homes England by a third party associated with an issue reportedly due to subsidence and/or structural damage. We are not aware of any successful insurance claims that directly relates to a specific tree.

How much your organisation paid to remove each tree (if this can be attributed per removal, or how much the organisation spent on tree removal each financial year if not)

We can confirm cost of removing of all the trees above was a total of £7140. We do not hold information relating to the date of the removals so therefore cannot break this down into financial years. The individual cost of each tree removal is varied and dependent on a wide range of factors such as size, accessibility, and so forth.

- How much your organisation paid out in insurance claims for tree damage to properties (individual claim values preferred, but an aggregate value may be acceptable if you consider the individual values to be exempt from disclosure)

Regulation 12(4)(a) – Information not Held

We can confirm that Homes England does not hold the information detailed in your request in regard to the insurance payments for tree damage.

To conclude that the information is not held, we have searched with our Estate Management team who would have the requested information if held.

Under regulation 12(4)(a) of the EIR, Homes England may refuse to disclose information if the requested information is not held.

The full text in the legislation can be found on the following link:

<https://www.legislation.gov.uk/ukxi/2004/3391/regulation/12>

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Advice and Assistance

We have a duty to provide advice and assistance in accordance with Regulation 9(1) of the EIR. To comply with this duty we can confirm that insurance pay outs are recorded on our system as 'subsidence'. While this does commonly involve trees, we cannot know for certain from the insurance pay outs if a specific payment relates to a specific tree. In addition to this, there are many aspects other than the actual tree felling. For example, we commonly pay out for the 'investigation' into the subsidence as well as the felling itself.

It may be helpful for you to know the total aggregate for subsidence insurance pay outs over the period was £3,261.00.

- The number of trees where removal has been requested, but was either refused, an alternative solution found, or the situation is still ongoing; any breakdown that can be provided (similar to above, e.g. species and location) would be appreciated

As indicated above, at Lfield the works are dependent on further evidence being provided to show that the trees are the cause of the damage.

Right to Appeal

If you are not happy with the information that has been provided or the way in which your request has been handled, you may request an internal review. You can request an internal review by writing to Homes England via the details below, quoting the reference number at the top of this letter.

Email: infogov@homesengland.gov.uk

The Information Governance Team
Homes England
2nd Floor
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Your request for review must be made in writing, explain why you wish to appeal, and be received within 40 working days of the date of this response. Failure to meet this criteria may lead to your request being refused.

Upon receipt, your request for review will be passed to an independent party not involved in your original request. We aim to issue a response within 20 working days.

You may also complain to the Information Commissioner's Office (ICO) however, the Information Commissioner does usually expect the internal review procedure to be exhausted in the first instance.

The Information Commissioner's details can be found via the following link:

<https://ico.org.uk/>

Please note that the contents of your request and this response are also subject to the Freedom of Information Act 2000. Homes England may be required to disclose your request and our response accordingly.

Yours sincerely,

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For Homes England

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