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Marie Milet

By email: request-801318-40387a4b@whatdotheyknow.com

Our ref: EIR2021/25765

5 November 2021

Dear Marie Milet,

REQUEST FOR INFORMATION: Consultation on Developing a Tree Strategy for England

Thank you for your request for information of 20 October 2021 about the consultation on Developing a Tree Strategy for England. We have handled your request under the Environmental Information Regulations 2004 (EIRs).

The EIRs apply to requests for environmental information, which is a broad category of information defined in regulation 2 of the EIRs. Public authorities are required to handle requests for environmental information under the EIRs. They give similar access rights to the Freedom of Information Act 2000 (FOIA).

Your information request and our response are set out below.

All responses to the following consultations. You can exclude responses from individual members of the public.

1. *"Developing a tree strategy for England" which ran from June-September 2020.*

We want to be as open as possible in answering requests. The EIRs also require us to provide advice and assistance to help people obtain the information they are looking for and make good use of the EIRs. Unfortunately, the amount of information you have requested is very substantial, and gathering it together would involve a significant cost and diversion of resources from the Department's other work

By virtue of regulations 12(1) and 12(4)(b) of the EIRs, Defra may refuse to disclose environmental information if the request for the information is manifestly unreasonable and, in all the circumstances of the case, the public interest in maintaining the exception outweighs the public interest in disclosing the information.

We consider that your request is manifestly unreasonable under regulation 12(4)(b) on cost grounds and, having carried out the above public interest test, we have concluded that, in all the circumstances of the case, the public interest falls in favour of maintaining the exemption.

In reaching our decision with respect to the public interest, we considered the following matters:

We recognise that there is a public interest in disclosure of information concerning organisation's responses to the England Tree Strategy and their views on tree planting changes and developments in favour of transparency and public understanding.

On the other hand, there is a stronger public interest in withholding the information because of the proportionality of the burden on the team's workload. The England Tree Strategy consultation questionnaire received 1,625 responses which would each need to be manually checked to identify whether they were from an organisation or individual, for data protection purposes, and for any other sensitivities with the information, like the expressed expectation of confidentiality. This is excluding the 42 written substantive responses to the consultation that will need checking in the same way as well.

Regulation 9 of the EIRs requires public authorities to provide advice and assistance to applicants where reasonable. We have therefore provided details below to assist you to formulate a request that can be handled at less cost.

The best way we can help you is to ask you to consider narrowing down your request to focus more clearly on the precise information you are seeking. You could, for example:

- request no more than five organisations responses you are particularly interested in; **and**
- browse through the material that has already been made publicly available by Defra to see if this would help you to identify more precise questions that we might be able to answer at less cost. The England Tree Strategy Consultation response can be found here: [Developing a tree strategy for England - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/developing-a-tree-strategy-for-england)

Please note that we will handle your modified request as a new request. The 20-working-day timescale for responding to requests will therefore commence from the date that we receive the modified request.

We attach an annex giving contact details should you be unhappy with the service you have received.

If you have any queries about this letter please contact me.

Yours sincerely

Jo Collinge
Information Rights Team

InformationRequests@defra.gov.uk

Annex

Complaints

If you are unhappy with the service you have received in relation to your request you may make a complaint or appeal against our decision under section 17(7) of the FOIA or under regulation 11 of the EIRs, as applicable, within 40 working days of the date of this letter. Please write to Andrew Mobsby, Head of Information Rights via email at InformationRequests@defra.gov.uk and he will arrange for an internal review of your case. Details of Defra's complaints procedure are on our website.

If you are not content with the outcome of the internal review, section 50 of the FOIA and regulation 18 of the EIRs gives you the right to apply directly to the Information Commissioner's Office (ICO) for a decision. Please note that generally the ICO cannot make a decision unless you have first exhausted Defra's own complaints procedure.

The ICO can be contacted using the following link:

<https://ico.org.uk/make-a-complaint/official-information-concerns-report/official-information-concern/>