

London Borough of Barnet  
2 Bristol Avenue,  
Colindale,  
London, NW9 4EW  
16 August 2022  
Our ref: 8357904

Thank you for your request received on 4 August 2022, for the following information:

**I am formally submitting a Freedom of Information Request, that gives me a general right of access to certain information held by Barnet Council as prescribed by the Freedom of Information Act 2000.**

**None of the following information that I have requested could be considered sensitive or hold personal information on any party. The information that I have requested should be available within the public domain or made available for public inspection**

**I am requesting all information held and any such correspondence in relation to an Ancient Oak Tree that was situated outside in the front garden of 35 Raydean Road EN5, which has since been felled that the London Borough may hold on it since 1st April 2018 to the present day.**

**I would specifically like all information of any Tree Protection Order that the tree may have been under. I would like full copies of any reports that were made in order to authorize the destruction of this specific Accident Oak Tree**

We have processed this request under the Environmental Information Regulations 2004.

## **Response**

I can confirm that London Borough of Barnet holds the information you requested.

However, we believe that the exceptions detailed below apply to some of this information and this is withheld. Please see the Refusal Notice below.

***I am formally submitting a Freedom of Information Request, that gives me a general right of access to certain information held by Barnet Council as prescribed by the Freedom of Information Act 2000.***

***None of the following information that I have requested could be considered sensitive or hold personal information on any party. The information that I have requested should be available within the public domain or made available for public inspection***

***I am requesting all information held and any such correspondence in relation to an Ancient Oak Tree that was situated outside in the front garden of [full address redacted - partial postcode EN5 1], which has since been felled that the London Borough may hold on it since 1st April 2018 to the present day.***

***I would specifically like all information of any Tree Protection Order that the tree may have been under. I would like full copies of any reports that were made in order to authorize the destruction of this specific Ancient Oak Tree***

I can confirm that owners of properties don't generally need permission to fell a tree that's solely within their garden unless the tree is:

- subject to a Tree Preservation Order
- in a Conservation Area.

Neither of the above constraints apply to the property at EN5 1.

Therefore felling the tree is essentially a private matter on which the Council hold no further records other than the attached.

## **Refusal Notice**

### **R6(1)(b) - Material already published**

Under Regulation 6(1)(b) of EIR, we are not required to provide information in response to a request if it is already reasonably accessible to you by other means.

The information relevant to your request is published online at the following links:

Details of Planning application ref: 20/4027/FUL, dated 1 September 2020 which was refused, makes specific mention of the oak trees to which you refer and a tree report was commissioned as part of the planning application process

[www.barnet.gov.uk/planning-and-building/planning/find-and-comment-planning-applications](http://www.barnet.gov.uk/planning-and-building/planning/find-and-comment-planning-applications)

Appeal Decision dismissed on 29 March 2021, search under reference 3264410 for full Inspector's report.

<https://acp.planninginspectorate.gov.uk>

### **R13 - Personal data**

We have also redacted the names of individuals by virtue of Regulation 13 of the Environmental Information regulations 2004, as disclosure of this information to the public generally, in the Council's view, would not be consistent with the data protection principle found in Article 5.1(a) of the General Data Protection Regulation (GDPR) lawfully, transparently and fairly. We have considered whether disclosure is lawful and fair and whilst it may be lawful under Article 6.1(f) GDPR (legitimate interests) it would not be fair to the individuals concerned who would not expect the names of junior employees to be disclosed as part of such a request.

We consider that regulation 13 (Personal information) applies to the information requested.

Therefore, we have decided to withhold the information.

### **Further information**

If you are interested in the data that the council holds you may wish to visit Open Barnet, the council's data portal. This brings together all our published datasets and other information of interest on one searchable database for anyone, anywhere to access. <http://open.barnet.gov.uk/>

### **Advice and Assistance : Direct Marketing**

If you are a company that intends to use the names and contact details of council officers (or other officers) provided in this response for direct marketing, you need to be registered with the Information Commissioner to process personal data for this purpose. You must also check that the individual (whom you wish to contact for direct marketing purposes) is not registered with one of the Preference Services to prevent Direct Marketing. If they are you must adhere to this preference.

You must also ensure you comply with the Privacy Electronic and Communications Regulations (PECR). For more information follow this Link [www.ico.org.uk](http://www.ico.org.uk)

**For the avoidance of doubt the provision of council (and other) officer names and contact details under FOI does not give consent to receive direct marketing via any media and expressly does not constitute a 'soft opt-in' under PECR.**

### **Your rights**

If you are unhappy with the way your request for information has been handled, you can request a review within the next 40 working days by writing to the Information Management Team at: [foi@barnet.gov.uk](mailto:foi@barnet.gov.uk). Or by post to Records & Information Management Service, Assurance Group, London Borough of Barnet, 2 Bristol Avenue, Colindale, NW9 4EW

If, having exhausted our review procedure, you remain dissatisfied with the handling of your request or complaint, you will have a right to appeal to the Information Commissioner at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF (telephone: 0303 123 1113; website [www.ico.org.uk](http://www.ico.org.uk)). There is no charge for making an appeal.