

Environmental Information Regulations – Response – 27687

Under the Freedom of Information Act 2000, please provide the following information concerning claims alleging that trees owned by the council, or situated on council-owned land, caused subsidence or other damage to property.

Please include claims handled by the council's insurers where this information is held by or on behalf of the council.

For each of the financial years 2023/24, 2024/25 and 2025/26, please provide:

1. The number of claims received during that financial year.

See table below detailing the number of claims received within the indicated financial year irrelevant of the date of incident or settled. Claims relate to all types of tree/vegetation causing damage to property but exclude injury.

Year Claim Received	Number Received
2023/24	13
2024/25	13
2025/26	13

(note, the figures are coincidentally the same for each year, they have been checked as correct)

2. The total amount paid in compensation or settlement during that financial year.

See table below detailing the payments made of claims settled within the indicated financial year irrelevant of the date of incident or received. Claims relate to all types of tree/vegetation causing damage to property but exclude injury. Payments made include any of compensation, claimant legal costs, defence legal costs and other costs associated with claims and their representation. Due to the manner in which the system has historically recorded data, settled claim values are recorded inclusive of costs, which are not possible to readily disaggregate.

Year Claim Settled	Sum Paid
2023/24	£4,660
2024/25	£5,653
2025/26	£0

3. For the FIVE largest compensation or settlement payments made during the three-year period, please provide:

- A. The financial year in which the payment was made***
- B. The amount paid***
- C. The type of damage alleged***
- D. The species of tree involved, where recorded***
- E. Whether the tree was felled, pruned or retained***

F. A brief existing anonymised description of the claim, where held

Only three claims have received payment. Payments made include any of compensation, claimant legal costs, defence legal costs and other costs associated with claims and their representation. Due to the manner in which the system has historically recorded data, settled claim values are recorded inclusive of costs, which are not possible to readily disaggregate.

Claims involved two Lime trees and a Plane tree. Two claims relating to falling branches/tree and one tree roots. Each claim received works by root barrier, removal or crown reduction/pruning.

All information released in response to a Freedom of Information Act 2000 (FOIA) or Environmental Information Regulation 2004 (EIR) request is deemed to be in the public domain. As such we must consider whether or not the requested information qualifies as personal information and should therefore not be released into the public domain.

The council has determined that a more detailed description of any claim would constitute personal information and is therefore exempt from disclosure under **section 40** of the FOIA and **regulation 13** of the EIR.

The Council considered the following, including the possible consequences of disclosure for the data subjects concerned and their reasonable expectations as to the use of their data:

- expectations of the individuals concerned about personal information being put into the public domain;
- reasonable expectations - the data subjects concerned would have a legitimate expectation of privacy concerning their personal information and would not have anticipated this being put into the public domain;
- whether or not the requested information could be anonymised; and
- balancing the individual's rights and the legitimate interests - In past cases the Information Commissioner has weighed the individual's rights to privacy against the public interest in disclosure. There is no presumption in favour of releasing personal data.

This is an absolute exemption, which means that if the condition is satisfied there is no additional public interest test to consider.

In assessing fairness, the Council considered the likely consequences of disclosure of the requested information. Personal information should not be used in ways that have unjustified adverse effects on the individuals concerned. The council also considered whether such disclosure would be within the reasonable expectations of the individuals, given that any response to a request under the FOIA or EIR is deemed to be in the public domain. The council believes that in this instance it is not fair to disclose personal data and is therefore withholding the requested information under section 40 of the FOIA and regulation 13 of the EIR.

Please include payments relating to claims received before the requested period if the payment itself was made during the requested period.